

# Journals

of the

# Florida

# House of Representatives

Volumes I, II, & III



Sessions commencing on  
November 21, 2000    Organization  
December 8, 2000    Special "A"  
March 6, 2001        Regular

[Special Sessions are lettered from the Organization Session  
for the two-year term of the House of Representatives.]

Volume II of the *Journal* begins with the Session dated April 27, 2001.

Volume III of the *Journal* begins with the Session dated May 3, 2001.

The Journals with indices are available on the  
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Printed on Recycled Paper

# Volume I

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MEMBERS OF THE HOUSE OF REPRESENTATIVES  
[Republicans in roman (77); Democrats in italic (43)]

*District*

1. *Parts of* **Escambia, Okaloosa, Santa Rosa**  
Jefferson B. “Jeff” Miller, Chumuckla
2. *Part of* **Escambia**  
Jerry Louis Maygarden, Pensacola
3. *Part of* **Escambia**  
Anna Holliday “Holly” Benson, Pensacola
4. *Parts of* **Escambia, Okaloosa, Santa Rosa**  
Jerry G. Melvin, Fort Walton Beach
5. **Holmes, Washington and parts of Okaloosa, Walton**  
Donald D. “Don” Brown, DeFuniak Springs
6. *Part of* **Bay**  
Allan G. Bense, Panama City
7. **Calhoun, Gulf, Jackson, Liberty and parts of Bay, Gadsden, Leon, Walton**  
Bev Kilmer, Quincy
8. *Parts of* **Gadsden, Leon**  
*Curtis B. Richardson*, Tallahassee
9. *Part of* **Leon**  
*Loranne Ausley*, Tallahassee
10. **Franklin, Jefferson, Levy, Taylor, Wakulla and parts of Alachua, Dixie, Gilchrist, Leon, Marion**  
*Will S. Kendrick*, Carrabelle
11. **Columbia, Hamilton, Lafayette, Madison, Suwannee and parts of Dixie, Gilchrist**  
*Dwight Stansel*, Wellborn
12. **Baker, Bradford, Nassau, Union and part of Duval**  
Aaron P. Bean, Fernandina Beach
13. *Parts of* **Clay, Duval**  
Mike Hogan, Jacksonville
14. *Part of* **Duval**  
*Terry L. Fields*, Jacksonville
15. *Part of* **Duval**  
*E. Denise Lee*, Jacksonville
16. *Part of* **Duval**  
Mark Mahon, Jacksonville
17. *Part of* **Duval**  
Stan Jordan, Jacksonville
18. *Parts of* **Duval, St. Johns**  
Don Davis, Jacksonville
19. *Parts of* **Clay, Duval, St. Johns**  
Dick Kravitz, Jacksonville

*District*

20. *Parts of* **Clay, Flagler, St. Johns, Volusia**  
*Doug Wiles*, St. Augustine
21. **Putnam and parts of Clay, Marion**  
Joe H. Pickens, Palatka
22. *Parts of* **Alachua, Marion**  
*Perry C. McGriff, Jr.*, Gainesville
23. *Parts of* **Alachua, Marion**  
*Edward L. “Ed” Jennings, Jr.*, Gainesville
24. *Part of* **Marion**  
Dennis K. Baxley, Ocala
25. *Parts of* **Lake, Marion, Seminole, Volusia**  
Carey Baker, Mount Dora
26. *Parts of* **Flagler, Lake, Volusia**  
*Joyce Cusack*, DeLand
27. *Part of* **Volusia**  
Evelyn J. Lynn, Ormond Beach
28. *Part of* **Volusia**  
*Suzanne M. Kosmas*, New Smyrna Beach
29. *Part of* **Brevard**  
Randy John Ball, Mims
30. *Part of* **Brevard**  
Mike Haridopolos, Melbourne
31. *Part of* **Brevard**  
Mitch Needelman, Melbourne
32. *Parts of* **Brevard, Indian River, Orange**  
Bob Allen, Merritt Island
33. *Parts of* **Orange, Seminole, Volusia**  
Tom Feeney, Oviedo
34. *Parts of* **Orange, Seminole**  
David J. Mealor, Lake Mary
35. *Parts of* **Orange, Seminole**  
Jim Kallinger, Winter Park
36. *Part of* **Orange**  
Allen Trovillion, Winter Park
37. *Parts of* **Orange, Seminole**  
David Simmons, Longwood
38. *Parts of* **Lake, Orange**  
Frederick C. “Fred” Brummer, Apopka
39. *Part of* **Orange**  
*Gary Siplin*, Orlando
40. *Part of* **Orange**  
Andy Gardiner, Orlando
41. *Parts of* **Lake, Orange, Osceola**  
Randy Johnson, Celebration

*District*

42. *Parts of **Lake, Marion, Sumter***  
Hugh H. Gibson III, Lady Lake
43. ***Citrus and parts of Hernando, Marion***  
Nancy Argenziano, Dunnellon
44. ***Parts of Hernando, Lake, Pasco, Polk, Sumter***  
David D. Russell, Jr., Brooksville
45. ***Parts of Hernando, Pasco***  
Mike Fasano, New Port Richey
46. ***Part of Pasco***  
Heather Fiorentino, New Port Richey
47. ***Parts of Hillsborough, Pinellas***  
Rob Wallace, Tampa
48. ***Parts of Hillsborough, Pinellas***  
Gus Michael Bilirakis, Palm Harbor
49. ***Part of Pinellas***  
Larry Crow, Palm Harbor
50. ***Part of Pinellas***  
Kim Berfield, Clearwater
51. ***Part of Pinellas***  
Leslie Waters, Seminole
52. ***Part of Pinellas***  
Frank Farkas, St. Petersburg
53. ***Part of Pinellas***  
Charlie Justice, St. Petersburg
54. ***Part of Pinellas***  
John Carassas, Belleair
55. ***Parts of Hillsborough, Manatee, Pinellas***  
Frank Peterman, Jr., St. Petersburg
56. ***Part of Hillsborough***  
Sandra L. "Sandy" Murman, Tampa
57. ***Part of Hillsborough***  
Chris Hart IV, Tampa
58. ***Part of Hillsborough***  
Bob "Coach" Henriquez, Tampa
59. ***Part of Hillsborough***  
Arthenia L. Joyner, Tampa
60. ***Part of Hillsborough***  
Sara Romeo, Lutz
61. ***Parts of Hillsborough, Pasco***  
Kenneth W. "Ken" Littlefield, Dade City
62. ***Part of Hillsborough***  
Johnnie B. Byrd, Jr., Plant City
63. ***Part of Polk***  
Dennis A. Ross, Lakeland
64. ***Part of Polk***  
Paula Bono Dockery, Lakeland

*District*

65. ***Part of Polk***  
Marsha L. "Marty" Bowen, Haines City
66. ***Parts of Hillsborough, Polk***  
JD Alexander, Lake Wales
67. ***Parts of Hillsborough, Manatee, Sarasota***  
Michael S. "Mike" Bennett, Bradenton
68. ***Part of Manatee***  
Mark G. Flanagan, Bradenton
69. ***Part of Sarasota***  
Donna Clarke, Sarasota
70. ***Part of Sarasota***  
Nancy C. Detert, Venice
71. ***Parts of Charlotte, Sarasota***  
Jerry Paul, Englewood
72. ***DeSoto, Hardee and parts of Charlotte, Lee***  
Lindsay M. Harrington, Punta Gorda
73. ***Part of Lee***  
Bruce Kyle, Fort Myers
74. ***Parts of Charlotte, Lee, Sarasota***  
Jeffrey D. "Jeff" Kottkamp, Cape Coral
75. ***Parts of Collier, Lee***  
Carole Green, Fort Myers
76. ***Part of Collier***  
J. Dudley Goodlette, Naples
77. ***Glades, Hendry and parts of Collier, Highlands***  
Joseph R. "Joe" Spratt, LaBelle
78. ***Parts of Highlands, Martin, Okeechobee, Palm Beach, St. Lucie***  
Richard A. Machek, Delray Beach
79. ***Parts of Okeechobee, Osceola***  
Frank Attkisson, Kissimmee
80. ***Parts of Indian River, St. Lucie***  
Stan Mayfield, Vero Beach
81. ***Parts of Martin, St. Lucie***  
Gayle B. Harrell, Stuart
82. ***Parts of Martin, Palm Beach***  
Joe Negron, Stuart
83. ***Part of Palm Beach***  
Jeffrey H. "Jeff" Atwater, North Palm Beach
84. ***Part of Palm Beach***  
James "Hank" Harper, Jr., West Palm Beach
85. ***Part of Palm Beach***  
Lois J. Frankel, West Palm Beach
86. ***Part of Palm Beach***  
Susan Bucher, Lantana
87. ***Part of Palm Beach***  
William F. "Bill" Andrews, Delray Beach

*District*

88. *Part of Palm Beach*  
*Anne M. "Annie" Gannon, Delray Beach*
89. *Part of Palm Beach*  
*Irving L. "Irv" Slosberg, Boca Raton*
90. *Part of Broward*  
*Mark Weissman, Parkland*
91. *Parts of Broward, Palm Beach*  
*Connie Mack, Fort Lauderdale*
92. *Part of Broward*  
*John P. "Jack" Seiler, Wilton Manors*
93. *Part of Broward*  
*Christopher L. "Chris" Smith, Fort Lauderdale*
94. *Part of Broward*  
*Matthew J. "Matt" Meadows, Lauderhill*
95. *Part of Broward*  
*Ron L. Greenstein, Coconut Creek*
96. *Part of Broward*  
*Stacy J. Ritter, Coral Springs*
97. *Part of Broward*  
*Nan H. Rich, Weston*
98. *Part of Broward*  
*Roger B. Wishner, Sunrise*
99. *Part of Broward*  
*Timothy M. "Tim" Ryan, Dania Beach*
100. *Part of Broward*  
*Eleanor Sobel, Hollywood*
101. *Parts of Broward, Dade*  
*Kenneth Allan "Ken" Gottlieb, Hollywood*
102. *Parts of Collier, Dade*  
*Rafael "Ralph" Arza, Hialeah*
103. *Part of Dade*  
*Wilbert "Tee" Holloway, Miami*

*District*

104. *Part of Dade*  
*Frederica S. "Freddi" Wilson, Miami*
105. *Part of Dade*  
*Sally A. Heyman, North Miami Beach*
106. *Part of Dade*  
*Dan Gelber, Miami Beach*
107. *Part of Dade*  
*Gustavo A. Barreiro, Miami Beach*
108. *Part of Dade*  
*Phillip J. Brutus, Miami Shores*
109. *Part of Dade*  
*Dorothy Bendross-Mindingall, Miami*
110. *Part of Dade*  
*Rene Garcia, Hialeah*
111. *Part of Dade*  
*Marco Rubio, Coral Gables*
112. *Part of Dade*  
*Mario Diaz-Balart, Miami*
113. *Part of Dade*  
*Manuel Prieguez, Miami*
114. *Part of Dade*  
*Gaston I. Cantens, Miami*
115. *Part of Dade*  
*Renier Diaz de la Portilla, Miami*
116. *Part of Dade*  
*Annie Betancourt, Miami*
117. *Part of Dade*  
*Carlos A. Lacasa, Miami*
118. *Part of Dade*  
*Edward B. "Ed" Bullard, Miami*
119. *Part of Dade*  
*Cindy Lerner, Miami*
120. *Monroe and part of Dade*  
*Ken Sorensen, Key Largo*

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OFFICERS OF THE HOUSE OF REPRESENTATIVES

Speaker—Tom Feeney

Speaker pro tempore—Sandra L. "Sandy" Murman

Clerk—John B. Phelps

Sergeant at Arms—Earnest W. Sumner

MEMBERS OF THE HOUSE OF REPRESENTATIVES



JD Alexander (R)  
Lake Wales  
District 66



Bob Allen (R)  
Merritt Island  
District 32



William F. "Bill" Andrews (R)  
Delray Beach  
District 87



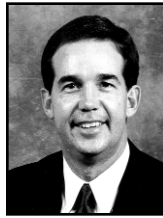
Nancy Argenziano (R)  
Dunnellon  
District 43



Rafael "Ralph" Arza (R)  
Hialeah  
District 102



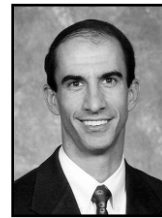
Frank Attkisson (R)  
Kissimmee  
District 79



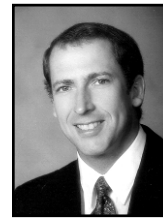
Jeffrey H. "Jeff" Atwater (R)  
North Palm Beach  
District 83



Lorraine Ausley (D)  
Tallahassee  
District 9



Carey Baker (R)  
Mount Dora  
District 25



Randy John Ball (R)  
Mims  
District 29



Gustavo A. Barreiro (R)  
Miami Beach  
District 107



Dennis K. Baxley (R)  
Ocala  
District 24



Aaron P. Bean (R)  
Fernandina Beach  
District 12



Dorothy Bendross-Mindingall (D)  
Miami  
District 109



Michael S. "Mike" Bennett (R)  
Bradenton  
District 67



Allan G. Bense (R)  
Panama City  
District 6



Anna Holliday "Holly" Benson (R)  
Pensacola  
District 3



Kim Berfield (R)  
Clearwater  
District 50



Annie Betancourt (D)  
Miami  
District 116



Gus Michael Bilirakis (R)  
Palm Harbor  
District 48



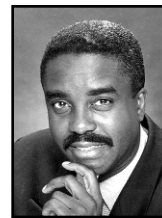
Marsha L. "Marty" Bowen (R)  
Haines City  
District 65



Donald D. "Don" Brown (R)  
DeFuniak Springs  
District 5



Frederick C. "Fred" Brummer (R)  
Apopka  
District 38



Phillip J. Brutus (D)  
Miami Shores  
District 108



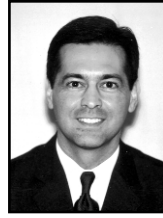
Susan Bucher (D)  
Lantana  
District 86



Edward B. "Ed" Bullard (D)  
Miami  
District 118



Johnnie B. Byrd, Jr. (R)  
Plant City  
District 62



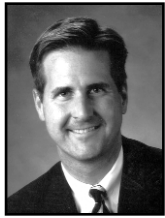
Gaston I. Cantens (R)  
Miami  
District 114



John Carassas (R)  
Belleair  
District 54



Donna Clarke (R)  
Sarasota  
District 69



Larry Crow (R)  
Palm Harbor  
District 49



Joyce Cusack (D)  
DeLand  
District 26



Don Davis (R)  
Jacksonville  
District 18



Nancy C. Detert (R)  
Venice  
District 70



Renier Diaz de la Portilla (R)  
Miami  
District 115



Mario Diaz-Balart (R)  
Miami  
District 112



Paula Bono Dockery (R)  
Lakeland  
District 64



Frank Farkas (R)  
St. Petersburg  
District 52



Mike Fasano (R)  
New Port Richey  
District 45



Tom Feeny (R)  
Oviedo  
District 33



Terry L. Fields (D)  
Jacksonville  
District 14



Heather Fiorentino (R)  
New Port Richey  
District 46



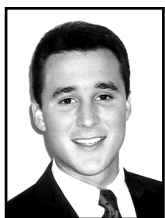
Mark G. Flanagan (R)  
Bradenton  
District 68



Lois J. Frankel (D)  
West Palm Beach  
District 85



Anne M. "Annie" Gannon (D)  
Delray Beach  
District 88



Rene Garcia (R)  
Hialeah  
District 110



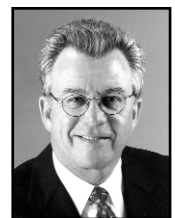
Andy Gardiner (R)  
Orlando  
District 40



Dan Gelber (D)  
Miami Beach  
District 106



Hugh H. Gibson III (R)  
Lady Lake  
District 42



J. Dudley Goodlette (R)  
Naples  
District 76



Kenneth Allan "Ken" Gottlieb (D)  
Hollywood  
District 101



Carole Green (R)  
Fort Myers  
District 75



Ron L. Greenstein (D)  
Coconut Creek  
District 95



Mike Haridopolos (R)  
Melbourne  
District 30



James "Hank" Harper, Jr. (D)  
West Palm Beach  
District 84



Gayle B. Harrell (R)  
Stuart  
District 81



Lindsay M. Harrington (R)  
Punta Gorda  
District 72



Chris Hart IV (R)  
Tampa  
District 57



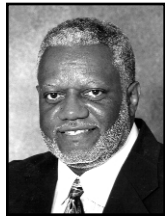
Bob "Coach" Henriquez (D)  
Tampa  
District 58



Sally A. Heyman (D)  
North Miami Beach  
District 105



Mike Hogan (R)  
Jacksonville  
District 13



Wilbert "Tee" Holloway (D)  
Miami  
District 103



Edward L. "Ed" Jennings, Jr. (D)  
Gainesville  
District 23



Randy Johnson (R)  
Celebration  
District 41



Stan Jordan (R)  
Jacksonville  
District 17



Arthenia L. Joyner (D)  
Tampa  
District 59



Charlie Justice (D)  
St. Petersburg  
District 53



Jim Kallinger (R)  
Winter Park  
District 35



Will S. Kendrick (D)  
Carrabelle  
District 10



Bev Kilmer (R)  
Quincy  
District 7



Suzanne M. Kosmas (D)  
New Smyrna Beach  
District 28



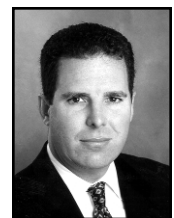
Jeffrey D. "Jeff" Kottkamp (R)  
Cape Coral  
District 74



Dick Kravitz (R)  
Jacksonville  
District 19



Bruce Kyle (R)  
Fort Myers  
District 73



Carlos A. Lacasa (R)  
Miami  
District 117





E. Denise Lee (D)  
Jacksonville  
District 15



Cindy Lerner (D)  
Miami  
District 119



Kenneth W. "Ken" Littlefield (R)  
Dade City  
District 61



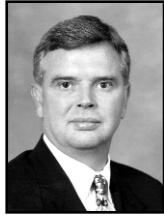
Evelyn J. Lynn (R)  
Ormond Beach  
District 27



Richard A. Machek (D)  
Delray Beach  
District 78



Connie Mack (R)  
Fort Lauderdale  
District 91



Mark Mahon (R)  
Jacksonville  
District 16



Stan Mayfield (R)  
Vero Beach  
District 80



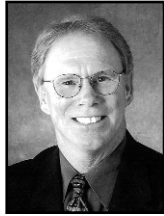
Jerry Louis Maygarden (R)  
Pensacola  
District 2



Perry C. McGriff, Jr. (D)  
Gainesville  
District 22



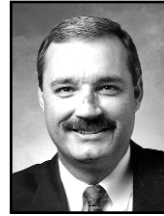
Matthew J. "Matt" Meadows (D)  
Lauderhill  
District 94



David J. Mealor (R)  
Lake Mary  
District 34



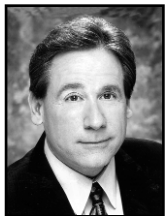
Jerry G. Melvin (R)  
Fort Walton Beach  
District 4



Jefferson B. "Jeff" Miller (R)  
Chumuckla  
District 1



Sandra L. "Sandy" Murman (R)  
Tampa  
District 56



Mitch Needelman (R)  
Melbourne  
District 31



Joe Negron (R)  
Stuart  
District 82



Jerry Paul (R)  
Englewood  
District 71



Frank Peterman, Jr. (D)  
St. Petersburg  
District 55



Joe H. Pickens (R)  
Palatka  
District 21



Manuel Prieguez (R)  
Miami  
District 113



Nan H. Rich (D)  
Weston  
District 97



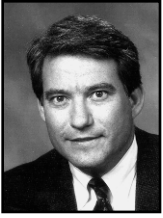
Curtis B. Richardson (D)  
Tallahassee  
District 8



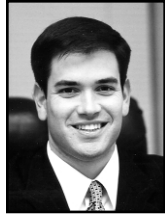
Stacy J. Ritter (D)  
Coral Springs  
District 96



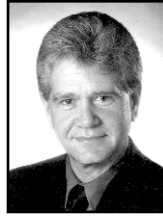
Sara Romeo (D)  
Lutz  
District 60



Dennis A. Ross (R)  
Lakeland  
District 63



Marco Rubio (R)  
Coral Gables  
District 111



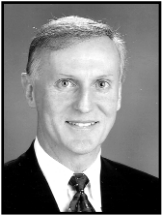
David D. Russell, Jr. (R)  
Brooksville  
District 44



Timothy M. "Tim" Ryan (D)  
Dania Beach  
District 99



John P. "Jack" Seiler (D)  
Wilton Manors  
District 92



David Simmons (R)  
Longwood  
District 37



Gary Siplin (D)  
Orlando  
District 39



Irving L. "Irv" Slosberg (D)  
Boca Raton  
District 89



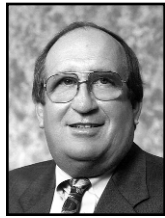
Christopher L. "Chris" Smith (D)  
Fort Lauderdale  
District 93



Eleanor Sobel (D)  
Hollywood  
District 100



Ken Sorensen (R)  
Key Largo  
District 120



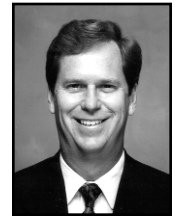
Joseph R. "Joe" Spratt (R)  
LaBelle  
District 77



Dwight Stansel (D)  
Wellborn  
District 11



Allen Trovillion (R)  
Winter Park  
District 36



Rob Wallace (R)  
Tampa  
District 47



Leslie Waters (R)  
Seminole  
District 51



Mark Weissman (D)  
Parkland  
District 90



Doug Wiles (D)  
St. Augustine  
District 20

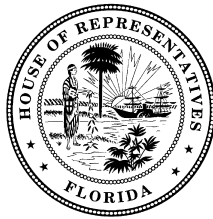


Frederica S. "Freddi" Wilson (D)  
Miami  
District 104



Roger B. Wishner (D)  
Sunrise  
District 98

Journal  
of the  
Florida  
House of Representatives



Organization Session

November 21, 2000

of the

Eightieth House

**since Statehood in 1845**



# *The Journal* OF THE *House of Representatives*

## ORGANIZATION SESSION

Tuesday, November 21, 2000

Journal of the House of Representatives for the Organization Session of the 80th House since Statehood in 1845, convened under the Constitution, begun and held at the Capitol in the City of Tallahassee in the State of Florida on Tuesday, November 21, 2000, being the day fixed by the Constitution for the purpose.

John B. Phelps, the Clerk of the preceding session, delegated the duties of temporary presiding officer to the Honorable John Thrasher, retiring Speaker. Mr. Thrasher called the House to order at 10:00 a.m.

The following certified list of Members elected to the House of Representatives was received:

### State of Florida

#### Office of Secretary of State

I, Katherine Harris, Secretary of State of the State of Florida, do hereby certify that the following Members of the House of Representatives were elected at the General Election held on the Seventh day of November, A.D., 2000, as shown by the election returns on file in this office:

HOUSE DISTRICT NUMBER	ELECTED MEMBERS
1—	Jeff Miller, Pace
2—	Jerry L. Maygarden, Pensacola
3—	Holly Benson, Pensacola
4—	Jerry Melvin, Fort Walton Beach
5—	Donald Brown, DeFuniak Springs
6—	Allan Bense, Panama City
7—	Bev Kilmer, Quincy
8—	Curtis Richardson, Tallahassee
9—	Loranne Ausley, Tallahassee
10—	Will S. Kendrick, Carrabelle
11—	Dwight Stansel, Wellborn
12—	Aaron Bean, Fernandina Beach
13—	Mike Hogan, Jacksonville
14—	Terry L. Fields, Jacksonville
15—	E. Denise Lee, Jacksonville
16—	Mark Mahon, Jacksonville
17—	Stan Jordan, Jacksonville
18—	Don Davis, Jacksonville
19—	Dick Kravitz, Jacksonville
20—	Doug Wiles, Saint Augustine
21—	Joe H. Pickens, Palatka
22—	Perry C. McGriff, Jr., Gainesville
23—	Ed Jennings, Jr., Gainesville
24—	Dennis K. Baxley, Ocala
25—	Carey Baker, Mount Dora
26—	Joyce Cusack, Deland
27—	Evelyn Lynn, Ormond Beach
28—	Suzanne M. Kosmas, New Smyrna Beach
29—	Randy Ball, Mims
30—	Mike Haridopolos, Melbourne
31—	Mitch Needelman, Melbourne
32—	Bob Allen, Rockledge
33—	Tom Feeney, Oviedo
34—	David J. Mealor, Lake Mary
35—	Jim Kallinger, Winter Park
36—	Allen Trovillion, Winter Park
37—	David Simmons, Longwood
38—	Frederick C. Brummer, Apopka
39—	Gary Siplin, Orlando
40—	Andy Gardiner, Orlando
41—	Randy Johnson, Celebration
42—	Hugh Gibson, Lady Lake
43—	Nancy Argenziano, Dunnellon
44—	Dave Russell, Brooksville
45—	Mike Fasano, New Port Richey
46—	Heather Fiorentino, New Port Richey
47—	Rob Wallace, Tampa
48—	Gus Michael Bilirakis, Holiday
49—	Larry Crow, Tarpon Springs
50—	Kim Berfield, Clearwater
51—	Leslie Waters, Pinellas Park
52—	Frank Farkas, St. Petersburg
53—	Charlie Justice, St. Petersburg
54—	John Carassas, Belleair
55—	Frank Peterman, Jr., St. Petersburg
56—	Sandra L. Murman, Tampa
57—	Chris Hart, Tampa
58—	Bob Henriquez, Tampa
59—	Arthenia L. Joyner, Tampa
60—	Sara Romeo, Tampa
61—	Ken Littlefield, Dade City
62—	Johnnie B. Byrd, Jr., Plant City
63—	Dennis A. Ross, Lakeland
64—	Paula Dockery, Lakeland
65—	Marty Bowen, Winter Haven
66—	J D Alexander, Winter Haven
67—	Michael S. Bennett, Bradenton
68—	Mark G. Flanagan, Bradenton
69—	Donna (Azar) Clarke, Sarasota
70—	Nancy C. Detert, Venice
71—	“Jerry Paul”, Englewood
72—	Lindsay M. Harrington, Punta Gorda

73—Bruce Kyle, Fort Myers  
 74—Jeff Kottkamp, Cape Coral  
 75—Carole Green, Fort Myers  
 76—J. Dudley Goodlette, Naples  
 77—Joseph R. Spratt, LaBelle  
 78—Richard A. Machek, Delray Beach  
 79—Frank Attkisson, Kissimmee  
 80—Stan Mayfield, Vero Beach  
 81—Gayle Harrell, Stuart  
 82—Joe Negron, Stuart  
 83—Jeff Atwater, North Palm Beach  
 84—James “Hank” Harper, Jr., West Palm Beach  
 85—Lois J. Frankel, West Palm Beach  
 86—Susan Bucher, West Palm Beach  
 87—William “Bill” Andrews, Delray Beach  
 88—Anne M. Gannon, Delray Beach  
 89—Irving Slosberg, Boca Raton  
 90—Mark Weissman, Parkland  
 91—Connie Mack, Ft. Lauderdale  
 92—John P. “Jack” Seiler, Ft. Lauderdale  
 93—Christopher L. Smith, Ft. Lauderdale  
 94—Matthew “Matt” Meadows, Lauderhill  
 95—Ron Greenstein, Coconut Creek  
 96—Stacy Ritter, Coral Springs  
 97—Nan H. Rich, Weston  
 98—Roger Brian Wishner, Sunrise  
 99—Tim Ryan, Dania Beach  
 100—Eleanor Sobel, Hollywood  
 101—Kenneth A. Gottlieb, Hollywood  
 102—Rafael “Ralph” Arza, Hialeah  
 103—Wilbert “Tee” Holloway, Miami  
 104—Frederica S. Wilson, Miami  
 105—Sally A. Heyman, North Miami Beach  
 106—Dan Gelber, Miami Beach  
 107—Gustavo A. Barreiro, Miami Beach  
 108—Phillip J. Brutus, North Miami  
 109—Dorothy Bendross-Mindingall, Miami  
 110—Rene Garcia, Hialeah  
 111—Marco Rubio, Miami  
 112—Mario Diaz-Balart, Miami  
 113—Manuel Prieguez, Miami  
 114—Gaston Cantens, Miami  
 115—Renier Diaz de la Portilla, Miami  
 116—Annie Betancourt, Miami  
 117—Carlos Lacasa, Miami  
 118—Edward B. Bullard, Miami  
 119—Cindy Lerner, Miami  
 120—Ken Sorensen, Key Largo



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this 16th day of November, A.D., 2000.

**KATHERINE HARRIS**  
 SECRETARY OF STATE

## Prayer

The following prayer was offered by the Honorable Carl Littlefield:

Our Father, it is fitting and in order that we pause today and thank You. We offer up thanksgiving not only as a dutiful commemoration of the coming holiday celebration, but more than that, because it best reflects the fullness of our hearts. We thank You most of all for being a present help.

Thank You for Your guidance and watchfulness over this assembly. Thank You for empowering the leaders of this House with wisdom, compassion, and understanding; and thank You for being only a prayer away as they go about the business of our great state.

Knowing that You are only a prayer away, we pray humbly and purposefully today. We pray for our nation. In our effort to seat a

president, we are without perfect closure and, therefore, without perfect peace. Guide our perspectives Lord. In this interlude of time and amid all the posturing and strategizing, may we find comfort in knowing that ultimately “there is no power but of God: and that the powers that be are ordained of God.”

Help us to realize that ultimately, in the words of the ancient prophet, “the Kingdoms of this world are become the Kingdoms of our Lord, and He shall reign for ever and ever.” Help us to understand that ultimately and victoriously “the government shall be upon His shoulders... [and] of His government and peace there will be no end.”

Help us all, O Lord, to prepare the way for that destined tomorrow by preparing ourselves to be leaders today. Leaders great, yet servants still.

May Your spirit of grace and mercy ever be our portion. Encompass us with Your loving kindness. Overshadow us with Your truth. Undergird us with Your peace. Let the words of our mouths, and the meditations of our hearts, be acceptable in your sight, O Lord, our strength and our Redeemer.

Watch over this house, we pray. In all of their deliberations may there be a sense of gratefulness unto You. And, may faithful stewardship of their offices and assigned responsibilities be the crowning achievement of each Member.

Now unto You, O God, who can keep us from falling, and present us faultless before the presence of Your glory with exceeding joy, to the only wise God our Savior, be glory and majesty, dominion and power, both now and forever. Amen.

The following Members were recorded present:

### Session Vote Sequence: 1

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

A quorum was present.

## Pledge

The Members, led by Tommy Feeny, son of Speaker-designate Feeny, and the following children and grandchildren of the Members of the House of Representatives, pledged allegiance to the Flag. The

children of the Members included: Roger Amundsen II and Gailanne Amundsen, nephew and niece of Rep. Allen; Keaton and Britton Alexander, daughters of Rep. Alexander; Ben and Chris Attkisson, sons of Rep. Attkisson; Amanda Atwater, daughter of Rep. Atwater; Natalie Barreiro, daughter of Rep. Barreiro; Rob Davis, grandson of Rep. Davis; Meghan, Kevin, and Brendan Flanagan, daughter and sons of Rep. Flanagan; Taylor Grayson and Ryan McGriff, granddaughter and grandson of Rep. McGriff; Daniel Levinson, grandson of Rep. Rich; Evan, Samuel, and Coleman Mayfield, sons of Rep. Mayfield; Becca and Jonathan Negron, daughter and son of Rep. Negron; Shane and Travis Ross, sons of Rep. Ross; and Alexandra Weissman, daughter of Rep. Weissman.

### House Physician

The Chair introduced Dr. James Harrell, husband of Rep. Harrell, who served as Doctor of the Day.

### Presentation of Guests

The Chair presented the following former Speakers: the Honorable Donald L. Tucker, the Honorable Ralph H. Haben, Jr., the Honorable H. Lee Moffitt, and the Honorable James Harold Thompson.

The Chair presented the following former Republican Leaders: the Honorable Jim K. Tillman, the Honorable S. Curtis "Curt" Kiser, the Honorable Ronald R. "Ron" Richmond, the Honorable R. Dale Patchett, the Honorable James M. Lombard, and the Honorable Sandra B. Mortham.

Additionally, the Chair introduced the following guests: the Honorable Katherine Harris, Secretary of State; the Honorable Tom Gallagher, Commissioner of Education; the Honorable Bobby Brantley, former Lieutenant Governor; the Honorable Connie Mack, U.S. Senator; the Honorable Mark Foley, U.S. Congressman; the Honorable C. William "Bill" Nelson, Treasurer and Commissioner of Insurance; the Honorable Robert A. Butterworth, Attorney General; the Honorable Adam H. Putnam, former Member of the House; the Honorable Frank Brogan, Lieutenant Governor; the Honorable Robert B. Crawford, Commissioner of Agriculture; the Honorable Charlie Crist, Jr., former Senator; the Honorable Jeb Bush, Governor; and the Honorable Javier D. Souto, former Senator.

### Notice of Contest

**Former Speaker Thrasher (The Chair):** The Clerk has received notice of a contest of election of District 17. In keeping with the precedent, the Member certified by the Secretary of State will be seated with full rights and privileges of membership. A select committee will then be appointed and promptly convened to hear the substance of the contest.

This procedure will ensure that the citizens of District 17 are properly represented in the House while at the same time giving all parties to the contest the opportunity to be heard.

### Oath of Office Administered

The newly elected Members, in groups of five, proceeded to the well, where the Oath of Office prescribed by the Constitution was administered by Chief Justice Charles T. Wells, Florida Supreme Court.

The returning Members, as a group, stood at their desks where the Oath of Office prescribed by the Constitution was administered by Chief Justice Charles T. Wells, Florida Supreme Court.

### Election of the Speaker

The Chair announced the House would proceed to the election of Officers and, for the purpose of nominations, motions would be seconded. Nominations would now be in order for Speaker of the House of Representatives, under Article III, Section 2, of the Florida Constitution, for a term of two years beginning today.

Rep. Fasano nominated the Honorable Tom Feeney for Speaker.

**Rep. Fasano:** Mr. Speaker, Chief Justice, Members, what a distinct pleasure it is for me to stand before you today and nominate our next Speaker of the Florida House of Representatives. A position that is not achieved by arrogance or greed, but by compassion and countless acts of compromise. A position that must exhibit the will, fortitude, and foresight to do what is right, which is not always the desired. A position that cannot, must not, and will not sacrifice the good of the whole for the good of the one. Today we are here to choose that person, a moralistic and ideological conservative. Tom Feeney has personified all things decent and pure in public service. He has traveled a long road, seeing and hearing our state and its people in ways that many of us will never do. He has served in the majority. He has served in the minority. He has sat back there. He has sat up here. He has been appointed to our committees. He has been removed from our committees. But, through all the changes over the years one thing has remained, Tom Feeney, the man.

Now, we all know an apple is only as good as the tree it has fallen from. And evidently, they grow pretty good trees in Pennsylvania. The only son of two educators and the brother to three sisters, Tom learned early on the importance of two key modes of survival. First, always appreciate the importance of a good sound education. If there ever was a slight relapse or retention floor towards this, a swift and accurate hand to the back side was always an effective tool, in recollection.

As the story goes, young Thomas did have a mind of his own, often proving not always to be the most attentive student in class. It was pretty common to see Thomas in the back of the room making strange faces at the teachers or attempting to body check his classmate out of his desk. Although he would later become a human study of historical, legal, and political affairs, Tom's astute persona did have a humbling beginning. Secondly, womens', sisters' rights, which will be respected and adhered to, no questions asked. Although the future leader of his high school debate team would have to learn to bite his tongue—an art that many say he has yet to master—in the end he did what was necessary to appease his sisters, Carole, Joanne, and Ellen.

In 1976, Tom enrolled at Penn State University. Graduating with a Political Science degree, Tom decided to pursue his law degree at the University of Pittsburgh. It was there that he met his wonderful wife of seventeen years, Ellen. Upon graduation in 1983, the two of them struck out to Florida. And now, fifteen years later, they are proud parents of two handsome young men, Tommy and Sean Patrick.

Tom began his political career, as many of us, a political neophyte. In his first race no one thought he had a chance. He faced overwhelming odds, challenging the power brokers of Tallahassee and the skepticism that surrounds a little-known candidate for State House. He campaigned hard, he campaigned fast, and he campaigned often—convincing the District 37 voters that a change was not only necessary, but also essential in Tallahassee. You see, the status quo was no longer acceptable. The ways of the old needed to adhere to a new way of governing. His aggressive style and determination quickly caught on to the voters. It was Tom's youthful energy and Reaganesque view that we can do better, that the voters identified with. And, the press quickly labeled him a maverick, a title Tom has gladly accepted. It was a persona that Tom and his supporters felt Tallahassee needed. You see the district had begun aching for someone who had the courage to stand on their convictions and the intelligence to defend them. Someone who had a keen sense of history and respect not only for where our country had been, but where it was going. Someone who would not just solve the state's problems, but find out why the problem existed in the first place. But most importantly, the district was in search for someone who was willing to go to battle every minute of every hour of every day for its constituents. And on November 6 of 1990, Tom Feeney was elected to the Florida House of Representatives.

In Tallahassee, Tom wasted little time in fitting in with his Republican colleagues. Now, you have to understand in those days it was a little bit different for the GOP, and there weren't many of them in the House. As it were in his school days in Pennsylvania, Tom again found himself in the back row, flanked by the likes of Chris Corr, Paul Hawkes, Dan Webster, Debby Sanderson, and others. Tom fought tooth and nail for many initiatives that we now know as Florida law.

He was one of the first to speak out against Florida's welfare system. Although labeled cruel by the status quo, getting people off welfare and into the work force was paramount to Tom. He was the first in Florida to speak openly about school vouchers, a view that eventually got Tom dismissed from the Committee of Education. However, in 1992, Tom received Outstanding Legislative Member of the Year presented by the American Legislative Exchange Council. In 1994, as many of you know, Tom joined the Jeb Bush ticket as candidate for Lieutenant Governor of Florida. The Bush-Feeney ticket captivated voters with its fast-paced, upbeat style of campaigning. This fit Tom perfectly. Never before had the state seen such an energetic and youthful ticket. Traveling to every corner of the state, Tom was an ideal fit to spark a new sense of optimism and trust in Florida's elected leaders. It was an opportunity for Tom to utilize his vast knowledge on the issues and his enthusiasm for Florida's future. Although in the end, coming up short in the closest gubernatorial election in the history of Florida, it was an event that would shape Tom Feeney forever. And to this day, he refers to that race as the most successful campaign he has ever been part of, not because of the slight margin of defeat or the attention he garnered as a candidate. It was simply because at no point during that campaign, although down in the polls and advised to the contrary, was there ever a principle softened or a stance switched. Never did a crowd see or hear anything other than Tom Feeney, real and raw. The Tom Feeney that had started the race for the Lieutenant Governor was the same Tom Feeney who had finished the race and nowhere in between had anyone seen any difference. After the 1994 election, Tom returned to his legal practice. Although engrossed in work days in real estate and business law, Tom wasn't completely out of the political scene. You see in March of 1995, Tom was asked by the International Republican Institute to travel to Macedonia and lecture political leaders of this new democracy on policy, political strategy, and of course, his favorite, constitutional government. Now we all know the old saying, you can't keep a good man down. Well they're right. And that rang loud and true in the spring of 1996. And that April, Tom Feeney was elected once again to the House of Representatives in a special election. You see legal pads and dictaphones had proven to be too much or too little for Tom. There was so much to be done, so many initiatives that had gone unfinished, so many battles still to be fought in Tallahassee. And now Tom would have more soldiers to march with, in fact, his team was winning. And quite frankly, he would have a better seat on the floor of the House. And little did he know, ladies and gentlemen, how good that seat would eventually get. His first term back, Tom was appointed Majority Council liaison under Speaker Webster. In appointing Tom in a role of leadership Speaker Webster had a talented orator and a legal mind that was unparalleled in the legislature. Renewing many of his old battles, Tom was at the forefront of major reforms on education and welfare, never losing sight of the overall good of the people. That is the spirit Tom Feeney serves in to this day. Having been Chairman of the Procedural Council under Speaker Thrasher, Tom was unanimously elected by his peers as Speaker-designate in August of 1999, to serve as this body's next leader. And now today, fifteen months later, we gather today to remove the "designate" from his title.

Today's society produces very few individuals who have the whereforall to put aside all personal ambitions and desires in order to make way for those convictions and ideals that make a person who they are. Someone who embraces a core set of principles and not only believes in them, but lives by them. Someone who conducts their life not influenced by what could be but rather what should be. Tom Feeney is a product of such character. It would be acutely unfair to say that Tom Feeney is a man who believes in his principles for, you see, he is his principles. From a political standpoint, it is very simple, Tom believes in less government, less taxation, more personal freedoms, and more accountability. He believes that our forefathers established a constitutional government that at best is a limited role in our lives. He believes that we are all responsible for our actions, whether we choose to accept it or not. He recognizes that all people, especially our children, have the capability to succeed if given that chance. He has an undeniable faith in America, often saying that our most difficult challenge is not because of stagnation, but because many pundits fear that a new idea might actually succeed. Ladies and gentlemen, it has been said in the State of Florida: Before there was Bush-Brogan there was Bush-Feeney. And before there was Bush-Feeney there was just Feeney. And I stand before you today in accordance with the

Constitution of the State of Florida in hereby nominating the 80th Speaker of the Florida House of Representatives, Thomas Charles Feeney III. [applause]

Rep. Byrd seconded the nomination of Rep. Tom Feeney for Speaker.

**Rep. Byrd:** Thank you, Mr. Speaker. Members, honored guests, it's been an incredible journey for Representative Tom Feeney. For those of you who knew him in the beginning, those who got on board along the way, and those of you who will learn to love him as I do.

Down in Tampa, we lay claim to Teddy Roosevelt, seems he came through with the Rough Riders, and made his mark in our area of the world. And Teddy said this; he said: "In any moment of decision the best thing you can do is the right thing, the next best thing is the wrong thing, and the worst thing you can do is nothing." The wrong thing is to do nothing. And I tell you men and women here today, Tom Feeney will lead us into the next millennium. The future is bright for all of us. He is not a man of do-nothing, he is an Irish street fighter, philosopher, and he is a servant-leader. He sincerely believes that to be the leader of all, he must be the servant of all.

Join me in supporting my friend, the leader of the next millennium, Tom Feeney as Speaker of the Florida House of Representatives. [applause]

Rep. Argenziano seconded the nomination of Rep. Tom Feeney for Speaker.

**Rep. Argenziano:** Well, Tom, the day is here. I am so proud and honored today. I am going to get choked up, excuse me. What I can tell you new Members, and I am not going to cry, God—I am not going to do that—I'm tough, see? [laughter] What I can tell you Members is that I have found myself in the few years that I have been here in some tough, tough spots, right, Mr. Speaker? Sometimes believe it or not, the older Members know, sometimes I've even had some difficulties with the Speaker. But you know what, Mr. Speaker, I really learned a lot from you. But, Tom Feeney—and I know he'll do this for each one of you—I get emotional, I am sorry, I said I wasn't going to cry, darn. Tom, I am really happy for you. These are not tears of sorrow, it's tears of happiness. But, I want you to know that that man has helped me tremendously while I have been here. In the tough spots, and I have been in several of them, God knows, Tom, I'm sorry I may be in a few more. [laughter] That's a warning! He has really, truly been a good friend. And, when you get in those tough spots, I know he was there helping me behind the scenes and then coming and talking to me and telling me you know—and he would tell other people you got to understand her, she is just a little Italian from Brooklyn, but she gets emotional. [laughter]

And, he really, really is a fantastic, fantastic human being. He's not arrogant, he's wise, he really is, you are going to discover this. He's not selfish and he's very understanding.

And Tom, I know that growing up with three sisters has got you prepared, because we have got a lot of women that keep coming into the House. [applause] And what I know he's going to do is listen to every one of us, no matter whether we sit in the back row or in the front, I know that of him. And he is going to do that, and he'll make you just as successful as all the other men. And sometimes, you know what, he will let us in that loop, I think, where sometimes it's been reserved for just the boys. So, girls, believe me, take it from me, he's a genuine individual and he's there for everybody in the House. And I just wish you the best and I am looking forward to serving under such a wonderful, wonderful person, and congratulations. I second the nomination. Yes! [applause]

Rep. Lacasa seconded the nomination of Rep. Tom Feeney for Speaker.

**Rep. Lacasa:** Thank you, Mr. Speaker. I will direct my remarks to the new Members of the House of Representatives. I'd be very surprised if there was a single one among you who didn't have a burning desire in your bellies right now to get started making policy and governing the great State of Florida. And you're very, very fortunate because we have before us a candidate for Speaker of the House who understands about history and understands about philosophy. And understands how

important it is to have these basic things as a foundation for what we do here—setting policy. I have watched Tom Feeney fight battles for choice for families that want to educate their children. I've seen him, I've seen him—excuse me, I am excited too. This is very exciting. We have, against a backdrop of constitutional crisis, all eyes of the nation upon us, we have Tom Feeney to support for Speaker today.

I am excited because I watched him support freedom of speech for people who wanted to put an expression on a license plate, a very controversial expression, and he put everything on the line, because he believed that expression is equal for everyone and should be defended for everyone even the smallest minority. I watched Tom Feeney proffer a budget. I didn't watch it, I actually saw it, proffer a budget as a member of the minority, because he did not agree with the budgetary priorities of the majority at the time. Such a man of boldness and decision must be, must be an excellent candidate for Speaker of the House. And all of you new Members will see in him support for your zeal, for your ideas. He won't stifle debate, he won't stifle new concepts for how to govern the state, and that is the most important thing you need to be successful personally and to be successful for your district and for your state.

Supporting Tom Feeney is supporting innovation and debate and deliberation. For this reason I nominate Tom Feeney for Speaker of the House. [applause]

Rep. Wilson nominated the Honorable Lois Frankel for Speaker.

**Rep. Wilson:** Mr. Speaker, Members, honored guests, and families, I am pleased to have the wonderful opportunity to stand here today to place in nomination the name of Lois Frankel as Speaker of the Florida House of Representatives 2000-2002.

With the historic number of new Members taking their place in this great institution it is important for us to pause and to remember that this House is a place where the future of this state is shaped. In the name of the constituents who sent us here to stand up for their interests, we must remember that each of us has a tremendous opportunity to leave a positive and lasting influence on our great state's future.

Lois Frankel is a visionary leader who deeply understands the awesome responsibility we have to the people of our state. She not only understands the sacrifices that we have made to serve in this place of honor, she also knows the high hopes, unending dreams, and great expectations our citizens have for us as their elected representatives. Throughout her 12 years in this great House, Lois Frankel has served with great distinction. She has demonstrated through her actions a deep dedication to the principle that we are here to work to help make the lives of our citizens even better. Her greatest achievements, as an esteemed Member of this body, have all been focused on improving the health, safety, and welfare of our precious children, our hard working families, and our dear, dear seniors. She has earned our mutual respect and admiration through her deeds and our most vulnerable citizens.

Her list of accomplishments include, but are not limited to: working tirelessly to reduce family violence; raising childcare standards so that our children are safe and secure in a place when their parents are at work; encouraging fathers to be more involved with their children; serving as a champion for health education; and being among the first to stand up and fight in order to steer our children away from alcohol and tobacco. No matter where you stand you have to admire Lois Frankel. Her tenacity, her vitality, and work ethic serves as an inspiration to all Members of the House. Her compassion is only matched by her passion to serve our citizens and uphold the highest standards of leadership in this House.

One hundred years from now it will not matter how much money Lois Frankel made, what kind of car she drove, what kind of house she lived in. What will matter is that because she lived, she left the world a better place for children, even those yet unborn. History will record that she was a drum major for justice. Working people will say that she was a drum major for fairness. The State of Florida will echo that she was a drum major and an advocate for all the right issues and all of the shallow things will not matter. She has demonstrated through her deeds and declarations in this House that she is a compassionate leader for the people of Florida. For that, Lois Frankel has earned her chance to serve

as Speaker of this great House of Representatives and, for that, I am honored to place her name in nomination to serve with distinction, honor, grace, and dignity as Speaker of the Florida House of Representatives. Thank you. [applause]

Rep. Henriquez seconded the nomination of Rep. Lois Frankel for Speaker.

**Rep. Henriquez:** Thank you, Mr. Speaker. Honored guests, Members, particularly new Members, and of course, the family and friends that are here, I'm happy to stand to second the nomination for Representative Lois Frankel, today, as Speaker of the House. Those of us who know Lois, and those new Members will get to know Lois, know that she is not afraid of taking on tough jobs. In fact, she looks forward to the hardest challenges and, believe me, she has some tough challenges ahead of her. In the Democratic Caucus, I can say that no one has worked harder and been more steadfast to try to achieve a goal than Lois Frankel has. No matter what side of the aisle you are on, whether you sit in the front of the Chamber or the back, you know that she has worked with one hundred percent of her energy and she works very hard for what she believes in. That's the kind of public service that she has brought to her constituents for over 12 years now as a Member of this House. She brings to this Chamber the ethic of hard work, to our citizens, unmovable commitment to serving this state and upholding the shared values of our communities.

As a member of the Democratic Caucus, I can tell you that Lois has tried, and has worked, and continues to work, to unify our Caucus. And believe me, that's not an easy task. She deserves much credit for taking on this task and we've recognized her as the first woman to be a House Democratic [minority] Leader in history. In Lois Frankel we have a true leader who understands the challenges our citizens face and she'll work every day because she lives and loves her service as a Member of this great House. That is why I am pleased to stand today and second the nomination of Lois Frankel as Speaker of the Florida House of Representatives. Thank you. [applause]

On motion by Rep. Mahon, seconded by Rep. Fasano, nominations ceased and Reps. Feeney and Frankel were declared nominees for Speaker.

When the votes were cast for Speaker, the result was:

Session Vote Sequence: 9001

Feeney—78

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

Frankel—42

Ausley	Bullard	Gelber	Heyman
Bendross-Mindingall	Cusack	Gottlieb	Holloway
Betancourt	Fields	Greenstein	Jennings
Brutus	Frankel	Harper	Joyner
Bucher	Gannon	Henriquez	Justice



Kosmas	Peterman	Seiler	Weissman
Lee	Rich	Siplin	Wiles
Lerner	Richardson	Slosberg	Wilson
Machek	Ritter	Smith	Wishner
McGriff	Romeo	Sobel	
Meadows	Ryan	Stansel	

Rep. Tom Feeney was declared the duly elected Speaker of the House of Representatives for a term of two years beginning today.

Rep. Frankel moved to record a unanimous vote for Rep. Tom Feeney as Speaker.

**Rep. Frankel:** Thank you, Mr. Speaker. You think I can have a recount? [laughter] [applause]

**The Chair:** Not on my watch, Representative Frankel. [laughter] [applause]

**Rep. Frankel:** I tell you what, Mr. Speaker, my son is sitting back here and about halfway through the voting, he turned to me and said, "You know, Mom, things don't look so good." [laughter]

Actually, I think things look terrific and I want to congratulate Tom Feeney and just say on behalf of the Democrats that we look forward to a new bipartisan spirit and may our differences be respectful. And with that, Mr. Speaker, I would like to move a unanimous vote be recorded for Tom Feeney as Speaker. [applause]

**Rep. Wiles:** On behalf of the remainder of the House Democratic Caucus I respectfully second the motion of Representative Frankel.

By unanimous acclamation, Tom Feeney was declared Speaker of the House of Representatives.

On motion by Rep. Dockery, seconded by Rep. Harper, the Chair appointed Reps. Flanagan, Andrews, Lynn, Trovillion, and Maygarden as a committee to escort Speaker Feeney and his family to the rostrum.

#### Committee from the Senate

A committee from the Senate consisting of Senators Webster, Posey, Miller, and Villalobos was received and announced that the Senate was organized.

#### Oath of Office Administered

Chief Justice Charles T. Wells, Florida Supreme Court, administered the Oath of Office to the Speaker.

#### Presentation of the Speaker

Rep. Trovillion presented the Honorable Tom Feeney, Speaker of the House of Representatives.

**Rep. Trovillion:** I would like to now introduce the family and other guests who stand with me. The Members will hold their applause until I'm finished. First of all I'd like to introduce—I've got to look around and see where they are—Tom's father, Tom Feeney; his mother, Betty Feeney; his sister Carole [Mason]; sister and her husband, Joanne and Doug Laman; aunt and uncle, Ed and Darlene Feeney; and Jennifer Feeney, his niece. Also, I'd like to introduce his good friend and law partner, Skip Fowler and his wife [Barbera]. Also, I'd like to introduce some of his closest friends, Al and Beth McKenna, Dean and Tammy Campbell, Chris Coor, Michael Guacci, and Ron Campbell. I would also like to introduce a very important part of that family, and that is his wife, Ellen. [applause]

And now I would like to present to you, formally, the Speaker of the House, Tom Feeney. [applause]

Former Speaker Thrasher handed the gavel to Speaker Feeney, signifying his authority as the new Speaker of the House of Representatives.

#### THE SPEAKER IN THE CHAIR

### Election of the Speaker pro tempore

The Speaker announced that nominations would now be received for the Speaker pro tempore of the House of Representatives for a term of two years beginning today.

Rep. Dockery nominated the Honorable Sandra L. Murman for Speaker pro tempore.

**Rep. Dockery:** It felt very good to be the first to recognize you, Mr. Speaker. Thank you colleagues and honored guests. Organization Session is always an exciting time filled with a spirit of anticipation and optimism. It's a time when we as a legislative body decide on who should lead us for the next two years to enact policy that will affect the 15 million Floridians we represent. This organization session has a greater challenge. Because of the enactment of term limits for the Florida Legislature we have an incredibly large turnover in the Florida House. Sixty-three of the 120 seats will be represented by the newly elected Members.

The freshman legislators have a tremendous learning curve facing them before the start of the 2001 Session. Therefore the choice of leadership becomes crucial to the successful spirit of cooperation among the 120-member body.

The person who is selected to serve as Speaker pro tempore will serve as a catalyst for the unity of the Florida House and will help set the tone for our common goal of serving the people we represent. Although no one here is naive enough to believe that we can operate in a truly non-partisan fashion, I sincerely believe that every Member of this House has the interests of his or her constituents and the welfare of our great state as their guiding principle.

Our leaders must foster this respect for one another and for the position we are entrusted with by setting an example for us. It is with this thought in mind that I nominate Representative Sandra Murman to lead us as our Speaker pro tempore.

Those who have served in this position before her have had the advantage of a much longer tenure in the Legislature to learn the finer nuances of the process. There is, however, no doubt in my mind that Sandra Murman is well suited and more than able to assume this awesome responsibility. Representative Murman was first elected in 1996 and has become a very effective Member focusing her attention and talents on children's issues. She has become well-known and respected for her dedication to battling issues such as reform of our child welfare system, education policy, and the abandoned baby legislation. She has handled tough issues with a calm demeanor which belied all the controversy she was facing. I remember during the final week of last session, Representative Murman was standing up, microphone in hand, while literally a dozen other legislators were surrounding her. In a calm and confident manner she continued with her presentation and asked to temporarily pass her bill to work out some minor details. She was ultimately successful in passing her bill after forging consensus with those expressing concern. What really impressed me was her ability to maintain composure while the legislation seemed in dire peril. Please don't confuse that mild-mannered calmness with a lack of passion. Representative Murman is passionate about children's issues and is one of the hardest working Members I have known. As I have had the privilege to be her roommate for the past three years, I have seen a woman who takes her responsibility very seriously. Many times I have arrived home to find her surrounded by volumes of bills and bill-related information preparing for the next day.

Representative Murman is a peacemaker. She likes to bring people together to work for a common cause. She understands the need to form consensus, the need to tap into the talents of others, the need to include all points of view. We each bring with us an expertise on one or more issues and we each have different talents. Individually we are 120 Representatives, capable of accomplishing some. Collectively we are capable of so much more. We need someone who can bring out the best in each of us. We were all elected in the same manner, we all represent roughly the same number of constituents, we all have an equal vote and it is important to remember that each one of us can have the same

impact on this floor of this House. Representative Sandra Murman understands the importance of each Member and is willing to help each of us achieve all that we can in this process to better serve the people of the great State of Florida who have put their trust in us.

Sandra Murman is ready for the challenge and we are very fortunate that she is willing to accept this awesome responsibility. It is my deep honor and privilege to nominate my colleague, my roommate, and our friend, Representative Sandra Murman, to be our Speaker pro tempore. [applause]

Rep. Maygarden seconded the nomination of Rep. Sandra L. Murman for Speaker pro tempore.

**Rep. Maygarden:** Thank you, Mr. Speaker. Members, family, distinguished guests, what a great privilege it is for me to stand here and second the nomination of our friend, Sandra Murman, for Speaker pro tempore of the Florida House of Representatives.

You know, outside this building the eyes of the world are really riveted on Florida; wondering who our next leader will be, what the agenda will be, what the future will be like for the United States of America. We were reminded on Sunday of this week, Mr. Speaker, by Secretary William Bennett, the importance of ethical leadership, and how the best teacher is example. And I'm truly proud to be here with Members of this House, Republicans, Democrats alike, gathered peacefully, cooperatively to select our leadership for the next two years. What a wonderful privilege it is to be a part of this democracy and to provide leadership for this great state as we move forward. For leaders to succeed they must be an example, and Sandra Murman has been a tremendous example for this House. She's worked diligently in her district. She shook the hands of her constituents. She brought back their needs, their desires, their wants to this floor, and she supported them whole-heartedly day after day. She's a hard, hard worker.

Sandra, down at my house my momma raised boys. And every year at Christmas time or the birthday they would say, "What would you like to have as a gift?" And invariably we said, "A little sister." [laughter] But I never had an opportunity to have a little sister, but our relationship in this House, with all of us, borders on family. I'm proud to join you as a brother and sister in progress. And I am delighted you're going to be our Speaker pro tem. And for that, Mr. Speaker, I second the nomination. [applause]

Rep. Kosmas nominated the Honorable Doug Wiles for Speaker pro tempore.

**Rep. Kosmas:** Thank you, Mr. Speaker. I would like to welcome all the new Members to the House of Representatives and to say hello to our distinguished guests, and to say hello to all my returning friends and Members here in the House of Representatives.

As you become active in this process and participants in the process, each of you will learn which of the Members you feel that you can like, trust, and respect. And in this process that becomes very important. So it is with pride that I am here to offer the nomination of my friend, Doug Wiles, for Speaker pro tem.

Doug and I entered the House of Representatives together in 1996, and I have come to know him in a way that I would like to introduce to you.

Doug is in the words of the old cliché, "A gentleman and a scholar." I think you will find as you work with Doug that he is a gentleman in all respects. He can work with people across the aisle, and he can treat you both respectfully and respectably. And I think you will find that an important attribute as you learn your way through the process and begin to know your fellow Members.

As a scholar I think you will find that Doug studies the issues. And he may not land on the same side of an issue that you do, but he does it based on his core values and his convictions, and the fact that he has studied the issue. I think you will come to know Doug as a leader, a leader with conviction, a leader who has championed some important causes that we hope this year to make some progress on. Some very

specific issues like teacher recruitment and retention for our public schools, so that we can have within the hands of those public school teachers—we have the lives of the future of our state of Florida. I know, Governor, that this is an issue that is important to you. We look to work in a bipartisan way to make that happen and with Doug's leadership.

He also has been a leader in campaign reform, and I think the events we are witnessing just across the street make us recognize that campaign and election reform is also going to be an issue that we need to work in a bipartisan way that we can be proud as Members of the Florida House of Representatives.

Doug is also a wonderful family man. His wife, Doris, is a partner with him in his community activism and in his public service. And I suspect, if not at least as competitive as he is in the election process, maybe more so. His daughters, Lindsay and Ashley, are the apples of his eye. And I think they have from him a mutual admiration society.

So for all these reasons I am proud to make the nomination of my friend, Doug Wiles, for Speaker pro tem. [applause]

Rep. Smith seconded the nomination of Rep. Doug Wiles for Speaker pro tempore.

**Rep. Smith:** Mr. Speaker, this country, this state, and this distinguished body is very diverse. What makes these entities great is diversity.

Ladies and gentlemen, I submit to you that Doug Wiles is the personification of inclusiveness. In the years that I have known Doug, he has successfully negotiated with the liberal south, the centrist central, and the conservative northern Members, in an effort to keep us all together within the Democratic Caucus.

He has been a trusted colleague of veteran Members and will be a role model for you freshman Members. Ladies and gentlemen, we must all take note from Doug, and use our differences in skin color, gender, religion, thoughts, and ideas not as a sword of divisiveness, but a springboard to greatness, because Doug listens and acts on our different thoughts and ideas.

So, Mr. Speaker, and my wife, Desorae, hear me and hear me well, because this is the first time and the last time you will hear this: but, this proud "Nole" is honored, proud, and happy to nominate a "Gator," [laughter] Doug Wiles, as Speaker pro tem. for the House of Representatives. Thank you. [applause]

On motion by Rep. Garcia, seconded by Rep. McGriff, nominations ceased, and Reps. Murman and Wiles were declared nominees for Speaker pro tempore.

When the votes were cast for Speaker pro tempore, the result was:

Session Vote Sequence: 2

Murman—78

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

Simmons	Spratt	Wallace	Waters
Sorensen	Trovillion		

## Wiles—41

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

## Votes after roll call:

Wiles—Lee

Change from Murman to Wiles—Fields

Rep. Sandra L. Murman was declared the duly elected Speaker pro tempore for a term of two years beginning today.

Rep. Frankel moved to record a unanimous vote for Rep. Sandra L. Murman as Speaker pro tempore.

**Rep. Frankel:** Thank you, Mr. Speaker. I won't go for a recount this time, but I want to make a motion. I also want to offer my congratulations to Rep. Murman. We look forward to working with you and with that I move for a unanimous vote be recorded for Sandra L. Murman as Speaker pro tem of the Florida House of Representatives.

**Rep. Wiles:** Mr. Speaker, it is with great honor and respect and indeed a pleasure to second the motion.

By unanimous acclamation, Rep. Murman was declared Speaker pro tempore of the House of Representatives.

On motion by Rep. Farkas, seconded by Rep. Detert, the Speaker appointed Reps. Argenziano, Harrington, Spratt, Alexander, and Lynn as a committee to escort Speaker pro tempore Murman and her family to the rostrum.

The Speaker introduced the Speaker pro tempore's husband, Jim Murman, and her daughter, Michele Murman.

**Oath of Office Administered**

Chief Justice Charles T. Wells, Florida Supreme Court, administered the Oath of Office to the Speaker pro tempore.

Chief Justice Charles T. Wells, Florida Supreme Court, administered the Oath of Office to John B. Phelps as Clerk of the House.

Chief Justice Charles T. Wells, Florida Supreme Court, administered the Oath of Office to Earnest W. Sumner as Sergeant at Arms.

**Committee to the Senate**

On motion by Rep. Diaz-Balart, seconded by Rep. Goodlette, the Speaker appointed Reps. Diaz de la Portilla, Pickens, Romeo, Mayfield, Ryan, Goodlette, and Diaz-Balart as a committee to inform the Senate that the House was organized.

The committee was excused to execute its responsibility.

**Presentation of Speaker pro tempore**

The Speaker presented the Honorable Sandra L. Murman, Speaker pro tempore.

**Remarks by the Speaker pro tempore**

**Speaker pro tempore Murman:** Thank you, Mr. Speaker. I want to personally say, how gratified I am to serve with you and be a co-leader with you and help lead this great House of Representatives that we have. I also want to thank family, of course, Jim and Michele. What they

have had to put up with the last four years, with a wild woman in the house. Not literally House of Representatives, but in my own house. You know, it has been an awesome task in our family, so I really appreciate both of you and love you both very much. I want to thank my staff. I also want to thank just the Members here for voting for me today and allowing me to serve you. Representative Frankel, Representative Wiles, I very much appreciate and look forward to working with you in our new spirit of cooperation. That will be a great day. I also want to thank God, my Creator. He has given me a lot of talents to come here today and be before you and do the work that I have done here in this House. It's really been an awesome experience. I love this job. If you ask anybody, I'll tell you that.

This is an historic day for me because I'm the first Republican woman to be here as Speaker pro tem. That's exciting. You know politics has not been the ambition of a lifetime for me. It doesn't mean I'm going to change my commitment. Children and families will always be important to me because I feel like they reflect the quality of life that we're providing, as legislators, here in the House. And I hope you all remember that, because when I go home and talk to my constituents—and, by the way, I thank also my constituents in my district for allowing me to serve them again. You know, it's a gratifying experience.

But my journey started, really, 28 years ago when I first got out of college and I became a hotline worker on the suicide prevention hotline. And I remember a young boy calling the hotline and holding a gun to his head and wanting to take his own life in that feeling of desperation. And, I guess, that is where the vision for opportunity came into my heart. I didn't really know it then, but knew that we had to do a better job in helping our young people feel that they could be successful and a part of their community.

I've seen kids very desperate over the last 28 years. I've seen them wrecked by drug abuse. I've seen so much child abuse and neglect that I don't want to see any more. I've seen children that are desperate for learning. I've seen babies that have been left abandoned on park benches, in garbage bins, and I've seen children who are disabled. My husband has a brother, Richard, who is developmentally disabled, and we have gotten to—you know, he is a very close member of our family. And I've seen kids in adult prisons and, in fact, even just a couple of months ago, I had one of them ask me, "What do you think of me?"

So all these are building up, to me—you know, what do we need to do here? Why are we here? And the problem, as I see it, is we really need to get back to the basics of building up our children—the structure, the moral foundation that they have in their lives. And if we don't, we may as well build more prisons. Our opportunities and our challenges are to give them what they need to be successful. And I think if we're really going to solve the drug problem, we must place in their hearts the moral courage and the strength to say, no, it's not for me, I have a lot to live for. That's very important, we don't want our kids to end up in prisons. We must teach them to value and respect life.

Bill Bennett said it so well the other night. He couldn't have said it better. And I know his wife personally. I've heard her talk about her Best Friends Project—get to know that, that's a great project. But, as legislators, you know it's tough for us to legislate this type of thing. You know, we are here, we've got business, transportation, and environment. We've got so many different issues pulling at us. But these kids are going to be the adults in our State of Florida, they're going to be our future leaders, they are going to be homeless, they are going to be whatever they are going to be. But we need to be role models. We need to let them know that they are truly a gift of God and that we are responsible for helping them get to where they want to be, so their dreams can come true.

We need to make sure that they still have Healthy Start, that we still have Healthy Kids. School readiness, school nurses, after-school programs, everything we have to do as a legislator will affect the quality of life of these children. They are a part of the solution. I want to tell you that today, they are a part of the solution. Not going into an appropriations committee and worrying about which project—worrying about the children being our solution.

I, last week, participated in the Great American Teach-In. I don't know if any of you did that last week. And I walked into this class at 7:30 in the morning—high school juniors—and thought that this was, you know, going to be one of those—I'm going to talk to them about what it's like to be in politics. But the teacher started to take roll and called out this girl's name. Everybody in the class started laughing. It was her twenty-first day absent from school. That's where we're at, that's where we're at. We must break the cycle of poverty, break the cycle of lack of education, because I'll guarantee you that girl's parents—or eighty percent of those parents of girls like that—have not graduated from high school. And we've got to break that cycle.

We must look at education as the key and teachers need to teach from their hearts, just like I feel about helping our kids. Schools are still—they are getting better but we are still failing our children. We still have the double standards of the haves and the have nots. And we must learn as legislators not to fear the important things of standardized tests, teacher quality, expanding charter schools. These are important. What are we afraid of, that using innovation for the best education possible is going to help our kids? We shouldn't be afraid of that.

And I am going to appeal to corporate Florida, most people say corporate America, because if we want to really reach our children, we've got to somehow marry them together. Just like we tried to do the last two years in welfare reform. Chris Hart was so instrumental in doing that. We've got to show them how to get together, they are learning how to dance, but they don't know how to do it. And it's time we teach our kids to be on a different high, that their dreams can come true. And, if companies—if we allow them to provide the jobs that families will be able to put food on the table, that they'll be able to hire people, that's why tax incentives are so important. I realize it as a compassionate conservative in this Florida Legislature. And businesses, we need to help them build more family friendly work places. We have to, that's a charge that we have and I think that's key.

Broken dreams are like unwanted pregnancies, possibly resulting in abortions. And broken dreams—dreams not fulfilled—bring apathy. You know back in 1960 I was just growing up but I remember a scientist saying to John F. Kennedy one day, I think we can go to the moon. And, he said, OK we'll do it in 10 years. But that scientist said, well, that wasn't exactly what I mean. And, if you get the gist of what I am saying, there was a dream there but the scientist felt like it was a little bit impossible. Nine years later we were on the moon. It was the same way our forefathers felt about religious freedom and the fact that they really had to fight—they had a lot to risk. They were risking their lives for religious freedom, but it was successful. So whatever you all talked about in your campaigns, hold onto the thoughts. They are dreams and they are not impossible.

I will tell you that I have worked very hard in this job and the one thing I loved was when they did the five principles. Family empowerment was one of the five principles that excited me. Because it is a critical element of everything we do here, if they're OK, we're OK. I'm, really again, grateful for the opportunity to help lead in this Legislature—to be that compassionate conservative to help our kids, our families, single moms, children without fathers. I want to help tear down the walls of despair, addiction, crime, poverty, all those bad things. I want our children and families to be the home page. You know, we are going to talk about technology. Let's have them be the home page that we go back to in life. That we need to work hard, we need to keep building on education reform. Welfare-to-work, juvenile justice, tax cuts, health care is going to be so critical. But I am convinced that investing in the lives of these young people is one of the major passions that needs to be revived before we can begin to heal. And it is going to take hard work, not just during election time, we need sustained effort.

And I want to leave the state of Florida to go to conferences. I want to hear about Florida being number one, not twentieth, not twenty-fifth, not forty-ninth. I'd like for them to be number one. It's a new beginning. It's a great time of hope for all of us and I hope that when you take time to find your cause, that desire to fight for that cause comes deep within your heart. That will be your vision, what's in your heart. That you commit to it, you make it happen. Because lives are at stake here and

the quality of life for all Floridians rests on that. Thank you very much. I look forward to two years. [applause]

**Speaker Feeney:** Representative Murman, I'm very honored you'd join us on the fourth floor in the leadership team as a great compassionate conservative. And I think when I get to my remarks later you'll be glad to know that those five principles, that Speaker Webster enacted and Speaker Thrasher continued, including family empowerment, will continue to guide the leadership perspective for the next two years. And thank you again.

## Election of the Clerk

The Speaker announced that nominations would now be received for Clerk of the House of Representatives pursuant to Article III, Section 2, of the Florida Constitution.

Rep. Byrd nominated John B. Phelps as Clerk of the House of Representatives.

**Rep. Byrd:** Mr. Speaker, Members, honored guests, it's a real honor to nominate John B. Phelps for Clerk of the Florida House of Representatives. John Phelps embodies the adage, if you choose a job you enjoy you'll never have to work a day in your life. And it's been a lot of fun, John. And time flies when you're having fun.

You may not know that John has served as Clerk of the Florida House for over 100 sessions of the Legislature. He's been with us for 26 years, 14 of those years as our Clerk. John is often chided about the fact that he has a degree in Experimental Psychology, and we know that he did the research for NASA on apes and chimpanzees, which was—you know that's good, that'll get you through ordinary times, John. But what you may not know is he did an extra year, thank goodness, on brain studies of cats. And so I think that'll help him herd some cats over the next two years. [laughter]

I asked John Phelps how he measures his own personal success. How does John Phelps measure his success? And he says, he measures his success by bringing honor to the Florida House of Representatives, by bringing honor to the Florida House of Representatives. He's done that with his peers. He's been the President of the American Society of Legislative Clerks & Secretaries. He's been the Chair of the staff of the National Conference of State Legislatures—high august positions. But what he's done here is made a commitment that our Clerk, our House will be the best in the nation and the best in the world.

So without further ado, I would nominate John B. Phelps as our Clerk of the Florida House of Representatives. [applause]

Rep. Gottlieb seconded the nomination of John B. Phelps for Clerk.

**Rep. Gottlieb:** Well, a lot of great people have been Representatives in this body here and they've come and they've gone. But one thing hasn't changed, and that's our Clerk, because he's here to stay. He's been here, as you heard, for a long time, 102 sessions. The training that he did for monkeys and chimpanzees was the only thing that could get him that far along in the House of Representatives. [laughter] In fact some may say he has the best training for this career that he has chosen. But he's also, for 16 years, he has been on the committee amending the rules to Mason's, which is the premier authority after our own Rules. And if you look at the Rules—because everybody has said, the Rules, the Rules, the Rules—well, the Rules they're very short, they're very concise, they are easy to understand. It's a thin book you can get through it on the airplane when you come from South Florida. And, most of all, it's going to change but we know with John Phelps' leadership that the Rules will stay this thin, which for me personally is a bad thing. I like a thick rule book so when I'm standing back here I can step on it and you can see me. [laughter] Rules for everyone has a different purpose.

But he has a résumé that you can't believe. For example, 29 times he's been a speaker or a panelist at colleges—I haven't done it even once but he's done it 29 times. He's also been the Staff Chair of NCSL and he's been the President of the American Society of Legislative Clerks & Secretaries, two organizations that are national. And he's been elected by his peers because his peers know the same thing that we do, that he's

number one. And so, I would like to take the distinct privilege and opportunity to stand here and second the nomination for our Clerk who's been here for 14 years, who's a fifth generation Floridian, who's the best Clerk in the country, John B. Phelps. [applause]

On motion by Rep. Rubio, seconded by Rep. Greenstein, nominations ceased and a unanimous vote was cast for John B. Phelps as Clerk of the House of Representatives.

John B. Phelps was declared the duly elected Clerk of the House of Representatives.

**Speaker Feeney:** Clerk, we're proud of the 102 sessions that you've handled quite ably. We hope to give you only two more in the next few years but you just never know.

#### Remarks by the Clerk

**Clerk Phelps:** Thank you very much, Mr. Speaker, Members and guests. On June 23, 1845, Florida held its first legislative organization session as a state. The *Journals* of that day show the House convening with 41 Members, each serving a little more than 1500 citizens. The population of the state was the equivalent of Boca Raton today. The echoes of that 1845 session remain with us to this day having become our tradition for organizing the House. We are also the grateful heir to the rules and practices of our predecessors who did so much to make democracy work at a time when few thought it could succeed.

This House and other legislative chambers in this nation have crafted and refined a body of procedural law that is the envy of the world. It has stood the test of time and reflects our basic democratic values. Namely: our faith in the rule of law to guide us toward a more virtuous civic life; our belief in the power of ideas to shape and alter human conduct; our respect for the right of all people, all people, to present and fight for their vision of the common good; our ability to bear no malice when others disagree; our capacity to look upon one another as individuals with human failings and vanities but instead as the voices of our fellow Floridians; our will to respect and enforce our legislative rules and traditions; and finally, living our public life in the full knowledge that our decisions and our conduct have real consequences for the future of this great body.

As I view it, Mr. Speaker, the legislative institution we serve is not a material thing, though this grand Chamber gives it some expression. It is something less tangible but more foundational. It is the abstract devotion that each of us holds in our heart for the precious gift of democracy and the care we take to keep it strong and pass it from generation to generation.

The mantle of leadership passes today to a new generation of citizen-legislators. It is by any measure an historic moment. For granting me the honor of witnessing these proceedings and for continuing in service to this House, I am deeply grateful to you, Mr. Speaker, and to all the Members. Thank you. [applause]

#### Designation of the Sergeant at Arms

The Speaker announced the designation of Earnest W. Sumner as Sergeant at Arms and requested the consent of the House.

Rep. Bense moved that the House consent to the designation of Earnest W. Sumner as Sergeant at Arms of the House of Representatives.

**Rep. Bense:** Thank you, Mr. Speaker and Members. Two years ago, after I was elected, the day after I was elected I came over here to the House to, as everyone is going to do shortly, beg for a good committee slot. And as I was walking down the hall, Earnie had cleverly already figured out who the new Members were, and he saw me walking down the hall, and he was kind of in a doorway there, and I was walking and he said, "Representative" and I kept on walking. [laughter] And then I walked about 10 steps and it dawned on me, [laughter] that's me, I'm the Representative. So Earnie was pretty clever to get on my good side early on in my career.

Earnie has worked for the Sergeant's Office here since 1969. He graduated from Liberty County High School, over in Bristol, which is not far from my district. He served as Deputy Sergeant for 22 years and in 1998 he formally selected him as the Sergeant at Arms. I'm a small business person and on occasion people ask me, rare occasions, but they'll ask me for advice on, "How can I be successful in business?" And I will tell them there's three things, three real key reasons—formula for success. If you're honest, if you work hard, and provide a good service, you'll be successful. You will be. And I can tell you that Earnest Sumner has been honest, he's worked hard, and provided really, very good service here in the Florida House of Representatives.

It's my privilege and honor to nominate you as the Sergeant at Arms. [applause]

Rep. Henriquez seconded the motion that the House consent to the designation of Earnest W. Sumner as Sergeant at Arms of the House of Representatives.

**Rep. Henriquez:** Thank you, very much. Earnie, I'm glad they've already sworn you in because you know I'm 0 for 1 in these second things today. [laughter] A couple weeks ago I was stuck in bed, at home, with a 102 fever with the chicken pox; I waited 36 years to catch the chicken pox. And the phone rings, and Earnie is on the other line and he says, "Representative Henriquez, would you be nice enough to second my nomination?" I immediately felt better. So I thank you, you're part of my healing process.

I also really am honored. One of the best pieces of advice and one of the earliest pieces of advice, and one that all of the new Members should know, when I got here, was that there are three people you really need to get to know. One, is the Clerk, because he can make sure you have an opportunity to be successful. The next is the General Counsel, because he can make sure you don't get in trouble. And the third, is the Sergeant, because he can take care of almost anything else that you may come up with. So make sure that you get to know those three folks and take care of them, because they certainly will take care of you.

Earnie Sumner is a true gentleman in every sense of the word. This is a true honor for me to have this opportunity. And if James Brown can be the hardest working man in rock 'n roll, Earnie Sumner is the hardest working man in the state legislature. And, it's my honor to second your nomination, Earnie, thank you. [applause]

**Speaker Feeney:** The Sergeant's position, unlike the Clerk's, is not a position that is designated in our Constitution. And the Chair would like to announce that I would like to designate Earnest W. Sumner as our Sergeant at Arms of the House of Representatives, and would ask the House for its consent. And the question on consent to the designation of Earnest W. Sumner as Sergeant at Arms for the Florida House of Representatives will be put before you. All those in favor will please signify by saying Yea; all those opposed, Nay. [voice vote] Then with your vote, our Sergeant, Earnest W. Sumner. Congratulations, Sergeant. [applause]

#### Remarks by the Sergeant at Arms

**Sergeant Sumner:** I want to thank all of you. I really am very appreciative of your vote of confidence. You know I have worked here for many years and I've seen a lot of faces come and a lot of faces go, but I've never seen this many new ones at one time. [laughter] But I do look forward to working with each and every one of you, in a personal way. That's my job, to serve you as elected officials in this body. And I've always strived to do the very best that I could ever do. And I commit to you today, that I will remain committed and dedicated to serving you to the best of my ability.

I want to thank first of all, Mr. Speaker, I thank you, for your vote of confidence in me in asking me to stay around for two more years. And I thank you, Members, for that vote of confidence that you just gave me. I want to thank my family; my wife and my parents who are here today. I thank them—if it had not been for them I'm sure this would not have been possible—for their support. But more than anything today, I thank God for giving me this opportunity to continue to serve as your Sergeant

in the House of Representatives. God bless you and thank you.  
[applause]

#### Committee to the Governor

On motion by Rep. Kyle, seconded by Rep. Baxley, the Speaker appointed Reps. Berfield, Simmons, Kendrick, Haridopolos, Mack, Holloway, Wilson, Bullard, Baxley, and Kyle as a committee to inform the Governor that the House was organized.

The committee was excused to execute its responsibility.

#### Consideration of House Resolutions

By Representative Byrd—

**HR 1-Orig.**—A resolution establishing the Rules of the House of Representatives of the State of Florida.

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

That the following Rules shall govern the House of Representatives of the State of Florida for the Organization Session 2000 and thereafter:

#### THE RULES OF THE FLORIDA HOUSE OF REPRESENTATIVES

##### RULE ONE

##### LEGISLATIVE ORGANIZATION

#### 1.1—General Officers

(a) The general officers of the Florida House of Representatives are the following:

- (1) Speaker.
- (2) Speaker pro tempore.
- (3) Majority Leader.
- (4) Minority Leader.
- (5) Clerk.
- (6) Sergeant at Arms.

(b) The Speaker and the Speaker pro tempore shall each be elected by a majority of the duly elected and certified Members of the House. For each office, the vote shall be recorded and, if a majority vote is not received on the first ballot, the Members voting shall vote on the two names receiving the highest number of votes on the first ballot until a majority vote is received.

(c) The Majority Leader shall be selected by the Speaker, and the Minority Leader shall be selected by the Minority Conference.

(d) The Clerk shall be elected by the House to serve at its pleasure.

(e) The Sergeant at Arms shall be appointed by the Speaker, with the advice and consent of the Members.

#### 1.2—Political Party Conferences

The political party with the largest number of Members who are registered voters of such party shall form the Majority Conference. The political party with the second largest number of Members who are registered voters of such party shall form the Minority Conference. The members of each political party conference may adopt rules to govern the affairs of their conference.

#### 1.3—Councils and Standing Committees

Thirty-four standing committees of the House are hereby created. Each committee shall be placed in one of seven councils as follows:

(a) The Council for Competitive Commerce shall have oversight responsibility for the following substantive standing committees:

- (1) Agriculture & Consumer Affairs.
- (2) Banking.

(3) Economic Development & International Trade.

(4) Insurance.

(5) Tourism.

(b) The Council for Healthy Communities shall have oversight responsibility for the following substantive standing committees:

- (1) Child & Family Security.
- (2) Crime Prevention, Corrections, & Safety.
- (3) Elder & Long-Term Care.
- (4) Health Promotion.
- (5) Health Regulation.

(c) The Council for Lifelong Learning shall have oversight responsibility for the following substantive standing committees:

- (1) Colleges & Universities.
- (2) Education Innovation.
- (3) General Education.
- (4) Workforce & Technical Skills.

(d) The Council for Ready Infrastructure shall have oversight responsibility for the following substantive standing committees:

- (1) Information Technology.
- (2) Natural Resources & Environmental Protection.
- (3) Transportation.
- (4) Utilities & Telecommunications.

(e) The Council for Smarter Government shall have oversight responsibility for the following substantive standing committees:

- (1) Business Regulation.
- (2) Judicial Oversight.
- (3) Juvenile Justice.
- (4) Local Government & Veterans Affairs.
- (5) State Administration.

(f) The Fiscal Responsibility Council shall have oversight responsibility for the following fiscal standing committees:

- (1) Criminal Justice Appropriations.
- (2) Education Appropriations.
- (3) Fiscal Policy & Resources.
- (4) General Government Appropriations.
- (5) Health & Human Services Appropriations.
- (6) Transportation & Economic Development Appropriations.

(g) The Procedural & Redistricting Council shall have oversight responsibility for the statutory joint committees and the following standing committees:

- (1) Claims.
- (2) Congressional Redistricting.
- (3) House Redistricting.
- (4) Rules, Ethics, & Elections.
- (5) Senate Redistricting.

#### 1.4—Qualifications and Elections of Members

(a) As specified in Section 2 of Article III of the Florida Constitution, the House is the sole judge of the qualifications, elections, and returns of its Members.

(b) In cases of contest for a seat in the House, notice setting forth the specific grounds of such contest and the supporting evidence must be received by the Clerk not less than 5 days before the Organization Session of the Legislature. No motion to disqualify a Member shall be in order at the Organization Session until a Speaker has been elected in accordance with the Florida Constitution. In the case of a special election, notice must be received by the Clerk not less than 5 days before the next regular or special session convenes. If the election is during a session or less than 5 days before the next session, the notice must be on the next legislative day following the receipt of certified election results. Any contest setting forth facts sufficient to warrant review shall be referred by the Speaker to an appropriate committee. The committee shall hold a hearing and report its findings and recommendations as soon as reasonably possible. Upon receipt of the committee report, the House shall with all dispatch, upon motion, determine the contest by a majority vote.

## RULE TWO DUTIES AND RIGHTS OF THE SPEAKER

### 2.1—Speaker to Enforce Rules; Questions of Order

(a) The Speaker shall enforce, apply, and interpret the Rules of the House in all deliberations.

(b) All questions of order shall be presented to the Speaker for determination; however, any decision of the Speaker on a point of order is subject to an appeal to the House made by any five Members. The Speaker may require the Member raising a point of order to cite the Rule or other authority in support of the question. The Speaker may decide the question of order, put such question to the House, or refer such question to the Committee on Rules, Ethics, & Elections for a recommendation to the House. When a decision of the Speaker on a question of order is appealed, the Speaker shall put the appeal to the House or refer the appeal to the Committee on Rules, Ethics, & Elections for a recommendation to the House. No Member may speak more than once on an appeal unless given leave by the House by majority vote. Responses to parliamentary inquiries and decisions of recognition made by the Speaker may not be appealed.

### 2.2—Speaker to Bring Business Before the House

The Speaker shall lay all business before the House, reserve times for the committee and council meetings in compliance with these Rules, and receive motions made by Members and put them to the House.

### 2.3—Preservation of Order and Decorum; Control Over Chamber and Other Rooms Assigned to the House

(a) The Speaker shall preserve order and decorum in the Chamber of the House. The Speaker shall see that the Members conduct themselves in a civil manner in the Chamber of the House in accordance with accepted standards of parliamentary conduct and may, when necessary, order the Sergeant at Arms to clear the aisles and seat the Members so that business may be conducted in an orderly manner.

(b) In case of disturbance or disorderly conduct in the galleries or lobby of the Chamber, the Speaker may order the Sergeant at Arms to clear these areas.

(c) Presentations on the large video screen in the Chamber of the House shall be permitted only upon approval of the Speaker.

(d) Except as otherwise provided in Rule 14.4, the Speaker shall have general control of the Chamber of the House, its lobby, galleries, corridors, and passages, and other rooms in those parts of the Capitol assigned to the use of the House. The Chamber and meeting rooms of the House may not be used for any meeting other than a legislative meeting unless specifically authorized by the Speaker.

### 2.4—Appointment of Temporary Presiding Officer

The Speaker may appoint any Member to perform the duties of presiding officer for a temporary period of time not to extend beyond a single legislative day. If the Speaker is absent and has not made such an appointment, the Speaker pro tempore shall act as presiding officer during the Speaker's absence. However, if the Speaker pro tempore is also absent and has not made such an appointment, the Chair of the Committee on Rules, Ethics, & Elections shall act as presiding officer during the absence of both the Speaker and Speaker pro tempore or may appoint another Member to perform such duties.

### 2.5—House Employees Serve at the Pleasure of the Speaker

The Speaker shall employ all employees of the House and shall determine their qualifications, hours of work, and compensation, including perquisites and other benefits. All employees serve at the pleasure of the Speaker. The Speaker has the right to dismiss any employee of the House, and the pay of such employee shall stop on the designated day of dismissal.

### 2.6—Speaker to Sign Papers and Authorize Counsel in Suits Affecting the House

(a) The Speaker shall sign all acts, joint resolutions, concurrent resolutions, resolutions, memorials, writs, subpoenas, vouchers for expenditures chargeable to the House, contracts binding on the House, or other papers issued by the House. The Speaker may delegate the authority to sign papers of an administrative nature.

(b) The Speaker may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the House, a committee or council of the House, a Member of the House (whether in the legal capacity of Member or taxpayer), a former Member of the House, or an officer or employee of the House when such suit is determined by the Speaker to be of significant interest to the House and the Speaker believes that the interest of the House would not be otherwise adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the Speaker.

## RULE THREE MEMBERS

### 3.1—Disclosures of Interest and Disqualification from Voting

(a) No Member may vote on any measure that the Member knows or believes would inure to the Member's special private gain. The Member must disclose the nature of the interest for which the Member is required to refrain from voting. Disclosure shall be done in a timely manner by filing a memorandum with the Clerk, which shall be printed in the Journal if the vote is taken on the floor. If the vote is taken in a committee or council, the memorandum shall be filed with the committee or council administrative assistant, who shall attach such memorandum to the committee or council report.

(b) A Member, when voting on any measure that the Member knows or believes would inure to the special private gain of a family member of the Member, or to the special private gain of any principal by whom the Member or a family member of the Member is retained or employed, must disclose the nature of the interest of such person in the outcome of the vote. Disclosure shall be done in a timely manner by filing a memorandum with the Clerk, which shall be printed in the Journal if the vote is taken on the floor. If the vote is taken in a committee or council, the memorandum shall be filed with the committee or council administrative assistant, who shall attach such memorandum to the committee or council report. For the purpose of this Rule, family members include the Member's spouse, parents, and children.

### 3.2—Attendance Upon Meetings Required

A Member shall attend all meetings of committees and councils to which appointed, unless excused by the Chair of the committee or council or by the Speaker. Excuse from House session shall constitute excuse from that day's committee and council meetings. Failure to attend two consecutive meetings, unless excused, shall constitute automatic removal from the committee or council and create a vacancy. Upon notification by the Chair of the committee or council, the Speaker shall make an appointment to fill such vacancy.

## 3.3—Attendance at Sessions

A Member may not be absent from the sessions of the House without approval from the Speaker.

## 3.4—Excused Absence

Upon written request of a Member submitted in a timely manner, the Speaker may, by written notice to the Clerk, excuse the Member from attendance on the House for any stated period. Such excused absence shall be noted in the Journal.

## 3.5—Leave of Absence

Any Member granted a leave of absence due to a meeting of a committee, conference committee, or council that has authority to meet while the House is in session shall be so noted in the Journal. It shall be the responsibility of the excused Member to advise the Clerk when leaving and returning to the Chamber.

## 3.6—Members Presumed Present Unless Excused or Necessarily Prevented; Failure to Answer Roll Call

(a) Any Member who has answered roll call (either orally or by electronic means) at the opening of any daily session, or who enters after the initial quorum call and informs the Clerk of the Member's presence, shall thereafter be presumed present unless necessarily prevented or leave of absence is obtained from the Speaker. The Speaker shall make each determination as to whether a Member was necessarily prevented.

(b) Any Member who is present and who fails or refuses to record on a roll call after being requested to do so by the Speaker shall be recorded as present by the Speaker and shall be counted for the purpose of making a quorum.

## 3.7—Possession of Bills

No Member or other person may take possession of an original bill, after filing, with the intention of depriving the Legislature of its availability for consideration.

## 3.8—Open Meetings

(a) Subject to order and decorum, each Member shall provide reasonable access to members of the public to any meeting between such Member and more than one other Member of the Legislature, if such members of the public have requested admission and such meeting has been prearranged for the purpose of agreeing to take formal legislative action on pending legislation or amendments at such meeting or at a subsequent time. No such meeting shall be conducted in the Members' Lounge, at any location that is closed to the public, or at any location that the Member knows prohibits admission on the basis of race, religion, gender, national origin, physical handicap, or similar classification.

(b) Meetings conducted in the Chamber of either the House or the Senate while such body is in session shall be considered to be held at a location providing reasonable access to, and to be reasonably open to, the public. When the number of persons must be limited because of space considerations or otherwise for the maintenance of order or decorum, at least one representative each of the print, radio, and television media shall be included among the members of the public admitted, if such persons have requested admission.

(c) For the purpose of this Rule, and as used in Section 4 of Article III of the Florida Constitution, legislation shall be considered pending if filed with the Clerk and an amendment shall be considered pending if it has been delivered to the administrative assistant of a committee or council in which the legislation is pending or to the Clerk, if the amendment is to a bill that has been reported favorably by each committee or council of reference, and the term "formal legislative action" shall include any vote of the House or Senate, or of a committee or council of either house, on final passage or on a motion other than a motion to adjourn or recess.

RULE FOUR  
DUTIES OF THE CLERK, SERGEANT AT  
ARMS, AND EMPLOYEES

## 4.1—Clerk

(a) The Clerk shall:

(1) Be the custodian of all bills, resolutions, and memorials. The responsibility for the safekeeping of original filed bills, resolutions, and memorials shall vest in the Clerk, except when such legislation has been committed to a committee or council.

(2) Provide for the keeping of a complete record of introduction and action on all bills, resolutions, and memorials, including the number, the author, a brief description of the subject matter, and each committee or council reference.

(3) Provide to the committee or council Chair each measure referred to a committee or council along with all official attachments thereto.

(4) Keep a correct journal of proceedings of the House. The Journal shall be numbered serially and published from the first day of each session of the Legislature.

(5) Keep open the Office of the Clerk during and between sessions of the Legislature.

(6) Superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials.

(7) Not permit any records or papers belonging to the House to be taken out of the Clerk's custody other than in the regular course of business and only then upon receipt. All such records in the custody of the Clerk shall be available for public inspection.

(8) Report any missing papers to the Speaker.

(9) Prepare Daily and Interim Calendars necessary to provide public notice of consideration of bills, resolutions, and memorials by the House and its committees and councils.

(10) Prepare the copy for all printed forms used by the House in the process of considering legislation. The Clerk shall have the responsibility for distribution of documents required by these Rules to be originated in the Office of the Clerk.

(11) Examine bills, resolutions, and memorials upon their tender for introduction to determine whether facially they meet the requirements of the Florida Constitution for the presence of the enacting or resolving clause or the provision in local bills, including local claim bills, for advertising or for referendum; however, beyond calling an apparent defect to the attention of the sponsor, the obligation of the Clerk shall end.

(12) Sign and receive necessary papers in the name of the House between a general election and election of the Speaker.

(b) It shall be a ministerial duty of the Clerk to attest to all writs, issued by order of the House, and to the passage of all bills, resolutions, and memorials.

## 4.2—Sergeant at Arms

The Sergeant at Arms shall:

(a) Attend the House during its sittings and maintain order under the direction of the Speaker or Member performing the duties of the presiding officer.

(b) Ensure that no person is admitted to the House Chamber except in accordance with these Rules.

(c) Be under the direct supervision and execute all commands of the Speaker.

(d) Be the custodian of furniture, books, and property of the House and shall annually take an inventory of all property under the Sergeant at Arms' charge.



(e) Perform all other duties pertaining to the Sergeant at Arms' Office as prescribed by law or these Rules.

#### 4.3—Employees Forbidden to Lobby; Restriction on Employee Campaign Activities

(a) An employee of the House may not, directly or indirectly, be interested in or concerned with the passage or consideration of any bill without direction from a Member with authority over the designated staff member. If any employee exhibits an improper interest in or concern with any bill, it shall be grounds for dismissal.

(b) An employee of the House may not engage in campaign activities during regular work hours, except when on approved leave, and may neither hold, nor be a candidate for, public office (other than a political party executive committee office) while in the employ of the House.

### RULE FIVE

#### FORM AND INTRODUCTION OF BILLS

##### 5.1—"Bill" Stands for All Legislation

Except when the context otherwise indicates, "bill," as used in these Rules, means a bill, joint resolution, concurrent resolution, resolution, memorial, or other measure upon which a committee or council may be required to report.

##### 5.2—Filing Deadlines

(a) No local bill originating in the House shall be given first reading unless filed with the Clerk by 12:00 noon of the first day of the regular session.

(b) No general bill, joint resolution, concurrent resolution (except one relating to extension of a session or legislative organization or procedures), or memorial originating in the House shall be given first reading unless filed with the Clerk by 12:00 noon of the fourteenth day of the regular session.

(c) Bills, resolutions, and memorials introduced by committees or councils are exempt from the requirements of this Rule.

##### 5.3—Limitation on Member Bills Filed

(a) A Member may not file more than six bills for a regular session. For purposes of this Rule, the Member considered to have filed a bill is the first-named sponsor of the bill or the first-named Member sponsor of a committee or council substitute for the bill, and bills that have been withdrawn from further consideration prior to the filing deadline shall not be considered filed.

(b) Bills not counted toward these limits include:

- (1) Local bills, other than local claim bills.
- (2) House resolutions.
- (3) Concurrent resolutions relating to extension of a session or legislative organization or procedures.
- (4) Trust fund bills adhering to another bill.
- (5) Public records or public meetings exemption bills adhering to another bill.
- (6) Bills introduced by a committee under Rule 7.30.

(7) Bills that only repeal or delete, without substantive replacement, provisions of the Florida Statutes or Laws of Florida.

##### 5.4—Forms of Measures

(a) To be acceptable for introduction, all bills shall be produced in accordance with standards approved by the Speaker. The original bill shall be backed with a folder-jacket, and three copies of the original bill shall also be backed with jackets. On these jackets shall be inscribed the name of the sponsor and enough of the title for identification, and on the original folder-jacket shall be inscribed the signature and district number of the first-named sponsor and each other sponsor agreed to by

the first-named sponsor. All signatures and respective district numbers must be on a numbered line as provided on the bill jacket. After bill filing, those Members desiring to be cosponsors must fill out a cosponsor form to be agreed to by the first-named sponsor.

(b) No Member may be added or deleted as a sponsor or cosponsor of a bill without the Member's written consent on forms provided by the Clerk.

(c) Bills that propose to amend existing provisions of law shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the Florida Constitution shall contain the full text of the section to be amended. As to those portions of general bills and joint resolutions that propose to amend existing provisions of the Florida Statutes or the Florida Constitution, new words shall be inserted in the text underlined and words to be deleted shall be lined through with hyphens. If the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it is not necessary to use the coded indicators of words added or deleted, but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the affected section of the bill: "Substantial rewording of section. See s. . . ., F.S., for present text." When such a notation is used, the notation, as well as the substantially reworded text, shall be underlined. The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and do not constitute a part of the bill under consideration. Numerals in the margins of the line-numbered paper do not constitute a part of the bill and are shown on the page only for convenience in identifying lines. Section catchlines of existing text shall not be underlined, nor shall any other portion of a bill covered by this Rule other than new material.

##### 5.5—Bills and Joint Resolutions

(a) All bills shall contain a proper title, as defined in Section 6 of Article III of the Florida Constitution, and the enacting clause "Be It Enacted by the Legislature of the State of Florida:".

(b) All joint resolutions shall contain a title and the resolving clause "Be It Resolved by the Legislature of the State of Florida:".

##### 5.6—Local Bills

(a) If a committee or council determines that the substance of a local bill may be enacted into law by ordinance of a local governing body, the committee or council shall not report the bill to the Clerk. However, if a local governing body would be required to call a referendum to enact the substance of a local bill into law, the committee or council may report the local bill.

(b) A local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills.

(c) All local bills, including local claim bills, must either, as required by Section 10 of Article III of the Florida Constitution, embody provisions for a ratifying referendum (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement, securely attached to the original bill ahead of its first page.

##### 5.7—Claim Bills

(a) Claim bills may be referred by the Speaker to any committee or council for review. If the Speaker determines that a de novo hearing is necessary to determine any issue, including liability, proximate cause, or damages, the Speaker may appoint a Special Master to conduct such hearing pursuant to reasonable notice. The Special Master may administer an oath to all witnesses, accept relevant documentary and tangible evidence offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the Special Master, who shall be available, in person, to explain his or her report to any committee or council of reference.

(b) Stipulations entered by the parties are not binding on the Special Master or the House or its committees or councils.

(c) The hearing and consideration of a claim, any element of which is pending in litigation, shall be held in abeyance until all judicial activity thereon, including any appellate proceedings, shall have come to rest.

#### 5.8—Reviser's Bills

(a) Reviser's bills are nonsubstantive bills initiated by the Office of Legislative Services pursuant to section 11.242, Florida Statutes, for any of the following purposes:

- (1) To reduce the number and bulk of the statutes.
- (2) To remove inconsistencies and redundancies in the statutes.
- (3) To improve the clarity and facilitate the correct and proper interpretation of the statutes.

(b) Reviser's bills shall be introduced by the Committee on Rules, Ethics, & Elections, which may request prior review by another substantive committee. They shall be filed as soon as possible prior to or during each legislative session. Except by report of the Committee on Rules, Ethics, & Elections, reviser's bills may be amended only by making deletions.

#### 5.9—Memorials

A memorial expresses the opinion of the Legislature to the Federal Government. All memorials shall contain the resolving clause "Be It Resolved by the Legislature of the State of Florida:".

#### 5.10—House Resolutions and Concurrent Resolutions

(a) All House resolutions and all concurrent resolutions originating in the House shall contain a title and a resolving clause. In the case of House resolutions, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida:". In the case of concurrent resolutions originating in the House, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:". Concurrent resolutions originating in the House shall present only questions pertaining to extension of a session, enactment of joint rules, ratification of federal constitutional amendments, communications with the judiciary, or other procedural legislative matters.

(b) Copies of House resolutions directed in the resolution to be furnished to any person after adoption shall be prepared only by the Clerk. The Secretary of State shall be requested to prepare certified copies of concurrent resolutions after their adoption.

#### 5.11—Prefiled Bills

During the period between the Organization Session and the convening of the first regular session of the legislative biennium and during the period between the first and second regular sessions of the legislative biennium, Members may file with the Clerk for introduction bills that have been prepared or reviewed by the House Bill Drafting Service.

#### 5.12—Requirements for Introduction

(a) All bills (other than a General Appropriations Bill, concurrent resolutions relating to organization of the House, reviser's bills, reapportionment bills or resolutions, and recall of acts from the Governor) shall either be prepared or, in the case of local bills, reviewed by the House Bill Drafting Service. After completion and delivery by the House Bill Drafting Service, no change may be made in the text or title of the bill without returning the bill to the House Bill Drafting Service prior to filing with the Clerk.

(b) The Director of the House Bill Drafting Service shall notify any Member proposing a bill if an identical or similar bill has been filed and, if so, the name of the sponsor of such bill.

#### 5.13—Printing

Upon introduction, all bills (including committee bills and committee or council substitutes) shall be printed for the information of the House and the public, except that reviser's bills and House resolutions shall be printed only upon the order of the Committee on Rules, Ethics, & Elections. The Clerk shall have sufficient copies printed for the needs of the House and the public and shall furnish the copy for all such printing. Except as provided in Section 19(d) of Article III of the Florida Constitution, the absence of a printed copy shall not delay the progress of any bill at any stage of its consideration.

#### 5.14—Identification

All bills shall be introduced in the order they are received by the Clerk and shall be serially numbered, in an odd-number sequence, as filed; however, House resolutions shall be serially numbered separately, in an odd-number sequence. The Clerk shall validate the original copy of each bill, and each page thereof, to ensure its identification as the item introduced in order to prevent unauthorized or improper substitutions therefor. Any device used for such validation shall be used by and at all times shall be in the secure custody of the Clerk, and its use by any person not authorized by this Rule shall be prohibited.

#### 5.15—Companion Measures

A companion Senate bill must be substantially similar in wording, and identical as to specific intent and purpose, to the House bill for which it is being substituted. Whenever a House bill is reached on the floor for consideration, either on second or third reading, and there is also pending on the Calendar of the House a companion bill already passed by the Senate, it shall be in order to move that the Senate companion bill be substituted and considered in lieu of the House bill. Such motion may be adopted by a majority vote, provided the Senate bill is on the same reading, otherwise the motion shall be to waive the Rules by two-thirds vote of the Members present and voting and substitute such Senate bill. At the moment the House substitutes the Senate companion bill or takes up a Senate bill in lieu of a House bill, the House bill so replaced shall be automatically tabled. Recommitment of a House bill shall automatically carry with it any Senate companion bill then on the Calendar of the House.

### RULE SIX REFERENCE

#### 6.1—Speaker to Refer Legislation

The authority to make bill referrals rests with the Speaker, except as otherwise provided in these Rules.

#### 6.2—Reference: Generally

(a) Bills, upon first reading, whether House or Senate, shall be referred by the Speaker either to committee or to the Calendar of the House. The order of reference shall be first to substantive committees and then to appropriate fiscal committees. If a bill is referred to more than one fiscal committee, the Speaker shall specify which shall first consider the bill.

(b) A bill or committee substitute therefor, upon receiving a favorable report from each committee of reference, shall automatically be referred to the council of the committee of first reference for the original bill, unless otherwise determined by the Speaker at the time of the original reference. For the purpose of this Rule, the first committee of reference for a committee bill is the committee introducing the bill.

(c) References of bills and the nature of any documents referred shall be recorded in the Journal.

#### 6.3—Reference: Exception; Additional or New References

(a) All bills, whether House or Senate, may be referred by the Speaker to the appropriate committees. A Senate bill with a House companion may be paired with the companion House bill at whatever its stage of consideration, provided both bills are on the same reading.

(b) If a bill is reported with an amendment that contains, or is reported as a committee or council substitute that contains, an issue

that was not in the original bill and that issue is within the jurisdiction of another committee, the Speaker may refer the bill or committee or council substitute to the other committee having jurisdiction over the additional subject and, if given an additional reference, such bill or committee or council substitute shall be considered by such committee prior to its consideration by any fiscal committee or council.

(c) Although a committee substitute for a single bill retains all other references of the original bill, a committee substitute for two or more bills shall have all other references of the original bills rescinded, and the Speaker shall make any subsequent references of the committee substitute, if needed.

(d) A council may, during any legislative session or during the interim, refer bills in its possession to a standing committee within its jurisdiction with a request for further consideration, including, but not limited to, combining two or more bills into a committee substitute.

#### 6.4—Reference of Resolutions, Concurrent Resolutions: Exception

All resolutions shall be referred by the Speaker to the Committee on Rules, Ethics, & Elections, except that resolutions on House organization and concurrent resolutions pertaining to extension of the session may be taken up upon motion and adopted at the time of introduction without reference. Concurrent resolutions of a substantive nature, as authorized under Rule 5.10, shall first be referred to an appropriate substantive committee.

#### 6.5—Reference of Appropriations or Tax Measures; General Appropriations and Implementing Bills

(a) All bills carrying or affecting appropriations or mandating the expenditure of funds by county or city government, all claim bills, and all bills affecting tax matters, whether state or local, may be referred to the appropriate fiscal committee, in addition to substantive committee referrals. If the original bill did not affect an appropriation or a tax matter, and an amendment is adopted that calls for or affects an appropriation or a tax matter, then the bill with the amendment may, upon the recommendation of the Chair of the Fiscal Responsibility Council and at the Speaker's discretion, be referred to the appropriate fiscal committee. The bill, if then reported favorably without further amendment, shall be returned to the same reading as when referred. If further amendments are recommended by committee, the bill shall be returned to second reading.

(b) The Fiscal Responsibility Council shall consider the General Appropriations Bills and implementing bills proposed by the appropriations committees within its jurisdiction and, after consideration and amendment, may combine such proposed committee bills into a single General Appropriations Bill and a single implementing bill, which shall be reported to the Clerk.

#### 6.6—Reference of Prefiled Bills

Prefiled bills shall be numbered by the Clerk and presented to the Speaker for reference as otherwise provided under these Rules. After the Speaker has referred a prefiled bill to a committee or council, the Clerk shall notify each committee or council receiving the reference.

#### 6.7—Reference of Veto Messages

The Speaker shall refer veto messages to the appropriate committee or council for recommendations.

### RULE SEVEN

#### COMMITTEES AND COUNCILS—ORGANIZATION, MEETINGS, AND OVERSIGHT

##### Part One—Organization

#### 7.1—Standing Committee and Council Appointments

(a) The Speaker shall appoint the Chair, the Vice Chair, and any Co-Chairs deemed necessary for each standing House committee and shall also appoint the remaining membership of each such committee. The Speaker shall also appoint the Chair and Vice Chair of each council and may appoint other council members as needed. The Speaker shall give

notice of each such appointment in writing to the Clerk for publication in an Interim Calendar and the Session Journal.

(b) If the need arises, the Speaker may appoint a temporary Chair for any standing committee or council.

(c) All standing committee or council Chairs, Vice Chairs, and members serve at the pleasure of the Speaker.

(d) All standing committee and council appointments shall be made by the Speaker prior to the convening of each regular session and shall expire on August 1 of odd-numbered years or, if the Legislature is convened in special or extended session on that date, upon adjournment sine die of such session.

#### 7.2—Appointment of Select and Conference Committees

(a) The Speaker may at any time create a select committee and shall appoint the membership and name the Chair and Vice Chair thereof. A select committee has the jurisdiction, authority, and duties and exists for the period of time specified by the Speaker. A select committee has the powers granted by these Rules to a standing committee except as limited by the Speaker. The Speaker shall give notice of the creation of a select committee in writing to the Clerk for publication in an Interim Calendar and the Session Journal.

(b) The Speaker shall appoint the House managers of all conference committees. The Speaker shall determine the number as need appears and shall appoint no less than a majority who generally supported the House position as determined by the Speaker. In addition, the Speaker shall name the House Chair of each conference committee and may also name the House Vice Chair thereof.

#### 7.3—Vacancies on Standing Committees and Councils

If a vacancy occurs on a standing committee or council after its organization, the Speaker shall appoint an eligible Member to fill the vacancy. The Speaker shall give notice of the appointment in writing to the Clerk for publication in an Interim Calendar and the Session Journal.

#### 7.4—Ex Officio Members

The Speaker may designate the Speaker pro tempore or the Majority Leader as an ex officio, voting member of any standing committee or council. Alternatively, the Speaker may designate the council Chair as an ex officio, voting member of any committee within that council. No standing committee or council may have more than one ex officio member voting at any one time. For the purpose of a quorum, an ex officio member shall not be included in the membership of a committee or council. The Speaker shall give notice of the designation of any such ex officio member in writing to the Member so designated and to the committee or council Chair.

#### Part Two—Meetings—Powers, Duties, and Procedure

#### 7.5—Powers of the Chair

(a) The committee or council Chair shall sign all notices, vouchers, subpoenas as provided under Rule 16.1, or reports required or permitted by these Rules. Except as otherwise provided in these Rules, the Chair has all authority necessary to ensure an efficient operation of the committee or council, including, but not limited to, presiding over the committee or council, establishing the agenda for the committee or council, deciding all questions of order in committee or council, and determining the order in which matters are considered in committee or council.

(b) Questions of order are subject to an appeal by any committee or council member, and the appeal shall be certified by the Chair to the House for a decision by the Speaker during the daily session of the House next following such certification. The ruling shall be entered in the Journal and shall be subject to appeal as any other question. The Chair may, or on majority vote of the committee or council shall, certify a question of parliamentary procedure to the Speaker as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the Speaker as if it had been on appeal. The certification

of an appeal or of a question of parliamentary procedure pursuant to this Rule does not constitute an automatic stay to further legislative action on the measure under consideration.

(c) The responsibility for the safekeeping of original filed bills committed to a committee or council shall vest in the committee or council Chair. The committee or council Chair may authorize a staff member to sign for receipt of bills referred to the committee or council.

#### 7.6—Absence of the Chair

For the purpose of convening or presiding over a meeting in the absence of the Chair, the Vice Chair shall assume all duties of the Chair until the Chair's return or replacement, unless a temporary Chair has been appointed by the Speaker to assume those duties instead.

#### 7.7—Meetings of Committees and Councils

Committees and councils shall meet at the call of the Chair, within the dates and times reserved by the Speaker.

#### 7.8—Notice of Room Assignment to the Public

Each committee or council shall regularly meet in the room assigned for its use by the Sergeant at Arms, and notice of such assignment shall be posted.

#### 7.9—Time for Meetings

A committee or council Chair may arrange with the Sergeant at Arms for an evening or other special meeting; however, no committee or council meeting shall begin before 8:00 a.m. or last beyond 8:00 p.m. unless granted special leave by the Speaker to do so.

#### 7.10—Committees and Councils Meeting During House Session

No committee or council shall meet while the House is in session without the consent of the House, except the Procedural & Redistricting Council and the Committee on Rules, Ethics, & Elections, when meeting to consider matters other than legislation, and conference committees.

#### 7.11—Consideration of Bills, Including Proposed Committee Bills and Proposed Committee or Council Substitutes

(a) The Chair of any committee or council shall give prior notice in writing of the intention to take up any bill or proposed bill or substitute.

(b) Proposed committee bills (PCBs) shall be treated as other bills in meeting the requirements for notice under Rules 7.12-7.14. The committee administrative assistant shall provide a copy of any PCB to each committee member no later than the time of posting of notice and make copies of PCBs available, upon request, to other Members of the Legislature and to the general public. Delivery to committee members shall be by mail or other, appropriate, electronic means during the interim and shall be to House offices when the House is in session. A PCB taken up without the committee conforming to this Rule shall be regarded as being considered in workshop session only, with final action carried over to a future meeting of the committee at which the requirements of this Rule have been met.

(c) Proposed committee or council substitutes (PCSs) shall meet the notice requirements that apply to PCBs.

(d) Before a standing committee may consider a proposed committee bill, the Speaker must approve the consideration by the committee of the proposed bill. A proposed committee bill that does not receive Speaker approval of its consideration may not be noticed for consideration. However, this subsection does not apply to proposed committee bills that re-create trust funds, reviser's bills, resolutions that pertain to rules, procedures, or sessions, or other bills of an entirely technical nature as determined by the Procedural & Redistricting Council.

#### 7.12—Meetings of Committees and Councils: Time Required for Advance Notice

(a) During the first 45 calendar days of a regular session, prior notice shall be given 2 days (excluding Saturday and Sunday) in advance of a committee or council meeting for the purpose of considering legislation.

If the notice is given by 4:30 p.m. to the Sergeant at Arms and the Clerk, a bill or proposed bill or substitute may be heard at any time on the second succeeding day. After the 45th calendar day and during any extended or special session, the notice shall be given at least 1 day in advance of the committee or council meeting.

(b) If a committee or council is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be filed with the Clerk and posted on the committee or council door.

(c) Except when sitting to consider the substance of legislation, the Committee on Rules, Ethics, & Elections and the Procedural & Redistricting Council shall be exempt from the requirements of this Rule.

#### 7.13—Nature and Distribution of Notice

(a) A notice shall include a listing and sufficient title for identification of any and all bills or proposed bills to be considered by the committee or council holding the meeting, including, time permitting, those pending on reconsideration. However, failure to include a bill pending on reconsideration in the notice does not preclude the motion to reconsider from being made as provided under Rule 7.17(b).

(b) A notice shall state the date, time, and place of a meeting and be provided to the Clerk, the Sergeant at Arms, the sponsor, and the members of the committee or council. The notice shall also be provided to any Member who has given the Chair, on a form provided by the committee or council and signed by the Chair, timely written notice of the Member's desire to be notified on a specific bill. The Sergeant at Arms, in receiving such notices, shall show on a receipt the day and hour received.

(c) Whenever timely, the Clerk shall enter such notices in the Calendar of the House.

#### 7.14—Notices of Meetings Between Sessions

During the period when the Legislature is not in session, before any committee or council holds a meeting for the purpose of considering a prefiled bill, a proposed committee bill (PCB), or a proposed committee or council substitute (PCS), a notice of such meeting shall be filed with the Clerk and the Sergeant at Arms no later than 7 calendar days before the Friday preceding the week of the meeting. If a committee or council is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be filed. The committee or council administrative assistant shall send copies of the notice to the members of the committee or council, to the first-named sponsor of the bill, and to such sponsors and others who have requested notice. This notice shall state the date, time, and place of the meeting, the bill number, and a portion of the title sufficient for identification. Whenever timely, the Clerk shall enter such notices in an Interim Calendar. When two meetings have been scheduled by a committee or council during a 30-day period when the Legislature is not in session, the Chair may provide in the notice for the first meeting that bills placed on the agenda for the first meeting and not reported out shall be available for consideration at the second meeting without further notice.

#### 7.15—Notices Furnished to Majority and Minority Offices

In addition to any other provisions of these Rules, notices required to be filed with the Clerk shall be furnished to the Majority Office and the Minority Office.

#### 7.16—Continuation of Meetings on Same Day

A committee or council may continue the consideration of properly noticed legislation after the expiration of the time set for the meeting if a majority agree to continue or to temporarily recess to continue the meeting at a time and place certain on the same day, provided there is no conflict with another scheduled committee or council meeting.

#### 7.17—Reconsideration in Committee or Council

The Rules of the House shall govern proceedings in committee or council insofar as they are applicable, except that a motion for reconsideration shall be treated in the following manner:

(a) When a main question has been decided by a committee or council, any Member voting with the prevailing side, or any Member when the vote was a tie or by voice, may move for reconsideration inlander or leave the motion pending. By a two-thirds vote of the Members present and voting, the committee or council may take up for immediate disposition any such motion to reconsider left pending. The motion to reconsider may be made at any time during the same meeting prior to the adoption of a motion to rise or to the committee's or council's rising without motion upon the time of adjournment having arrived.

(b) A motion to reconsider that has been made and left pending shall be a special and continuing order of business for the next succeeding committee or council meeting, which, unless considered at that meeting on the request of any member of the committee or council, shall be deemed abandoned, and the committee or council administrative assistant shall forthwith report the bill to the Clerk.

(c) A motion to reconsider a collateral matter must be disposed of during the course of consideration of the main subject to which it is related.

(d) If the committee or council refuses to reconsider or, upon reconsideration, confirms its prior decision, no further motion to reconsider shall be in order except upon unanimous consent of the committee or council members present.

(e) After the 45th day of a regular session or at any time during an extended or special session, the motion to reconsider must be disposed of when made.

(f) If a motion to reconsider is not made at the meeting at which a bill has been considered and decided, the committee or council administrative assistant shall forthwith report the bill to the Clerk.

#### 7.18—Open Meetings; Decorum

(a) All meetings of all committees and councils shall be open to the public at all times, subject always to the authority of the Chair to maintain order and decorum. However, when necessary for the protection of a witness and with the concurrence of the Speaker, a Chair may close a committee or council meeting, or portion thereof, and the record of such meeting may not disclose the identity of the witness appearing before the committee or council.

(b) The authority of the Chair to maintain order and decorum includes the authority to require all persons attending a committee or council meeting to silence all telephones, audible beepers, and other audible electronic equipment.

#### 7.19—Unfavorable Reports

A bill reported unfavorably to the Clerk shall be laid on the table. A bill so reported may be taken from the table upon the motion of any Member on the floor, adopted by a two-thirds vote of the Members present and voting, after debate not to exceed 6 minutes evenly divided between proponents and opponents of the motion.

#### 7.20—Voting in Committee or Council

A majority of the members of a committee or council present, a quorum having been established, shall agree by their recorded votes upon the disposition of any bill or other main question considered by the committee or council. (Florida Constitution, Article III, Section 4(c): "In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded.")

#### 7.21—Proxy Voting Prohibited; Votes Recorded After Roll Call

A member of a committee or council may not, under any circumstance, vote by proxy. Absent members may have recorded an indication of how they would have voted if present, but this shall not be counted on a roll call.

#### 7.22—Quorum Required; Reports by Poll Prohibited

A committee or council may not file a report unless the committee or council has met at an authorized time and place, with a quorum present. A majority of the membership of the committee or council shall constitute a quorum. If any matter is reported on the basis of a poll, such matter shall be recommitted by the Speaker or Chair to the committee or council upon a point of order.

#### 7.23—Nature and Contents of Committee and Council Reports

(a) It shall be the duty of committees and councils to report bills either favorably, favorably with (number of) committee or council amendment(s), favorably with committee or council substitute, or unfavorably, but never "without recommendation." A motion to lay a bill "on the table" shall be construed as a motion to report the pending bill unfavorably.

(b) Each report of a committee or council must contain the action of the committee or council on the bill being transmitted, together with a Committee or Council Information Record stating:

(1) The time and place of the meeting at which the action was taken;

(2) The name and address of each person addressing the committee or council relative to the measure and, if any agent, the interest represented; and

(3) The vote of each member of the committee or council on the motion to report each bill.

(c) Each report by a committee or council shall set forth the identifying number of the bill, and, if amendments are proposed by the committee or council, the words "with (number of) amendment(s)" shall follow the identifying number. For the purpose of documentation, committees and councils shall retain copies of their reports and amendments adopted, rejected, or withdrawn, with the committee or council action noted thereon.

(d) After the committee or council report has been filed with the Clerk as provided in these Rules, the Clerk shall preserve the Committee or Council Information Record for the convenient inspection by the public during the legislative session.

(e) Committees and councils shall, after consideration of prefiled bills, report their actions promptly, in the manner prescribed by these Rules. Once received by the Clerk, a committee or council report on a prefiled bill shall not be subject to recall by the committee or council.

#### 7.24—Minority Reports

Minority reports on any matter may be admitted only by majority vote of the House.

#### 7.25—Fiscal Analysis

All general bills affecting revenues, expenditures, or fiscal liability shall be accompanied by a fiscal analysis upon being reported favorably by a fiscal standing committee. Fiscal analyses shall state in dollars the estimated increase or decrease in revenues or expenditures and the present and future fiscal implication of the bill. A fiscal analysis shall be regarded as a memorandum of factual information and may be included within the body of the bill research & economic impact statement that accompanies the bill, which statement shall be made available to Members. The fiscal analysis portion of the bill research & economic impact statement shall not express comment or opinion relative to the merits of the legislation proposed, but should point out technical or mechanical defects. If any bill of this nature is reported favorably by any fiscal standing committee without a fiscal analysis having been prepared or a statement that the bill has no effect on revenues, expenditures, or fiscal liability, it shall be the right of any Member to raise a point of order on second reading and the Speaker may, in the Speaker's discretion, order return of the bill to the appropriate fiscal committee. The accuracy of a fiscal analysis shall not be a basis for a point of order under these Rules. A fiscal analysis prepared for a House bill may be presumed as prepared also for its Senate companion.

## 7.26—Where Reports Are Delivered

Committee or council reports, whether favorable or unfavorable, shall be delivered to the Clerk at a designated place in the office of the Clerk no later than 12:00 noon of a legislative day. Reports delivered after 12:00 noon shall be considered delivered on the next legislative day. The original bill or bills shall accompany the report.

## 7.27—Journal Entry

As bills are reported, the identifying number of a bill, together with the action of the committee or council, whether favorable, unfavorable, favorable with (number of) amendment(s), or favorable with substitute, shall be entered in the Journal.

## 7.28—Committee and Council Amendments

(a) Amendments recommended by committees or councils must be produced on the legislative computer on the prescribed forms in accordance with the requirements of the Clerk and securely affixed to the bill.

(b) Committees and councils may only consider amendments presented in final written form prior to adoption.

(c) Every Member may offer amendments to bills being considered by any committee or council of the House. If not appointed to the committee or council, a Member who offers an amendment must comply with the amendment filing deadline and must be present at the meeting. If such Member is not present, the amendment may still be considered, but only if taken up and offered by a Member who is appointed to the committee or council.

(d) During the first 45 calendar days of a regular session, the filing deadline for amendments to be offered in a committee or council by nonappointed Members shall be 5:00 p.m., 1 day (excluding Saturday and Sunday) in advance of the committee or council meeting. After the 45th day and during any extended or special session, such amendments shall be filed 2 hours before the committee or council meeting. Amendments introduced by committee or council members, including ex officio members, shall not be subject to these filing deadlines and may be offered at any time during consideration of a bill.

(e) Amendments adopted by all committees and councils of reference (except those incorporated in a committee or council substitute) shall accompany a bill when filed with the Clerk. No committee or council shall physically remove from the jacket an amendment adopted by a prior committee or council, and no amendment of a committee or council may be subject to a negative roll call of another committee or council. Instead, there may be adopted nullifying or amendatory language by a subsequent committee or council of reference by way of an amendment to the amendment or a substitute amendment.

## 7.29—Committee or Council Substitutes

(a) A committee or council, in reporting a bill, may draft a new, substitute bill embracing the same general subject matter, to be returned to the Clerk in the same manner as the favorable reporting of any other bill. A committee or council may also combine two or more bills into such a substitute bill. The substitute bill, signed by the Chair, shall carry the identifying number of each original bill and shall be returned to the Clerk in the same form as required for introduction of a bill. Upon the filing of such report, the original bill or bills shall be laid on the table of the House. Any other committee or council of reference shall direct its attention to the substitute bill.

(b) The sponsor of a committee substitute is the committee, and the sponsor of a council substitute is the council. Each sponsor of the original bill or bills shall be shown by the committee or council administrative assistant as a cosponsor of the substitute unless such sponsor notifies the committee or council administrative assistant in writing that he or she wishes to withdraw as a cosponsor. If every sponsor of the original bill or bills requests to withdraw as a cosponsor, the committee or council substitute shall not be delivered to or accepted by the Clerk for introduction, unless another Member consents to

designation as a cosponsor, and the original bill or bills shall be reported “unfavorably” in accordance with Rule 7.23.

## 7.30—Committee Bills; Designation of Cosponsors

A bill introduced by a committee shall be accompanied by a Committee Information Record. A committee, in introducing a committee bill, shall designate a member of the committee as cosponsor, with the approval of such member, and may designate other members of the committee as cosponsors, with their approval. The bill shall be shown by the Clerk as having been introduced by the committee and the Member or Members so designated. If no Member consents to designation as a cosponsor, the bill may not be delivered to or accepted by the Clerk for introduction.

## Part Three—Conference Committees

## 7.31—Conference Committee Meetings; Procedures

(a) Meetings of conference committees shall be open to the public at all times, subject always to the authority of the Chair to maintain order and decorum.

(b) All actions taken in conference committees shall be by motion.

(c) The Chair of any conference committee shall give prior notice of intention to meet. The notice shall state the date, time, and place of meeting and be posted on the door of the committee or council managing the conference for the House at least 2 hours prior to the time of the meeting.

## 7.32—Composition of Conference Committee

A conference committee shall consist of managers from each house. The conference committee shall select one of its members to preside. A conference committee report shall require the affirmative votes of a majority of the managers from each house. The report shall be accompanied by the original bill.

## 7.33—Presentation of Conference Committee Report

(a) The receiving of conference committee reports shall always be in order, except when the House is voting on any proposition. When a conference committee report is presented to the House, the sequence shall be:

(1) The vote first shall be on whether the report shall be considered at that moment.

(2) The next vote shall be on acceptance or rejection of the report as an entirety. The report must be acted upon as a whole, being agreed to or disagreed to as an entirety.

(3) The final vote shall be a roll call on the passage of the bill as amended by the report.

(b) If either paragraph (a)(2) or paragraph (a)(3) fails, the report shall be automatically recommitted to the conference committee. If a motion to reconsider is made, the vote first would be on paragraph (a)(2) and then on paragraph (a)(3).

## 7.34—Form of Conference Committee Report

(a) When a conference committee has redrafted a bill, the committee shall report an amendment striking everything after the enacting clause, together with an appropriate title amendment if needed.

(b) Each conference committee report must be accompanied by a statement, written or oral, sufficiently explicit to inform the House of the changes in the bill sent to conference.

## 7.35—Time Restraints on Conference Committees

(a) During the first 54 calendar days of a regular session, it shall be a motion of highest privilege either to discharge the House managers and appoint new House managers or to instruct the House managers after House and Senate managers have been appointed for 7 calendar days and have failed to report.

(b) During the last 6 calendar days of a regular session, it shall be a motion of highest privilege either to discharge the House managers

and appoint new House managers or to instruct the House managers after House and Senate managers have been appointed for 36 hours and have failed to report.

#### 7.36—When Managers Are Unable to Agree

When a conference committee is appointed in reference to any bill and the House managers report inability to agree, no action of the House taken prior to such appointment shall preclude further action by the House as the House may determine.

#### Part Four—Oversight Responsibilities and Powers

#### 7.37—Oversight Role

(a) Standing and select committees and councils shall have oversight responsibilities in order to assist the House in:

(1) Its analysis, appraisal, and evaluation of:

a. The application, administration, execution, and effectiveness of the laws enacted by the Legislature; or

b. Conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

(2) Its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) Substantive standing committees shall review the budgets and performance of state agencies within their jurisdictions.

#### 7.38—Oversight Powers

(a) Each standing or select committee or council is authorized to invite public officials and employees and private individuals to appear before the committee or council for the purpose of submitting information to it.

(b) Each standing or select committee or council is authorized to maintain a continuous review of the work of the state agencies concerned with its subject area and the performance of the functions of government within each such subject area, and for this purpose to request reports from time to time, in such form as such committee or council shall designate, concerning the operation of any state agency and presenting any proposal or recommendation such agency may have with regard to existing laws or proposed legislation in its subject area.

(c) In order to carry out its duties, each standing or select committee or council is empowered with the right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any state agency.

#### 7.39—Conduct of Meetings of Investigative Committees and Councils

Each standing or select committee or council shall comply with the following procedures with respect to compelling attendance of witnesses, production of documents or evidence, and the conduct of meetings before such committee or council:

(a) If any standing or select committee or council fails in any material respect to comply with the requirements of this Rule, any person subject to subpoena or subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the meeting for which the subpoena was issued or, if present, to testify or produce evidence therein, and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(b) In addition, the following rules of procedure will be followed at all meetings of standing or select committees or councils:

(1) A standing or select committee or council may exercise its powers during sessions of the Legislature and in the interim.

(2) A standing or select committee or council that conducts meetings for the purpose of taking sworn testimony from witnesses shall consist of not fewer than five members.

(3) A quorum of a standing or select committee or council that conducts meetings for the purpose of taking sworn testimony from witnesses shall consist of a majority of the total authorized membership.

(4) No action shall be taken by a standing or select committee or council at any meeting unless a quorum is present. Such committee or council may act by a majority vote of the members present at a meeting at which there is a quorum, unless the Rules or any law requires a greater number or proportion.

(5) Any standing or select committee or council, when conducting a meeting for the purpose of taking sworn testimony, shall give each member of the committee or council not less than 3 calendar days' written notice of any meeting to be held when the Legislature is in session and at least 7 calendar days' written notice of any meeting to be held when the Legislature is not in session. Such notices shall include a statement of the subject matter of the meeting.

(6) The presiding member at a meeting may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote, disobedience shall constitute contempt as defined in these Rules.

(7) Before or during a meeting, a witness or the witness's counsel may file with the standing or select committee or council, for incorporation into the record of the meeting, sworn written statements relevant to the purpose, subject matter, and scope of the committee's or council's investigation or inquiry. Any such witness, however, shall, prior to filing such statement, consent to answer questions from such committee or council regarding the contents of the statement.

(8) When the Chair of any standing or select committee or council determines that such procedure would expedite the inquiry or save expenses, the Chair, with the concurrence of the Speaker, may authorize the conduct of proceedings by depositions, interrogatories, or compulsory production of documents as provided in this Rule. These proceedings shall be in the nature of statements under oath taken by a state attorney. Counsel for a person under investigation may be allowed to attend such depositions at the discretion of the Chair. Participation by such counsel at the depositions may also be allowed at the discretion of the Chair. Any requests for attendance or participation should be addressed to the Chair. If the requests are denied, a person may appeal the Chair's ruling to the Speaker, but there shall be no stay of proceedings pending such appeal.

(c) When counsel for a person subject to deposition is allowed to participate in the proceedings under the guidelines of the standing or select committee or council, testimony or other evidence taken may be introduced before the standing or select committee or council regardless of whether the person or the person's counsel takes advantage of the opportunity.

(1) The Chair, with the concurrence of the Speaker, may authorize a lawyer for the standing or select committee or council to take depositions of witnesses before a court reporter or notary public of this state. The deposition notice and any subpoena used therewith may identify persons either by name or by job description, and such persons may be required to attend and give testimony pursuant to the guidelines of the standing or select committee or council.

(2) The Chair, with the concurrence of the Speaker, may authorize the issuance of interrogatories to be answered under oath, and these shall require the person to whom they are directed to appear before a notary public or court reporter and answer the questions under oath. These may be served by mail or by personal service and shall be answered under oath no later than 7 days from the date of mailing or 3 days from the date of personal service. Any interrogatory may require that a person to whom it is directed (identified by name or job description) return the interrogatory in the mail or have it available for delivery to the lawyer for the standing or select committee or council on a date certain.

(3) If any substantive or procedural question arises during any proceedings authorized by these Rules, the question shall be referred to

the Chair of the standing or select committee or council or to any committee or council member designated by the Chair to pass on such questions. Communication shall be made with the Chair or any designated committee or council member by the most rapid available means, including telephone, and the resolution of such questions, including without limitation questions on the scope of the discovery, may be communicated by telephone. If any person is dissatisfied with such a decision, appeal may be made to the Speaker, but there shall be no stay of proceedings pending such appeal.

RULE EIGHT  
CHAMBER PROTOCOL

Part One—Privilege of the Floor

8.1—Privilege of the Floor

(a) Other than present Members of the House and of the Senate, the persons hereinafter named, and none other, shall be admitted during regular daily sessions to the Chamber of the House: the Governor, the Lieutenant Governor, Cabinet Members, Justices of the Supreme Court, Members of Congress, contestants in election cases during the pendency of their cases in the House, such persons as have, by name, received the thanks of the Legislature, former Governors, former Members of the Cabinet, former Members of the House and Senate who are not interested in any claim or directly in any bill pending before the Legislature, and such employees of the House as may be needed on public business, including such committee or council staff as shall be designated by committee or council Chairs and approved by the Speaker. Visiting dignitaries or official guests may be granted the privilege of the floor upon motion adopted by a majority of the House. Persons granted the privilege of the floor may not lobby the Members while the House is in session, unless by motion granted leave to address the House.

(b) When the House is in session, all persons in the House Chamber shall be dressed in proper business attire.

Part Two—Speaking

8.2—Addressing the House; Requirements to Spread Remarks Upon the Journal

(a) When a Member desires to speak or deliver any matter to the House, the Member shall rise and respectfully address the Speaker as “Mr. (or Madam) Speaker” and shall confine all remarks to the question under debate, avoiding personalities. Once recognized, a Member may speak from the Member’s desk or may, with the Speaker’s permission, speak from the well.

(b) Any motion to spread remarks upon the Journal, except those of the Governor or the Speaker, shall be referred to the Committee on Rules, Ethics, & Elections for recommendation before being put to the House.

8.3—When Two Members Rise at Once

When two or more Members rise at once, the Speaker shall name the one who is to speak first. This decision shall be final and not open to debate or appeal.

8.4—Recognition of Members

There shall be no appeal from the Speaker’s recognition, but the Speaker shall be governed by the Rules and usage in priority of entertaining motions from the floor. When a Member seeks recognition, the Speaker may ask, “For what purpose does the Member rise?” or “For what purpose does the Member seek recognition?”

8.5—Recognition of Gallery Visitors and Physician of the Day

On written request by a Member, on a form prescribed by the Committee on Rules, Ethics, & Elections, the Speaker may recognize or permit the Member to recognize any person or persons in the gallery. After granting a request for recognition, the Speaker shall afford that recognition at a convenient place in the order of business, considering the need for order and decorum and the need for continuity of debate. At an appropriate time during proceedings on the floor, the Speaker may recognize a Physician of the Day.

Part Three—Debate

8.6—Decorum

The Members shall attend to the debates unless necessarily prevented, and no Member shall stand between the Speaker and a Member recognized to speak.

8.7—Speaking and Debate

(a) A Member may not speak more than once or occupy more than 15 minutes in debate on any question. A Member who has the floor may not be interrupted by another Member for any purpose, save the privilege of the House, unless he or she consents to yield to the other Member. A Member desiring to interrupt another in debate should first address the Speaker for the permission of the Member speaking. The Speaker shall then ask the Member who has the floor if he or she wishes to yield, and then announce the decision of that Member. Whether to yield shall be entirely within the speaking Member’s discretion. However, this section shall not deprive the sponsor or mover of the right to close when the effect of an amendment or motion would be to kill the bill, amendment, or motion.

(b) Debate may not be disguised in the form of a question.

8.8—Right to Open and Close Debate

The mover of any proposition, or the Member reporting any measure from a committee or council, or, in the absence of either of them, any other Member designated by such absentee, shall have the right to open and close the debate, and for this purpose may speak each time not more than 10 minutes, unless otherwise limited by majority vote of the House, notwithstanding the limitation in Rule 8.7(a).

Part Four—Materials and Meals in Chamber

8.9—Distribution of Materials in Chamber; Newspapers; Meals in Chamber

(a) The following constitutes policy regarding material distributed to the general membership through the Sergeant at Arms’ Office and pages:

(1) All material prior to such distribution must be approved by the Committee on Rules, Ethics, & Elections, acting through its Chair.

(2) The following official materials have heretofore been approved and will continue to be approved: House and Senate bills, resolutions, memorials, and amendments thereto, and official calendars and journals; committee and council meeting notices; communications from the Speaker and Clerk and official communications from the Senate; and official staff reports of standing or select committees or councils or of the majority or minority parties.

(b) No newspapers may be distributed or otherwise permitted in the House Chamber while the House is in session without waiver of policy by two-thirds vote of the Members present and voting. This subsection does not apply to personal use by an individual Member of a newspaper as resource or reference material for purposes of debate or to the transmittal of material from one Member to another on the floor of the House.

(c) No meals will be allowed on the floor without waiver of policy by two-thirds vote of the Members present and voting. This shall not be construed to prevent the serving of drinks such as juices, coffee, tea, soft drinks, milk, and the like.

Part Five—Miscellaneous Papers

8.10—Miscellaneous Papers

Papers of a miscellaneous nature addressed to the House may, at the discretion of the Speaker, be read, noted in the Journal, or filed with the appropriate committee or council. When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and such reading is objected to by any Member, it shall be determined without debate by the House by majority vote.



RULE NINE  
VOTING

9.1—Members Shall Vote

Every Member shall be within the House Chamber during its sittings, unless excused or necessarily prevented, and shall vote on each question put.

9.2—Taking the Yeas and Nays

The Speaker shall declare all votes, but if any Member rises to doubt a vote, upon a showing of hands by five Members, the Speaker shall take the sense of the House by oral roll call or electronic roll call. When taking the yeas and nays on any question, the electronic roll-call system may be used, and when so used shall have the force and effect of a roll call taken as provided in these Rules. This system likewise may be used to determine the presence of a quorum. When the House is ready to vote upon a question requiring roll call, and the vote is by electronic roll call, the Speaker shall say, "The question now recurs on (designating the matter to be voted upon). The Clerk will unlock the machine and the House will proceed to vote." When sufficient time has elapsed for each Member to vote, the Speaker shall ask, "Have all Members voted?" And after a short pause the Speaker shall say, "The Clerk will lock the machine and record the vote." When the vote is completely recorded, the Speaker shall announce the result to the House, and the Clerk shall record the action upon the Journal.

9.3—Vote of the Speaker or Temporary Presiding Officer

The Speaker or temporary presiding officer is not required to vote in legislative proceedings other than on final passage of a bill, except when the Speaker's or temporary presiding officer's vote would be decisive. In all yea and nay votes, the Speaker's or temporary presiding officer's name shall be called last. With respect to voting, the Speaker or temporary presiding officer is subject to the same disqualification and disclosure requirements as any other Member.

9.4—Votes After Roll Call

After the result of a roll call has been announced, a Member may advise the Clerk of how the Member would have voted or of the Member's wish to change the Member's vote. The Clerk shall provide forms for the recording of these actions. When timely made, these requests shall be shown beneath the roll call in the Journal. Otherwise, the request shall be shown separately in the Journal. In no instance, other than by reason of an electronic or mechanical malfunction, shall the result of a voting machine roll call on any bill be changed.

9.5—No Member to Vote for Another Except by Request

No Member may vote for another Member except at the other Member's request when absent from his or her seat but present elsewhere in the Chamber, nor may any person who is not a Member cast a vote for a Member. In no case shall a Member vote for another on a quorum call. Any Member who votes or attempts to vote for another Member in violation of this Rule may be punished in such a manner as the House may deem proper. Any person who is not a Member and who votes wrongfully in the place of a Member shall be excluded from the Chamber for the remainder of the session, in addition to such punishment as the House may deem proper.

9.6—Pairing

Pairing shall be permitted only upon the absence of both Members for good cause and shall be in writing and specifically state the bill or bills or questions upon which pairs are arranged. Before the vote, paired votes shall be filed in writing with the Clerk and be recorded in the Journal as an indication of how both Members would have voted. Paired votes are not counted and shall not be shown on roll calls.

9.7—Explanation of Vote

A Member may not explain his or her vote during a roll call, but may reduce his or her explanation to writing, in not more than 200 words, and upon filing with the Clerk, this explanation shall be spread upon the Journal.

RULE TEN  
ORDER OF BUSINESS AND CALENDARS

Part One—Order of Business

10.1—Daily Sessions

The House shall meet each legislative day at 9:30 a.m. or as stated in the motion adjourning the House on the prior legislative day on which the House met.

10.2—Daily Order of Business

(a) When the House convenes on a new legislative day, the daily order of business shall be as follows:

1. Call to Order.
2. Prayer.
3. Roll Call.
4. Pledge of Allegiance.
5. Correction of the Journal.
6. Communications.
7. Messages from the Senate.
8. Reports of Councils and Standing Committees.
9. Reports of Select Committees.
10. Motions Relating to Committee References.
11. Matters on Reconsideration.
12. Bills and Joint Resolutions on Third Reading.
13. Special Orders.
14. Unfinished Business.
15. Introduction and Reference.

(b) During special sessions, the order of business of Introduction and Reference shall be conducted immediately following the order of business of Correction of the Journal.

10.3—Chaplain to Offer Prayer

A chaplain shall attend at the beginning of each day's sitting of the House and open the same with prayer. In the absence of a chaplain, the Speaker may designate someone else to offer prayer.

10.4—Quorum

A majority of the membership of the House shall constitute a quorum to do business.

10.5—Consideration of Senate Messages: Generally

Senate messages shall be considered by the House upon review and approval by the Speaker.

Part Two—Readings

10.6—"Reading" Defined

"Reading" means the stage of consideration of a bill or joint resolution after reading of a portion of the title sufficient for identification, as determined by the Speaker.

10.7—Reading of Bills

Each bill shall receive three readings on 3 separate days previous to a vote upon final passage unless two-thirds of the Members decide otherwise. (Florida Constitution, Article III, Section 7, in part: "Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote; provided the publication of its title in the journal of a house shall satisfy the requirement for the first

reading in that house. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full.”)

#### 10.8—Reading of Joint Resolutions

Each joint resolution shall receive three readings on 3 separate days previous to a vote upon final passage unless two-thirds of the Members decide otherwise.

#### 10.9—First Reading of Prefiled Bills

Prefiled bills shall be given first reading either on the first day of a regular session or as soon thereafter as possible. The Clerk shall record in the Journal the Speaker's reference of bills.

#### 10.10—First Reading of Committee or Council Substitutes

Publication in the Journal of a committee or council substitute title with sponsors shall constitute first reading in the same manner as Introduction and Reference.

#### 10.11—Reading of Concurrent Resolutions and Memorials

Concurrent resolutions and memorials shall receive two readings on 2 separate days previous to a voice vote upon adoption, except that concurrent resolutions extending a legislative session or involving other procedural legislative matters authorized under Rule 5.10 may be read twice without motion on the same legislative day.

#### 10.12—Reading of House Resolutions

Each House resolution shall receive two readings by title only previous to a voice vote upon adoption, except that resolutions of condolence, commendation, or commemoration may be shown as introduced, read, and adopted by publication in full in the Journal in accordance with Rule 10.20.

#### 10.13—Measures on Third Reading

(a) Bills on third reading shall be taken up in the order in which the House concluded action on them on second reading.

(b) Before any bill shall be read the third time, whether amended or not, it shall be referred without motion to the Engrossing Clerk for examination and, if amended, the engrossing of amendments. In the case of any Senate bill amended in the House, the amendment adopted shall be reproduced and attached to the bill amended in such manner that it will not be lost therefrom.

(c) A bill shall be deemed on its third reading when it has been read a second time on a previous day and has no motion left pending.

#### Part Three—Bills Subject to Special Rule

#### 10.14—Bills Subject to Special Rule

(a) The Committee on Rules, Ethics, & Elections may recommend that a bill be subject to a Special Rule created by the committee in accordance with the requirements of this Rule. Upon adoption of a recommendation, the Committee on Rules, Ethics, & Elections shall submit the recommendation to the Procedural & Redistricting Council for adoption of the Special Rule, which, if adopted by a two-thirds vote of the council Members present and voting, shall be submitted to the House for its approval.

(b) A Special Rule shall prescribe the time and conditions of debate and amendment of the bill, may govern floor action on both second and third readings, and may include one of the following three types of conditions or such other conditions as are deemed appropriate:

(1) Open, which allows the offering of any amendment, subject to approval of the designated floor manager and the overall time limits established under the Rule.

(2) Structured, which allows the offering of only amendments that have been approved for consideration by the Procedural & Redistricting Council.

(3) Closed, which prohibits the offering of any amendment, except technical amendments offered in the name of the Procedural & Redistricting Council.

(c) The Special Rule may designate two floor managers, one to allocate the time for debate and amendments for the proponents and one to allocate the time for debate and amendments for the opponents. The floor managers shall be subject to approval by both the Majority Leader and the Minority Leader.

(d) A specific provision in a Special Rule is controlling over a conflicting provision of these Rules.

(e) Neither a Senate bill nor a House bill returning from the Senate with further action required may be subject to Special Rule.

#### Part Four—Calendars

#### 10.15—Special Order Calendar

##### (a) REGULAR SESSION.

(1) The Procedural & Redistricting Council shall periodically submit, as needed, a Special Order Calendar determining the priority for consideration of legislation. The Procedural & Redistricting Council may include on a Special Order Calendar specific sections for local bills, trust fund bills, bills to be taken up at a time certain, and bills subject to Special Rule. Any amendment of a report proposing a Special Order Calendar requires a two-thirds vote of the Members present and voting. Upon adoption of a Special Order Calendar, no other bills shall be considered for the time period set forth for that Special Order Calendar, except that any bill appearing on that Special Order Calendar may be stricken from it by a two-thirds vote of the Members present and voting or any bill may be added to it pursuant to Rule 10.16. A previously adopted Special Order Calendar shall expire upon adoption by the House of a new Special Order Calendar.

(2) Any committee, council, or Member may apply to the Procedural & Redistricting Council to place a bill on the Special Order Calendar. The Procedural & Redistricting Council may grant such requests by a majority vote.

(3) During the first 45 calendar days of a regular session, the Procedural & Redistricting Council shall publish the Special Order Calendar in two Calendars of the House, and it may be taken up on the day of the second published calendar. For calendar days 46 through 51 of a regular session, the Procedural & Redistricting Council shall provide the Special Order Calendar by 9:00 p.m. of the day prior to its consideration. After the 51st calendar day of a regular session, the Procedural & Redistricting Council shall provide the Special Order Calendar at least 2 hours prior to its consideration.

##### (b) EXTENDED OR SPECIAL SESSION.

(1) If the Legislature extends a legislative session, all bills on the Calendar at the time of expiration of the regular session shall be placed in the Procedural & Redistricting Council.

(2) During any extended or special session, all bills upon being reported favorably by the last committee of reference shall be placed in the Procedural & Redistricting Council.

(3) During any extended or special session, the Procedural & Redistricting Council shall establish a Special Order Calendar and only those bills on such Special Order Calendar shall be placed on the Calendar of the House.

#### 10.16—Consideration of Bills Not on Special Order

A bill not included on the Special Order Calendar may be considered by the House upon two-thirds vote of the Members present and voting.

#### 10.17—Consent Calendar

The Procedural & Redistricting Council may submit a Consent Calendar designed to expedite the consideration of noncontroversial legislation, according to procedures recommended by the Procedural & Redistricting Council and approved by the House.

## 10.18—Requirements for Placement on a Calendar

No measure may be placed on a calendar until it has been reported favorably by each committee or council of reference.

## 10.19—Informal Deferral of Bills

Whenever the Member who introduced a bill, or the Chair of the committee or council that reported it, is absent from the Chamber when the bill has been reached in the regular order on second or third reading, consideration shall be informally deferred until the Member's or committee or council Chair's return, unless another Member consents to offer the bill on behalf of the original Member or committee or council Chair. The bill shall retain its position on the Calendar during the same legislative day. The Member or committee or council Chair shall have the responsibility of making the motion for its subsequent consideration.

Part Five—Resolutions of Condolence, Commendation,  
or Commemoration

## 10.20—Resolutions of Condolence, Commendation, or Commemoration Published in Journal

Upon favorable report by the Committee on Rules, Ethics, & Elections, a resolution of condolence, commendation, or commemoration may be shown as introduced, read, and adopted by publication in full in the Journal. The Procedural & Redistricting Council shall periodically distribute a list of such resolutions 1 day (excluding Saturday and Sunday) prior to the day of their publication, during which time any Member may file an objection with the council to any resolution listed. Each resolution for which an objection has been filed shall be removed from the list and placed on the Calendar of the House. All resolutions without objections shall be printed on the next legislative day in the Journal and considered adopted by the House.

Part Six—Consideration Limits

## 10.21—Consideration Limits to Bills After Day 55

After the 55th calendar day of a regular session, no House bills on second reading may be taken up and considered by the House.

## 10.22—Consideration Limits After Day 58

After the 58th calendar day of a regular session, the House may consider only:

- (a) Senate Messages.
- (b) Conference Reports.
- (c) Concurrent Resolutions.

RULE ELEVEN  
MOTIONS

## 11.1—Motions: How Made

Every motion shall be made orally, except when requested by the Speaker to be reduced to writing.

## 11.2—Precedence of Motions During Debate

(a) When a question is under debate, the Speaker shall receive no motion except:

- (1) To adjourn at a time certain.
- (2) To adjourn.
- (3) To recess to a time certain.
- (4) To lay on the table.
- (5) To reconsider.
- (6) For the previous question.
- (7) To limit debate.
- (8) To temporarily postpone.

(9) To postpone to a time or day certain.

(10) To refer to or to recommit to committee or council.

(11) To amend.

(12) To postpone indefinitely.

(13) To amend by striking out the enacting or resolving clause.

(b) Such motions shall have precedence in the descending order given.

## 11.3—Questions of Order Decided Without Debate

All procedural questions of order, arising after a motion is made for any of the motions named in Rule 11.2 and pending that motion, shall be decided by the Speaker without debate, whether on appeal or otherwise; however, the Speaker may ask the House for comment.

## 11.4—Division of Question

Any Member may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible. A motion to strike out, being lost, shall preclude neither amendment nor a motion to strike out and insert.

## 11.5—Motion to Recess to a Time Certain

A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that the motion is debatable when no business is before the House and can be amended as to the time to recess and duration of the recess. It yields only to a motion to adjourn.

## 11.6—Motion to Lay on the Table

A motion to lay on the table is not debatable and cannot be amended; however, before the motion is put, the sponsor of a bill or debatable motion shall be allowed 5 minutes within which to discuss the same and may divide the time with, or waive this right in favor of, some other Member. A motion to table a main question requires a majority vote. A motion to lay an amendment on the table, if adopted, does not carry with it the measure to which it adheres. A motion to lay an amendment on the table may be adopted by a majority vote.

## 11.7—Motion to Reconsider

(a) When a motion or main question has been made and carried or lost, it shall be in order at any time as a matter of right on the same or succeeding legislative day for a Member voting with the prevailing side, or for any Member in the case of a voice or tie vote, to move for reconsideration thereof. When a majority of Members vote in the affirmative but the proposition is lost because it is one in which the concurrence of a greater number than a majority is necessary for adoption or passage, any Member may move for a reconsideration. No bill referred or recommitted to a committee or council by a vote of the House shall be brought back into the House on a motion to reconsider. The motion to reconsider shall require a majority vote for its adoption, and such motion shall not be renewed on any proposition, after once being considered by vote of the House, except by unanimous consent. Debate shall be allowed on a motion to reconsider only when the question that it is proposing to reconsider is debatable. When debate upon a motion to reconsider is in order, no Member shall speak thereon more than once or for more than 5 minutes. The adoption of a motion to reconsider a vote upon any secondary matter shall not remove the main subject under consideration from consideration of the House. A motion to reconsider a collateral matter must be disposed of at once during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the House has passed to other business.

(b) The Clerk shall retain possession of all bills and joint resolutions for the period after passage during which reconsideration may be moved; however, during the last 14 calendar days allowed under the Florida Constitution for a regular session and during any extensions thereof, or during any special session, these shall be transmitted to the Senate forthwith.

(c) The adoption of a motion to waive the Rules and immediately certify any bill to the Senate shall be construed as releasing the measure from the Clerk's possession for the period of reconsideration. Local bills, concurrent resolutions, and memorials shall be transmitted to the Senate without delay. Messages relating to procedural motions, to House action on Senate amendments, or to conference committee reports shall be transmitted forthwith.

#### 11.8—Motion for the Previous Question

(a) The previous question may be asked and ordered upon any debatable single motion, series of motions, or amendment pending, and the effect thereof shall be to conclude all action on the same day. If third reading is reached on another day, the order for the previous question must be renewed on that day.

(b) The motion for the previous question shall be decided without debate. If the motion prevails, the sponsor of a bill or debatable motion and an opponent shall be allowed 3 minutes each within which to discuss the same, and each may divide the time with, or waive this right in favor of, some other Member. The motion for the previous question shall be put in the following form: "Shall the main question be now put?"

(c) When the motion for the previous question is adopted on a main question, the sense of the House shall be taken forthwith on pending amendments and such question in the regular order. If amendments have been adopted, the regular order shall include the adoption of necessary title amendments.

(d) The motion for the previous question may not be made by the sponsor or mover.

#### 11.9—Motion to Limit Debate

When there is debate by the House, it shall be in order for a Member to move to limit debate and such motion shall be decided without debate, except that the sponsor or mover of the question under debate shall have 5 minutes within which to discuss the motion and may divide the allotted time with, or waive it in favor of, some other Member. If, by majority vote, the question is decided in the affirmative, debate shall be limited to 20 minutes for each side, unless a greater time is stated in the motion, such time to be apportioned by the Speaker; however, the sponsor or mover shall have an additional 5 minutes within which to close the debate and may divide the allotted time with, or waive it in favor of, some other Member.

#### 11.10—Motion to Temporarily Postpone

The motion to temporarily postpone shall be decided without debate and shall cause a measure to be set aside but retained on the desk. If a main question has been temporarily postponed after having been debated or after motions have been applied and is not brought back before the House on the same legislative day, it shall be placed under the order of unfinished business on the Calendar of the House. If a main question is temporarily postponed before debate has commenced or motions have been applied, its reading shall be considered a nullity and the bill shall retain its original position on the order of business. The motion to return to consideration of a temporarily postponed main question shall be made under the proper order of business when no other matter is pending. If applied to a collateral matter, the motion to temporarily postpone shall not cause the main question to be carried with it. After having been temporarily postponed, if a collateral matter is not brought back before the House in the course of consideration of the adhering or main question, it shall be deemed abandoned.

#### 11.11—Motions to Withdraw or Refer Bills

(a) Any Member may, no later than under the order of business of Motions Relating to Committee References on the legislative day following reference of a bill, move for reference from one committee or council to a different committee or council, which shall be decided by a majority vote.

(b) A motion to withdraw a bill from committee or council, or to refer a bill from one committee or council to another committee or council other than as provided in subsection (a), may be made during the

regular order of business and shall require an affirmative vote of two-thirds of the Members present and voting.

(c) A motion to refer a bill to an additional committee or council may be made during the regular order of business and shall require an affirmative vote of two-thirds of the Members present and voting.

(d) A motion to refer shall be debated only as to the propriety of the reference.

(e) A motion to withdraw a bill from further consideration of the House shall require an affirmative vote of two-thirds of the Members present and voting.

(1) For the purpose of withdrawing bills from further consideration, the first-named Member sponsor shall be regarded as the only Member empowered to move for the withdrawal of a bill. The first-named Member sponsor of a bill may, prior to its introduction, withdraw the bill by letter to the Clerk.

(2) The introducer of an original bill laid on the table upon introduction of a committee or council substitute therefor has no right to move for the withdrawal of the substitute from further consideration.

(3) In moving for the withdrawal of a bill from further consideration by floor motion, the introducer shall be required to identify the nature of the bill.

#### 11.12—Motion to Recommit

(a) After a committee or council report on a bill has been received by the Clerk, the bill may not be recommitted by the House to any committee or council except by a majority vote.

(b) A motion to recommit to committee or council a bill that is before the House may be made during the regular order of business. The motion shall be debatable only as to the propriety of that reference and shall require an affirmative majority vote.

(c) Upon the third reading of any bill, it may not be committed to any committee or council, except to the appropriate fiscal committee as provided elsewhere in these Rules.

#### 11.13—Motion to Postpone Indefinitely

Motions to postpone indefinitely are debatable and shall be applicable only to a main question. The adoption of a motion to postpone a bill indefinitely shall dispose of such bill for the duration of the legislative session and all extensions thereof. Any motion to postpone consideration to a time beyond the last day allowed under the Florida Constitution for the current legislative session shall be construed as a motion to postpone indefinitely.

#### 11.14—Dilatory Motions

No dilatory or delaying motions shall be entertained by the Speaker.

#### 11.15—Withdrawal of Motions

The mover of a motion may withdraw the motion at any time before it has been amended or a vote on it has commenced, except that a motion to reconsider may be withdrawn only on the day made.

### RULE TWELVE AMENDMENTS

#### 12.1—Form

(a) Amendments shall be stored on the legislative computer in a format approved by the Clerk.

(b) The sponsor of an amendment shall file with the Clerk a printed original of the amendment, which shall be free of interlineations and which shall include as a part of its original printed text the name of the sponsor, the bill number, and the page and line to be amended. Amendment cosponsors may be added on forms provided by the Clerk.

#### 12.2—Filing

## (a) REGULAR SESSION.

(1) During the first 45 calendar days of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form prior to 3:00 p.m. of the day, excluding Saturday and Sunday, preceding the daily session at which the sponsor seeks to offer the amendment, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 5:00 p.m. of the day, excluding Saturday and Sunday, preceding the daily session at which the sponsor seeks to offer the main amendment.

(2) For calendar days 46 through 51 of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form at least 1 hour prior to the daily session at which the sponsor seeks to offer the amendment, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 30 minutes prior to the daily session at which the sponsor seeks to offer the main amendment.

(3) After the 51st day of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form not later than 30 minutes after the convening of the daily session at which the sponsor seeks to offer the amendment or 2 1/2 hours after the Special Order Calendar has been provided, whichever is later, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 1 hour after the convening of the daily session at which the sponsor seeks to offer the main amendment or 3 hours after the Special Order Calendar has been provided, whichever is later.

(b) EXTENDED OR SPECIAL SESSION. During any extended or special session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form at least 1 hour prior to the daily session at which the sponsor seeks to offer the amendment, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 30 minutes prior to the daily session at which the sponsor seeks to offer the main amendment.

(c) WAIVER OF DEADLINE. By a majority vote, the time limitation for filing any amendment may be waived.

## 12.3—Presentation and Consideration

(a) Amendments shall be taken up only as sponsors gain recognition from the Speaker to move their adoption, except that the Chair of the committee or council (or any member thereof designated by the Chair) reporting the measure under consideration shall have preference for the presentation of committee or council amendments.

(b) Upon motion, committee or council amendments may be adopted en bloc.

(c) The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order.

(d) For the purpose of this Rule, an amendment shall be deemed pending only after its proposer has been recognized by the Speaker and has moved its adoption.

## 12.4—Second and Third Reading; Vote Required on Third Reading

(a) A motion to amend is in order during the second or third reading of any bill.

(b) Amendments proposed on third reading shall require a two-thirds vote of the Members present and voting for adoption, except that

technical amendments introduced in the name of the Procedural & Redistricting Council shall require a majority vote for adoption.

(c) A motion for reconsideration of an amendment on third reading requires a two-thirds vote of the Members present and voting for adoption.

## 12.5—Amendment of General Appropriations Bill

(a) Whenever an amendment is offered to a General Appropriations Bill that would increase any line item of such bill, such amendment shall show the amount by line item of the increase and shall, from within the jurisdiction of the same fiscal standing committee, decrease a line item or items in an amount or amounts equivalent to or greater than the increase required by the amendment.

(b) A floor amendment to the General Appropriations Bill that proposes to move spending authority between sections of the bill shall require a two-thirds vote of the Members present and voting.

## 12.6—Consideration of Senate Amendments

(a) After the reading of a Senate amendment to a House bill, the following motions shall be in order and shall be privileged in the order named:

(1) Amend the Senate amendment by a concurrence of the majority required for the final passage of the bill.

(2) Concur in the Senate amendment by a concurrence of the same majority required for the final passage of the bill.

(3) Refuse by the majority of the required quorum to concur and ask the Senate to recede.

(4) Request the Senate to recede and, failing to do so, to appoint a conference committee to meet with a like committee appointed by the Speaker.

(b) If the Senate refuses to concur in a House amendment to a Senate bill, the following motions shall be in order and shall be privileged in the order named:

(1) That the House recede.

(2) That the House insist and ask for a conference committee.

(3) That the House insist.

(c) The Speaker may, upon determining that a Senate amendment substantially changes the bill as passed by the House, refer the Senate message, with the bill and Senate amendment or amendments, to the appropriate House committee or council for review and report to the House. The Speaker, upon such reference, shall announce the date and time for the committee or council to meet. The committee or council shall report to the House the recommendation for disposition of the Senate amendment or amendments under one of the four options presented in subsection (a). The report shall be given to the House, in writing, by the Chair of the reporting committee or council.

## 12.7—Motion to Amend by Striking Out Enacting or Resolving Clause

An amendment to strike out the enacting clause of a bill or the resolving clause of a resolution or memorial shall, if carried, be considered as equivalent to rejection of the bill, resolution, or memorial by the House.

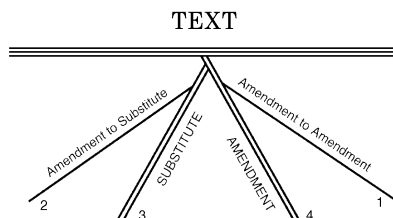
## 12.8—Sequence of Amendments to Amendments

An amendment to a pending amendment may be received, but until it is disposed of no other motion to amend will be in order except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

(a) Amendments to the amendment are voted on before the substitute is taken up. Only one amendment to the amendment is in order at a time.

(b) Amendments to the substitute are next voted on.

(c) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment of the bill itself.



12.9—Germanity of House Amendments

(a) GERMANITY.

(1) Neither the House nor any committee or council shall consider an amendment that relates to a different subject or is intended to accomplish a different purpose than that of the pending question or that, if adopted and passed, would require a title amendment for the proposal that is substantially different from the proposal's original title or that would unreasonably alter the nature of the proposal.

(2) The Speaker shall rule on the admissibility of any amendment when the question of germanity is timely raised.

(3) An amendment of the second degree or a substitute amendment must be germane to both the main amendment and the measure to which it adheres.

(b) AMENDMENTS THAT ARE NOT GERMANE. House amendments that are not germane include:

- (1) A general proposition amending a specific proposition.
- (2) An amendment amending a statute or session law when the purpose of the bill is limited to repealing such law, or an amendment repealing a statute or session law when the purpose of the bill is limited to amending such law.
- (3) An amendment that substantially expands the scope of the bill.
- (4) An amendment to a bill when legislative action on that bill is by law or these Rules limited to passage, concurrence, indefinite postponement, or nonconcurrence as introduced.

(c) AMENDMENTS THAT ARE GERMANE. Amendments that are germane include:

- (1) A specific provision amending a general provision.
- (2) An amendment that accomplishes the same purpose in a different manner.
- (3) An amendment limiting the scope of the proposal.
- (4) An amendment providing appropriations necessary to fulfill the original intent of a proposal.
- (5) An amendment relating only to clarification of details.
- (6) An amendment that changes the effective date of a repeal, reduces the scope of a repeal, or adds a short-term nonstatutory transitional provision to facilitate repeal.

12.10—Amendments Out of Order

An amendment is out of order if it is the principal substance of a bill that has received an unfavorable committee or council report.

12.11—Printing of Amendments in Journal

All amendments taken up, unless withdrawn, shall be printed in the Journal, except that an amendment to a General Appropriations Bill constituting an entirely new bill shall not be printed until the filing of the conference committee report.

RULE THIRTEEN  
RULES

13.1—Initial Adoption of Rules of the House

The initial adoption of the Rules of the House shall require a majority vote. Once adopted, the Rules of the House shall remain in effect, unless waived or amended as provided in these Rules.

13.2—Waiver of Rules of the House

Any Rule of the House, except a Rule requiring unanimous consent, may be waived by a two-thirds vote of the Members present and voting; however, the waiver shall apply only to the matter under immediate consideration and shall not extend beyond adjournment of a session day.

13.3—Amending Rules of the House

No Rule of the House may be amended except by a report or resolution from the Committee on Rules, Ethics, & Elections adopted by the House by majority vote. A report or resolution of the Committee on Rules, Ethics, & Elections proposing amendments to these Rules is always in order; however, any amendment of such a report or resolution prior to its adoption requires a two-thirds vote of the Members present and voting.

13.4—Parliamentary Authorities

In all cases not provided for by the Florida Constitution, the Rules of the House, or the Joint Rules of the Senate and House, the guiding, but nonbinding, authority shall be first the Rulings of the Speaker and then the latest edition of Mason's Manual of Legislative Procedure.

13.5—Majority Action

Unless otherwise indicated by these Rules, all action by the House or its committees or councils shall be by majority vote of those Members present and voting. When the body is equally divided, the question is lost.

13.6—"Days" Defined

Wherever used in these Rules, a "legislative" day means a day when the House convenes and a quorum is present. All other references to "days" mean "calendar" days.

RULE FOURTEEN  
MISCELLANEOUS PROVISIONS  
Part One—Public Records

14.1—Legislative Records

There shall be available for public inspection, whether maintained in Tallahassee or in a district office, the papers and records developed and received in connection with official legislative business, except as provided in section 11.0431, Florida Statutes, or other provision of law.

14.2—Legislative Records: Maintenance, Control, Destruction, Disposal, and Disposition

(a) Records that are required to be created by these Rules or that are of vital, permanent, or archival value shall be maintained in a safe location that is easily accessible for convenient use. No such record need be maintained if the substance of the record is published or retained in another form or location. Whenever necessary, but no more often than annually or less often than biennially, records required to be maintained may be transferred to the Legislative Library Service of the Division of Library and Information Services of the Department of State for retention in accordance with law.

(b) Other records that are no longer needed for any purpose and that do not have sufficient administrative, legal, or fiscal significance to warrant their retention shall be disposed of systematically.

(c)(1) The committee administrative assistant for each existing committee shall ensure compliance with this Rule for all records created or received by the committee or for a former committee whose jurisdiction has been assigned to the committee.

(2) The council administrative assistant for each existing council shall ensure compliance with this Rule for all records created or received by the council or for a former council whose jurisdiction has been assigned to the council.

(3) The Speaker, the Speaker pro tempore, the Minority Leader, the Majority Leader, and the Sergeant at Arms shall ensure compliance with this Rule for all records created or received by their respective offices and their predecessors in office.

(4) Each Member shall ensure compliance with this Rule for all records created or received by the Member or the Member's district office.

(5) The director of an ancillary House office shall ensure compliance with this Rule for all records created or received by the director's office.

(6) The Clerk shall ensure compliance with this Rule for all other records created or received by the House of Representatives.

(d) If a committee, council, or office is not continued in existence, the records of such committee, council, or office shall be forwarded to the committee, council, or office assuming the jurisdiction or responsibility of the former committee, council, or office, if any. Otherwise, such records shall be forwarded to the Clerk.

(e) The Clerk, with the approval of the Speaker, shall establish a schedule of reasonable and appropriate fees for copies of legislative records and documents; however, there shall be no charge for a single copy of any individual, separately obtained bill (other than a General Appropriations Bill) or a bill research & economic impact statement or other record required by these Rules to be created.

#### Part Two—Distribution of Documents; Display of Signs

##### 14.3—Distribution of Documents

Documents required by these Rules to be printed or published may be produced and distributed on paper or in electronic form.

##### 14.4—Display of Signs, Placards, and the Like

Signs, placards, or other objects of similar nature shall be permitted in the rooms, lobby, galleries, or Chamber of the House only upon approval of the Committee on Rules, Ethics, & Elections.

#### Part Three—House Seal

##### 14.5—House Seal

(a) **REQUIREMENT.** There shall be an official seal of the House of Representatives. The seal shall be used only by or on behalf of a Member or officer of the House or when specifically authorized in writing by the Committee on Rules, Ethics, & Elections.

(b) **CONFIGURATION.** The seal shall be a circle, having, in the center thereof, a view of the sun's rays over a highland in the distance, a sabal palmetto palm tree, a steamboat on the water, and a Native American female scattering flowers in the foreground, encircled by the words "House of Representatives."

(c) **USE.** Unless a written exception is otherwise granted by the Speaker:

(1) Material carrying the official seal shall be used only by a Member, officer, or employee of the House or other persons employed or retained by the House.

(2) The use, printing, publication, or manufacture of the seal, or items or materials bearing the seal or a facsimile of the seal, shall be limited to official business of the House or official legislative business.

(d) **CUSTODIAN.** The Clerk shall be the custodian of the official seal.

#### RULE FIFTEEN

#### ETHICS AND CONDUCT OF MEMBERS

##### 15.1—Legislative Ethics and Official Conduct

Legislative office is a trust to be performed with integrity in the public interest. A Member is respectful of the confidence placed in the Member by the other Members and by the people. By personal example and by admonition to colleagues whose behavior may threaten the honor of the lawmaking body, the Member shall watchfully guard the responsibility of office and the responsibilities and duties placed on the Member by the House. To this end, each Member shall be accountable to the House for violations of this Rule or any provision of the House Code of Conduct contained in Rules 15.1-15.8.

##### 15.2—The Integrity of the House

A Member shall respect and comply with the law and shall perform at all times in a manner that promotes public confidence in the integrity and independence of the House and of the Legislature. Each Member shall perform at all times in a manner that promotes a professional environment in the House, which shall be free from unlawful employment discrimination.

##### 15.3—Improper Influence; Solicitation of Campaign Contributions

(a) A Member may not accept anything that reasonably may be construed to improperly influence the Member's official act, decision, or vote.

(b) A Member may neither solicit nor accept any campaign contribution during the 60-day regular legislative session on the Member's own behalf, on behalf of a political party, or on behalf of a candidate for the House of Representatives; however, a Member may contribute to the Member's own campaign.

##### 15.4—Ethics; Conflicting Employment

A Member shall:

(a) Scrupulously comply with the requirements of all laws related to the ethics of public officers.

(b) Not allow personal employment to impair the Member's independence of judgment in the exercise of official duties.

(c) Not directly or indirectly receive or agree to receive any compensation for any services rendered or to be rendered either by the Member or any other person when such activity is in substantial conflict with the duties of a Member of the House.

##### 15.5—Use of Official Position

A Member may not corruptly use or attempt to use the Member's official position in a manner contrary to the trust or authority placed in the Member, either by the public or by other Members, for the purpose of securing a special privilege, benefit, or exemption for the Member or for others.

##### 15.6—Use of Information Obtained by Reason of Official Position

A Member may engage in business and professional activity in competition with others, but may not use or provide to others, for the Member's personal gain or benefit or for the personal gain or benefit of any other person or business entity, any information that has been obtained by reason of the Member's official capacity as a Member and that is unavailable to members of the public as a matter of law.

##### 15.7—Members to Advise Legislative Employees of House Requirements

Each Member is responsible for calling the regulations, policies, and procedures approved by the Speaker relating to legislative staff and the Rules of the House relating to legislative staff to the attention of any staff for whom the Member is directly responsible. A Member may not engage, or permit another to engage, in conduct that the Member knows or should have known to be harmful to a professional environment in the workplace, which shall be free from unlawful employment discrimination. A professional environment in the workplace, which shall be free from unlawful employment discrimination, is one in which there is compliance with state and federal law and the regulations, policies, and procedures relating to employment discrimination approved by the Speaker.

## 15.8—Representation of Another Before a State Agency

A Member may not personally represent another person or entity for compensation before any state agency other than a judicial tribunal. For the purposes of this Rule, “state agency” means any entity of the legislative or executive branch of state government over which the Legislature exercises plenary budgetary and statutory control.

## 15.9—Advisory Opinions

(a) A Member, when in doubt about the applicability and interpretation of these Rules with respect to legislative ethics and Member conduct, may convey the facts of the situation to the House general counsel for an advisory opinion. The general counsel shall issue the opinion within 10 days after receiving the request. The advisory opinion may be relied upon by the Member requesting the opinion. Upon request of any Member, the committee designated by the Speaker to have responsibility for the ethical conduct of Members may revise an advisory opinion rendered by the House general counsel through an advisory opinion issued to the Member who requested the opinion.

(b) An advisory opinion rendered by the House general counsel or the committee shall be numbered, dated, and published by the Clerk in an annual publication of the House. Advisory opinions from the House general counsel or the committee may not identify the Member seeking the opinion unless such Member so requests.

## 15.10—Felony Indictment or Information of a Member

(a) If an indictment or information for a felony of any jurisdiction is filed against a Member of the House, the Member indicted or informed against may request the Speaker to excuse the Member, without pay, from all privileges of membership of the House pending final adjudication.

(b) If the indictment or information is either nolle prossed or dismissed, or if the Member is found not guilty of the felonies charged, or lesser included felonies, then the Member shall be paid all back pay and other benefits retroactive to the date the Member was excused.

## 15.11—Felony Guilty Plea of a Member

A Member who enters a plea of guilty or nolo contendere (no contest) to a felony of any jurisdiction may, at the discretion of the Speaker, be suspended immediately, without a hearing and without pay, from all privileges of membership of the House through the remainder of that Member’s term.

## 15.12—Felony Conviction of a Member

(a) A Member convicted of a felony of any jurisdiction may, at the discretion of the Speaker, be suspended immediately, without a hearing and without pay, from all privileges of membership of the House pending appellate action or the end of the Member’s term, whichever occurs first.

(b) A Member suspended under the provisions of this Rule may, within 10 days after such suspension, file a written request for a hearing setting forth specific reasons contesting the Member’s suspension. Upon receipt of a written request for a hearing, the Speaker shall appoint a select committee, which shall commence a hearing on the Member’s suspension within 30 days and issue a report to the House within 10 days after the conclusion of the hearing. The report of the select committee shall be final unless the Member, within 10 days after the issuance of the report, requests in writing that the Speaker convene the full House to consider the report of the select committee. Upon receipt of a request for such consideration, the Speaker shall timely convene the House for such purpose.

(c) If the final appellate decision is to sustain the conviction, then the Member’s suspension shall continue to the end of the Member’s term. If the final appellate decision is to vacate the conviction and there is a rehearing, the Member shall be subject to Rule 15.10. If the final appellate decision is to vacate the conviction and no felony charges remain against the Member, the Member shall be entitled to restitution of back pay and other benefits retroactive to the date of suspension.

## RULE SIXTEEN

## PROCEDURES FOR LEGAL PROCEEDINGS

## Part One—Committees and Councils Conducting Legal Proceedings

## 16.1—Procedures for Committees and Councils Conducting Legal Proceedings

## (a) ISSUANCE OF SUBPOENA.

(1) In order to carry out its duties, each standing or select committee or council, whenever required, may issue subpoena with the approval of the Speaker and other necessary process to compel the attendance of witnesses before such committee or council or the taking of a deposition pursuant to these Rules. The Chair of the standing or select committee or council shall issue such process on behalf of the standing or select committee or council. The Chair or any other member of such committee or council may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before such committee or council for the purpose of testifying in any matter about which such committee or council may desire evidence.

(2) Each standing or select committee or council, whenever required, may also compel by subpoena duces tecum the production of any books, letters, or other documentary evidence it may desire to examine in reference to any matter before it. The Chair of the standing or select committee or council shall issue process on behalf of the standing or select committee or council.

## (b) CONTEMPT PROCEEDINGS.

(1) Either house may punish by fine or imprisonment any person who is not a Member and who is guilty of disorderly or contemptuous conduct in its presence or of a refusal to obey its lawful summons.

## (2) A person shall be deemed in contempt if the person:

a. Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

b. Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of such committee or council; or

c. Commits any other act or offense against such committee or council that, if committed against the Legislature or either house thereof, would constitute contempt.

(3) A standing or select committee or council may, by majority vote of all of its members, apply to the House for contempt citation. The application shall be considered as though the alleged contempt had been committed in or against the House itself. If such committee or council is meeting during the interim, its application shall be made to the circuit court pursuant to subsection (f).

(4) A person guilty of contempt under this Rule shall be fined not more than \$500 or imprisoned not more than 90 days or both, or shall be subject to such other punishment as the House may, in the exercise of its inherent powers, impose prior to and in lieu of the imposition of the aforementioned penalty.

(5) The sheriffs in the several counties shall make such service and execute all process or orders when required by standing or select committees or councils. Sheriffs shall be paid as provided for in section 30.231, Florida Statutes.

(c) FALSE SWEARING. Whoever willfully affirms or swears falsely in regard to any material matter or thing before any standing or select committee or council is guilty of perjury in an official proceeding, which is a felony of the third degree and shall be punished as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

## (d) RIGHTS OF WITNESSES.

(1) All witnesses summoned before any standing or select committee or council shall receive reimbursement for travel expenses and per diem at the rates provided in section 112.061, Florida Statutes. However, the fact that such reimbursement is not tendered at the time the subpoena



is served shall not excuse the witness from appearing as directed therein.

(2) Service of a subpoena requiring the attendance of a person at a meeting of a standing or select committee or council shall be made in the manner provided by law for the service of subpoenas in civil action at least 7 calendar days prior to the date of the meeting unless a shorter period of time is authorized by majority vote of all the members of such committee or council. If a shorter period of time is authorized, the persons subpoenaed shall be given reasonable notice of the meeting, consistent with the particular circumstances involved.

(3) Any person who is served with a subpoena to attend a meeting of any standing or select committee or council also shall be served with a general statement informing the person of the subject matter of such committee's or council's investigation or inquiry and a notice that the person may be accompanied at the meeting by private counsel.

(4) Upon the request of any party and the approval of a majority of the standing or select committee or council, the Chair shall instruct all witnesses to leave the meeting room and retire to a designated place. The witness will be instructed by the Chair not to discuss the testimony of the witness or the testimony of any other person with anyone until the meeting has been adjourned and the witness has been discharged by the Chair. The witness shall be further instructed that if any person discusses or attempts to discuss the matter under investigation with the witness after receiving such instructions, the witness shall bring such matter to the attention of such committee or council. No member of such committee or council or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with any witness to be called before such committee or council from the time that these instructions are given until the meeting has been adjourned and the witness has been discharged by the Chair. Any person violating this Rule shall be in contempt of the Legislature.

(5) Any standing or select committee or council taking sworn testimony from witnesses as provided herein shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced, which record shall include rulings of the Chair, questions of such committee or council and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee or council, and such other matters as the committee or council or its Chair may direct.

(6) A witness at a meeting, upon advance request and at the witness's own expense, shall be furnished a certified transcript of the witness's testimony at the meeting.

(e) RIGHT OF OTHER PERSONS TO BE HEARD.

(1) Any person whose name is mentioned or who is otherwise identified during a meeting being conducted for the purpose of taking sworn testimony from witnesses of any standing or select committee or council and who, in the opinion of such committee or council, may be adversely affected thereby, may, upon the request of the person or upon the request of any member of such committee or council, appear personally before such committee or council and testify on the person's own behalf, or, with such committee's or council's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the meeting. Any such witness, however, shall, prior to filing such statement, consent to answer questions from such committee or council regarding the contents of the statement.

(2) Upon the consent of a majority of the members present, a quorum having been established, any standing or select committee or council may permit any other person to appear and testify at a meeting or submit a sworn written statement of facts or other documentary evidence for incorporation into the record. No request to appear, appearance, or submission shall limit in any way the committee's or council's power of subpoena. Any such witness, however, shall, prior to filing such statement, consent to answer questions from any standing or select committee or council regarding the contents of the statement.

(f) ENFORCEMENT OF SUBPOENA OUT OF SESSION. If any witness fails to respond to the lawful subpoena of any standing or select

committee or council at a time when the Legislature is not in session or, having responded, fails to answer all lawful inquiries or to turn over evidence that has been subpoenaed, such committee or council may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of the complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the possession of the witness that is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish such witness accordingly.

Part Two—Complaints Against Members and Officers of the House

16.2—Complaints of Violations of the Standards of Conduct By Members and Officers of the House; Procedure

(a) FILING OF COMPLAINTS. The Chair of the Committee on Rules, Ethics, & Elections shall receive and initially review allegations of improper conduct that may reflect upon the House, violations of law, violations of the House Code of Conduct, and violations of the Rules and regulations of the House relating to the conduct of individuals in the performance of their duties as Members or officers of the House. Complaints of improper conduct against the Chair of the Committee on Rules, Ethics, & Elections shall be reviewed and managed by the Speaker or, if designated by the Speaker, the Speaker pro tempore.

(1) Review of Complaints. The Chair of the Committee on Rules, Ethics, & Elections shall review each complaint submitted to the committee relating to the conduct of a Member or officer of the House.

(2) Complaints.

a. A complaint shall be in writing and under oath, setting forth in simple, concise statements the following:

1. The name and legal address of the party filing the complaint (complainant);

2. The name and position or title of the Member or officer of the House (respondent) alleged to be in violation of the House Code of Conduct or a law, rule, regulation, or other standard of conduct;

3. The nature of the alleged violation, based upon the personal knowledge of the complainant, including, if possible, the specific section of the House Code of Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated; and

4. The facts alleged to have given rise to the violation.

b. All documents in the possession of the complainant that are relevant to, and in support of, the allegations shall be attached to the complaint.

(3) Processing Complaint and Preliminary Findings.

a. Upon the filing of a complaint, the Chair shall, within 5 working days, notify the Member or officer against whom the complaint has been filed and give such person a copy of the complaint. Within 20 days, the Chair shall take the necessary actions as provided in subparagraphs b.-g.

b. The Chair shall examine each complaint for jurisdiction and for compliance with paragraph (a)(2).

c. If the Chair determines that a complaint does not comply with such Rule, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such Rule and with a copy of the Rule. A complainant may resubmit a complaint, provided such complaint is resubmitted prior to the expiration of the time limitation set forth in subsection (o).

d. If the Chair determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

e. If the Chair determines that the complaint is outside the jurisdiction of the House, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

f. If the Chair determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Chair may attempt to correct or prevent such a violation by informal means.

g. If the Chair determines that such a complaint does allege facts sufficient to constitute a violation of any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, and that the complaint is not de minimis in nature, the Chair shall, within 20 days, transmit a copy of the complaint to the Speaker and, in writing, request the appointment of a Probable Cause Panel or Special Master regarding the complaint. A copy of the letter shall be provided to the complainant and the respondent.

(4) **Withdrawal of Complaints.** A complaint may be withdrawn at any time.

(b) **PROBABLE CAUSE PANEL OR SPECIAL MASTER.**

(1) **Creation.** Whenever the Speaker receives a copy of a complaint and request made pursuant to subsection (a), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (the panel) consisting of an odd number of members or appoint a Special Master. If the Speaker appoints a Probable Cause Panel, the Speaker shall also appoint one member of the panel as its Chair. The Speaker may appoint up to two additional persons who are not Members of the House to serve as nonvoting, public members of a Probable Cause Panel.

(2) **Powers and Duties.** The members of the panel or the Special Master shall have the following powers and duties:

a. Investigate complaints and make appropriate findings of fact promptly regarding allegations of improper conduct sufficient to establish probable cause of violations of law, violations of the House Code of Conduct, and violations of Rules and regulations of the House relating to the conduct of individuals in the performance of their duties as Members or as officers of the House;

b. Based upon the investigation by the Special Master or the panel, make and report findings of probable cause to the Speaker and to the House as it relates to the complaint that occasioned the appointment of the Probable Cause Panel or the Special Master;

c. Recommend to the Committee on Rules, Ethics, & Elections such additional Rules or regulations as the Probable Cause Panel or the Special Master shall determine are necessary or desirable to ensure proper standards of conduct by Members and officers of the House in the performance of their duties and the discharge of their responsibilities; and

d. Adopt rules of procedure as appropriate.

(3) **Quorum.** A quorum of a Probable Cause Panel, when appointed, shall consist of a majority of the members of the panel. All action by a Probable Cause Panel shall require the concurrence of a majority of the full panel.

(4) **Term.** A Probable Cause Panel or Special Master, as appropriate, shall serve until the complaint that occasioned the appointment of the panel or the Special Master has been dismissed or until a finding of probable cause has been transmitted to the Speaker.

(c) **PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING.**

(1) **Preliminary Investigation.**

a. The Probable Cause Panel or the Special Master shall provide the respondent an opportunity to present to the panel, the Special Master, or staff of the panel, orally or in writing, a statement addressing the allegations.

b. The panel, Special Master, or the staff of the panel may interview witnesses and examine documents and other evidentiary matters.

c. The panel or Special Master may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or any other member of the panel, by the Special Master, or by any person authorized by law to administer oaths.

d. The panel or Special Master may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

(2) **Probable Cause Finding.**

a. **Findings.**

1. The panel, by a recorded vote of a majority of the full panel, or the Special Master, as appropriate, shall determine whether there is probable cause to conclude that a violation within the jurisdiction of the panel or the Special Master has occurred.

2. If the panel or Special Master, as appropriate, finds that probable cause does not exist, the panel or Special Master shall dismiss the complaint and notify the complainant and the respondent of its determination.

3. If the panel or Special Master, as appropriate, determines that probable cause exists to believe that a violation occurred but that the violation, if proven, is neither of a de minimis nature nor sufficiently serious to justify expulsion, censure, or reprimand, the panel or Special Master may recommend an appropriate, lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's or Special Master's conclusions, as appropriate, shall be published in the House Journal and the penalty agreed upon shall be imposed. If the panel or Special Master is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before the Select Committee on Standards of Official Conduct pursuant to subsection (d).

4. If the panel or Special Master determines that probable cause exists to believe that a violation occurred and that, if proven, would be sufficiently serious to justify expulsion, censure, or reprimand, the panel or Special Master shall cause to be transmitted to the respondent a Statement of Alleged Violation. The statement shall be divided into counts, and each count shall be related to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, including a reference to the provision of the House Code of Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated. A copy of the statement shall also be transmitted to the Speaker.

b. **Collateral Proceedings.** If the complaint against a Member or officer of the House has been the subject of action before any other body, the panel or Special Master may forward the complaint directly to a hearing pursuant to subsection (d).

(d) **HEARING.**

(1) **Select Committee on Standards of Official Conduct.** Upon receipt by the Speaker of a Statement of Alleged Violation, the Speaker shall appoint, within 20 days, a Select Committee on Standards of Official Conduct (the select committee) to hold hearings regarding the statement and make a recommendation for disciplinary action to the full House. Upon the receipt by the Speaker of a complaint and findings by the Commission on Ethics regarding a Member of the House, the Speaker shall appoint, within 20 days, a Select Committee on Standards of Official Conduct to hold hearings to determine whether a violation has occurred and, if so, to make a recommendation for disciplinary action to the full House.

(2) **Hearing.** A hearing regarding a violation charged in a Statement of Alleged Violation or in a complaint and findings by the Commission on Ethics shall be held promptly to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation.

a. Chair. The Chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members of the select committee. If the select committee appoints a referee pursuant to subsection (i), the referee shall make all evidentiary rulings.

b. Referee. The select committee shall serve as referee for all proceedings under these Rules, unless the select committee retains an independent referee pursuant to subsection (i).

c. Prosecutor. The select committee's staff shall serve as a legal advisor to the committee. The select committee may retain independent counsel pursuant to subsection (j) to serve as prosecutor in all proceedings conducted under these Rules.

d. Respondent's Rights. The respondent shall have the right to be represented by legal counsel, to call witnesses, to introduce exhibits, and to cross-examine opposing witnesses. The respondent or respondent's counsel shall be permitted to take the deposition of the complainant in accordance with sub-subparagraph (d)(3)a.3.

e. Complainant's Rights. The complainant is not a party to any part of the complaint process or these proceedings. The complainant has no standing to challenge these Rules or procedures and has no right to appeal. The complainant may submit a list of witnesses or questions for the select committee's consideration to assist in its preparation for the hearing.

(3) Procedures.

a. Procedure and Evidence.

1. Procedure. The select committee may adopt rules of procedure as appropriate to its needs.

2. Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. However, hearsay evidence may not be used unless same would be admissible under the Florida Rules of Evidence and it shall not be sufficient in itself to support a factual finding unless it would be admissible over objection in civil actions.

3. Discovery. Discovery may be permitted upon motion, which shall state the reason therefor. Discovery shall be in accordance with the Florida Rules of Civil Procedure, but may be limited in time, scope, and method by the Chair or the referee.

4. Testimony. The select committee shall order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or a member of the select committee, by any referee appointed pursuant to subsection (i), or by any person authorized by law to administer oaths.

5. Subpoenas. The select committee may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

b. Order of Hearing. The order of the full hearing before the select committee or the referee shall be as follows:

1. The Chair or the referee shall open the hearing by stating the select committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

2. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order, whenever possible: witnesses and other evidence offered by the independent counsel, witnesses and other evidence offered by the respondent, and rebuttal witnesses. The select committee may call witnesses at any time during the proceedings.

3. Witnesses at the hearing shall be examined first by the independent counsel. The respondent or the respondent's counsel may then cross-examine the witnesses. The members of the select committee may then question the witnesses. Redirect and recross may be permitted in the Chair's or the referee's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or the respondent's counsel, and then may be cross-examined by the independent counsel. Members of the select committee may then question the witness. Redirect and recross may be permitted in the Chair's or the referee's discretion. Participation by the select committee at the hearing stage is at the sole discretion of the select committee and is not mandatory.

(4) Burden of Proof. At the hearing, the burden of proof rests on the appointed independent counsel to establish the facts alleged by clear and convincing evidence with respect to each count.

(e) COMMITTEE RECOMMENDED ORDER.

(1) Committee Deliberations. As soon as practicable, the select committee shall consider each count contained in a Statement of Alleged Violation or in a complaint and findings, as the case may be. A count shall not be proven unless at least a majority of the select committee votes for a motion that the count has been proved. A count that is not proved shall be considered as dismissed by the select committee.

(2) Dismissal of Complaint. After the hearing, the select committee shall, in writing, state its findings of fact. If the select committee finds that the respondent has not violated any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, it shall order the action dismissed and shall notify the respondent and the complainant of such action.

(3) Recommended Order.

a. Recommended Order. If the select committee finds that the respondent has violated any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, it shall, in writing, state its findings of fact and submit a report to the House. A copy of the report shall be sent to the respondent and the complainant and shall be published in the House Journal.

b. Penalty. With respect to any violation with which a Member or officer of the House is charged in a count that the select committee has voted as proved, the select committee may recommend to the House that the Member or officer be fined, censured, reprimanded, placed on probation, or expelled, as appropriate, or may recommend such other lesser penalty as may be appropriate.

(f) PROPOSED RECOMMENDED ORDER.

(1) Referee. When a hearing is conducted by referee, as provided in subsection (i), the referee shall prepare a proposed recommended order and file it, together with the record of the hearing, with the select committee. Copies of the proposed recommended order shall be served on all parties.

(2) Proposed Recommended Order. The proposed recommended order will contain the time and place of the hearing, appearances entered at the hearing, issues, and proposed findings of fact and conclusions of law.

(3) Exceptions. The respondent and the independent counsel may file written exceptions with the select committee in response to a referee's recommended order. Exceptions shall be filed within 20 days after service of the recommended order unless such time is extended by the referee or the Chair of the select committee.

(4) Recommended Order. The select committee shall deliberate and render a recommended order pursuant to the provisions of subsection (e).

(g) CONSENT DECREE. At any stage of the proceedings, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the House Journal. The consent decree shall contain such penalty as may be

appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(h) **CONFIDENTIALITY.** Any material provided to the House in response to a complaint filed under this Rule that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by applicable law. Except as otherwise provided in this section, a complaint and the records relating to a complaint shall be available for public inspection upon the dismissal of a complaint by the Chair of the Committee on Rules, Ethics, & Elections, a determination as to probable cause or informal resolution of a complaint by a Special Master or Probable Cause Panel, or the receipt by the Speaker of a request in writing from the respondent that the complaint and other records relating to the complaint be made public records.

(i) **REFEREE.** The Select Committee on Standards of Official Conduct may, in its discretion and with the approval of the Speaker, employ a referee to preside over the proceedings, to hear testimony, and to make findings of fact and recommendations to the select committee concerning the disposition of complaints.

(j) **INDEPENDENT COUNSEL.** The Select Committee on Standards of Official Conduct is authorized to retain and compensate counsel not regularly employed by the House, as authorized by the Speaker.

(k) **ATTORNEY'S FEES.** When a Probable Cause Panel or a Special Master finds that probable cause does not exist or the select committee finds that the respondent has not violated any of the provisions of the House Code of Conduct or a law, rule, regulation, or other standard of conduct, the panel or Special Master or the select committee may recommend to the Speaker that the reasonable attorney's fees and costs incurred by the respondent be paid by the House. Payment of such reasonable fees and costs shall be subject to the approval of the Speaker.

(l) **ELIGIBILITY; SPEAKER OF THE HOUSE.** If any allegation under this Rule involves the conduct or activities of the Speaker, the duties of the Speaker pursuant to this Rule shall be transferred to the Speaker pro tempore.

(m) **COLLATERAL ACTIONS.**

(1) **Criminal Actions.** Any criminal complaints relating to Members shall be governed by these Rules.

(2) **Commissions or Quasi-Judicial Agencies with Concurrent Jurisdiction.** If a complaint against a Member or an officer of the House is filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Committee on Rules, Ethics, & Elections, a Probable Cause Panel or a Special Master, and the Select Committee on Standards of Official Conduct shall have the discretion to refrain from processing a similar complaint until such commission or quasi-judicial agency has completed its review of the matter. If such a complaint is filed initially with the Chair of the Committee on Rules, Ethics, & Elections and subsequently filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Committee on Rules, Ethics, & Elections, the panel or Special Master, and the select committee shall have the discretion to suspend their proceedings until all such commissions and agencies have completed their review of the matter.

(n) **EX PARTE COMMUNICATIONS.**

(1) A Special Master or a member of a Probable Cause Panel or of a Select Committee on Standards of Official Conduct shall not initiate or consider any ex parte communication relative to the merits of a pending complaint proceeding by:

a. Any person engaged in prosecution or advocacy in connection with the matter; or

b. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the action of the panel, Special

Master, or select committee, or authorized representatives or counsel thereof.

(2) Except when acting in official capacity as a Special Master or as a member of a panel or select committee, a Special Master or a member of a Probable Cause Panel or of a Select Committee on Standards of Official Conduct shall not comment upon or discuss with any other person the matters that occasioned the appointment of the Special Master, panel, or select committee during the pendency of proceedings held pursuant to this Rule before the Special Master, panel, or select committee. This section shall not apply to communications initiated or considered by the Special Master or the Chair of the panel or select committee relating to a settlement pursuant to sub-paragraph (c)(2)a.3. or to a consent decree authorized pursuant to subsection (g).

(o) **TIME LIMITATIONS.**

(1) On or after the effective date of these Rules, all sworn complaints alleging violation of the House Code of Conduct, including any violation of law or of the Rules and regulations of the House, shall be filed with the Committee on Rules, Ethics, & Elections within 2 years after the alleged violation.

(2) A violation of the House Code of Conduct is committed when every element of the Rule has occurred and time starts to run on the day after the violation occurred.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the Member or officer is filed with the Committee on Rules, Ethics, & Elections. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring action by the Chair of the Committee on Rules, Ethics, & Elections. The complaint and all material related thereto shall remain confidential.

**16.3—Penalties for Violations**

Separately from any prosecutions or penalties otherwise provided by law, any Member determined to have violated the foregoing requirements of these Rules shall be fined, censured, reprimanded, placed on probation, or expelled, or have such other lesser penalty imposed as may be appropriate. Such determination and disciplinary action shall be taken by a two-thirds vote of the House, except that expulsions shall require two-thirds vote of the membership, upon recommendation of the select committee so designated under Rule 16.2.

**Part Three—Complaints Against Lobbyists**

**16.4—Lobbyists**

(a) **OBLIGATIONS OF A LOBBYIST.**

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view that the lobbyist openly declares. A lobbyist shall not offer or propose anything that may reasonably be construed to improperly influence the official act, decision, or vote of a legislator, nor shall a lobbyist attempt to improperly influence the selection of officers or employees of the House. A lobbyist, by personal example and admonition to colleagues, shall maintain the honor of the legislative process by the integrity of the lobbyist's relationship with legislators as well as with the principals whom the lobbyist represents.

(2) A lobbyist shall not knowingly and willfully falsify, conceal, or cover up, by any trick, scheme, or device, a material fact or make any false, fictitious, or fraudulent statement or representation, or make or use any writing or document knowing the same to contain any false, fictitious, or fraudulent statements or entry.

(3) No registered lobbyist shall be permitted upon the floor of the House while it is in session.

(b) **ADVISORY OPINIONS; COMPILATION THEREOF.** A lobbyist, when in doubt about the applicability and interpretation of subsection (a) in a particular context, shall submit in writing the facts for an advisory opinion to the Speaker, who shall either refer the issue to the

House general counsel for an advisory opinion or refer the issue to a committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists and may appear in person before such committee. The House general counsel or this committee shall render advisory opinions to any lobbyist who seeks advice as to whether the facts in a particular case would constitute a violation of such Rule by a lobbyist. Such opinion, until amended or revoked, shall be binding in any subsequent complaint concerning the lobbyist who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for advisory opinion. Upon request of the lobbyist or any Member, the committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists may revise any advisory opinion issued by the House general counsel or may revise any advisory opinion issued by the general counsel of the Office of Legislative Services under Joint Rule 1.7. The House general counsel or committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions. All advisory opinions of the House general counsel or this committee shall be numbered, dated, and published in an annual publication of the House. The Clerk shall keep a compilation of all advisory opinions of the House general counsel or committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists.

#### 16.5—Complaints of Violations Relating to Lobbyists; Procedure

(a) **FILING OF COMPLAINTS.** The Chair of the Committee on Rules, Ethics, & Elections shall receive and initially review allegations of violations of the Rules of the House, Joint Rule 1, or violations of a law, rule, or other standard of conduct by a lobbyist.

(1) **Review of Complaints.** The Chair of the Committee on Rules, Ethics, & Elections shall review each complaint submitted to the Committee on Rules, Ethics, & Elections relating to the conduct of a lobbyist.

(2) **Complaints.**

a. A complaint shall be in writing and under oath, setting forth in simple, concise statements the following:

1. The name and legal address of the party filing the complaint (complainant);

2. The name and address of the lobbyist (respondent) alleged to be in violation of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct;

3. The nature of the alleged violation based upon the personal knowledge of the complainant, including, if possible, the specific section of the Rules of the House, Joint Rule 1, or law, rule, or other standard of conduct alleged to have been violated; and

4. The facts alleged to give rise to the violation.

b. All documents in the possession of the complainant that are relevant to, and in support of, the allegations shall be attached to the complaint.

(3) **Processing Complaint and Preliminary Findings.**

a. Upon the filing of a complaint, the Chair shall, within 5 working days, notify the lobbyist against whom the complaint has been filed and give such person a copy of the complaint. Within 20 days, the Chair shall take the necessary actions as provided in subparagraphs b.-g.

b. The Chair shall examine each complaint for jurisdiction and for compliance with paragraph (a)(2).

c. If the Chair determines that a complaint does not comply with such Rule, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such Rule and with a copy of the Rule. A complainant may resubmit a complaint, provided such complaint is resubmitted prior to the expiration of the time limitation set forth in subsection (m).

d. If the Chair determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of the

Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

e. If the Chair determines that the complaint is outside the jurisdiction of the House, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

f. If the Chair determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Chair may attempt to correct or prevent such a violation by informal means.

g. If the Chair determines that such a complaint does allege facts sufficient to constitute a violation of any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, and that the complaint is not de minimis in nature, the Chair shall transmit a copy of the complaint to the Speaker and, in writing, request the appointment of a Probable Cause Panel or Special Master regarding the complaint. A copy of the letter shall be provided to the complainant and the respondent.

(4) **Withdrawal of Complaints.** A complaint may be withdrawn at any time.

(b) **PROBABLE CAUSE PANEL OR SPECIAL MASTER.**

(1) **Creation.** Whenever the Speaker receives a copy of a complaint and request made pursuant to subsection (a), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (the panel) consisting of an odd number of members or appoint a Special Master. If the Speaker appoints a Probable Cause Panel, the Speaker shall also appoint one member of the panel as its Chair. The Speaker may appoint up to two additional persons who are not Members of the House to serve as nonvoting, public members of a Probable Cause Panel.

(2) **Powers and Duties.** The members of the panel or the Special Master shall have the following powers and duties:

a. Investigate complaints and make appropriate findings of fact promptly regarding allegations of improper conduct sufficient to establish probable cause of violation of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct;

b. Based upon the investigation by the Special Master or the panel, make and report findings of probable cause to the Speaker and to the House as it relates to the complaint that occasioned the appointment of the Probable Cause Panel or the Special Master;

c. Recommend to the Committee on Rules, Ethics, & Elections such additional Rules or regulations as the Probable Cause Panel or the Special Master shall determine are necessary or desirable to ensure proper standards of conduct by lobbyists; and

d. Adopt rules of procedure as appropriate to its needs.

(3) **Quorum.** A quorum of a Probable Cause Panel, when appointed, shall consist of a majority of the members of the panel. All action by a Probable Cause Panel shall require the concurrence of a majority of the full panel.

(4) **Term.** A Probable Cause Panel or Special Master, as appropriate, shall serve until the complaint that occasioned the appointment of the panel or the Special Master has been dismissed or until a finding of probable cause has been transmitted to the Speaker.

(c) **PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING.**

(1) **Preliminary Investigation.**

a. The Probable Cause Panel or the Special Master shall provide the respondent an opportunity to present to the panel, the Special Master, or staff of the panel, orally or in writing, a statement addressing the allegations.

b. The panel, Special Master, or the staff of the panel may interview witnesses and examine documents and other evidentiary matters.

c. The panel or Special Master may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or any other member of the panel, by the Special Master, or by any person authorized by law to administer oaths.

d. The panel or Special Master may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

(2) Probable Cause Finding.

a. The panel, by a recorded vote of a majority of the full panel, or the Special Master, as appropriate, shall determine whether there is probable cause to conclude that a violation within the jurisdiction of the panel or the Special Master has occurred.

b. If the panel or Special Master, as appropriate, finds that probable cause does not exist, the panel or Special Master shall dismiss the complaint and notify the complainant and the respondent of its determination.

c. If the panel or Special Master, as appropriate, determines that probable cause exists to believe that a violation occurred but that the violation, if proven, is neither of a de minimis nature nor sufficiently serious to justify the imposition of a penalty pursuant to Rule 16.6, the panel or Special Master may recommend an appropriate, lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's or Special Master's conclusions, as appropriate, shall be published in the House Journal and the penalty agreed upon shall be imposed. If the panel or Special Master is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before the Select Committee on Lobbyist Conduct pursuant to subsection (d).

d. If the panel or Special Master determines that probable cause exists to believe that a violation occurred and that, if proven, would be sufficiently serious to justify imposition of a penalty pursuant to Rule 16.6, the panel or Special Master shall cause to be transmitted to the respondent a Statement of Alleged Violation. The statement shall be divided into counts, and each count shall be related to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, including a reference to the provision of the Rules of the House, Joint Rule 1, or law, rule, or other standard of conduct alleged to have been violated. A copy of the statement shall also be transmitted to the Speaker.

(d) HEARING.

(1) Select Committee on Lobbyist Conduct. Upon receipt by the Speaker of a Statement of Alleged Violation, the Speaker shall appoint, within 20 days, a Select Committee on Lobbyist Conduct (the select committee) to hold hearings regarding the statement and make a recommendation for disciplinary action to the full House.

(2) Hearing. A hearing regarding a violation charged in a Statement of Alleged Violation shall be held promptly to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. The hearing before the select committee shall be subject to Rule 7.18.

a. Chair. The Chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members of the select committee. If the select committee appoints a referee pursuant to subsection (i), the referee shall make all evidentiary rulings.

b. Referee. The select committee shall serve as referee for all proceedings under these Rules, unless the select committee retains an independent referee pursuant to subsection (i).

c. Prosecutor. The select committee's staff shall serve as prosecutor in all proceedings conducted under these Rules, unless the select committee retains independent counsel pursuant to subsection (j).

d. Respondent's Rights. The respondent shall have the right to be represented by legal counsel, to call witnesses, to introduce exhibits, and to cross-examine opposing witnesses. The respondent or respondent's counsel shall be permitted to take the deposition of the complainant in accordance with sub-subparagraph (d)(3)a.3.

e. Complainant's Rights. The complainant is not a party to any part of the complaint process or these proceedings. The complainant has no standing to challenge these Rules or procedures and has no right to appeal. The complainant may submit a list of witnesses or questions for the select committee's consideration to assist in its preparation for the hearing.

(3) Procedures.

a. Procedure and Evidence.

1. Procedure. The select committee may adopt rules of procedure as appropriate to its needs.

2. Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. However, hearsay evidence may not be used unless same would be admissible under the Florida Rules of Evidence and it shall not be sufficient in itself to support a factual finding unless it would be admissible over objection in civil actions.

3. Discovery. Discovery may be permitted upon motion, which shall state the reason therefor. Discovery shall be in accordance with the Florida Rules of Civil Procedure, but may be limited in time, scope, and method by the Chair or the referee.

4. Testimony. The select committee shall order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or a member of the select committee, by any referee appointed pursuant to subsection (i), or by any person authorized by law to administer oaths.

5. Subpoenas. The select committee may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

b. Order of Hearing. The order of the full hearing before the select committee or the referee shall be as follows:

1. The Chair or the referee shall open the hearing by stating the select committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

2. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order, whenever possible: witnesses and other evidence offered by the select committee's staff or the independent counsel, witnesses and other evidence offered by the respondent, and rebuttal witnesses. The select committee may call witnesses at any time during the proceedings.

3. Witnesses at the hearing shall be examined first by the select committee's staff or the independent counsel. The respondent or the respondent's counsel may then cross-examine the witnesses. The members of the select committee may then question the witnesses. Redirect and recross may be permitted in the Chair's or the referee's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or the respondent's counsel, and then may be cross-examined by the select committee's staff or the independent counsel. Members of the select committee may then question the witness. Redirect and recross may be permitted in the Chair's or the referee's discretion. Participation by the select committee at the hearing stage is at the sole discretion of the select committee and is not mandatory.

(4) Burden of Proof. At the hearing, the burden of proof rests on the select committee's staff or the appointed independent counsel to

establish the facts alleged by clear and convincing evidence with respect to each count.

(e) COMMITTEE RECOMMENDED ORDER.

(1) Committee Deliberations. As soon as practicable, the select committee shall consider each count contained in a Statement of Alleged Violation. A count shall not be proven unless at least a majority of the select committee votes for a motion that the count has been proved. A count that is not proved shall be considered as dismissed by the select committee.

(2) Dismissal of Complaint. After the hearing, the select committee shall, in writing, state its findings of fact. If the select committee finds that the respondent has not violated any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, it shall order the action dismissed and shall notify the respondent and the complainant of such action.

(3) Recommended Order.

a. Recommended Order. If the select committee finds that the respondent has violated any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, it shall, in writing, state its findings of fact and submit a report to the House. A copy of the report shall be sent to the respondent and the complainant and shall be published in the House Journal.

b. Penalty. With respect to any violation with which a lobbyist is charged in a count that the select committee has voted as proved, the select committee may recommend to the House that the lobbyist be censured, reprimanded, or prohibited from lobbying for all or any part of the legislative biennium during which the violation occurred, or such other penalty as may be appropriate.

(f) PROPOSED RECOMMENDED ORDER.

(1) Referee. When a hearing is conducted by referee, as provided in subsection (i), the referee shall prepare a proposed recommended order and file it, together with the record of the hearing, with the select committee. Copies of the proposed recommended order shall be served on all parties.

(2) Proposed Recommended Order. The proposed recommended order shall contain the time and place of the hearing, appearances entered at the hearing, issues, and proposed findings of fact and conclusions of law.

(3) Exceptions. The respondent and the independent counsel may file written exceptions with the select committee in response to a referee's recommended order. Exceptions shall be filed within 20 days after service of the recommended order unless such time is extended by the referee or the Chair of the select committee.

(4) Recommended Order. The select committee shall deliberate and render a recommended order pursuant to the provisions of subsection (e).

(g) CONSENT DECREE. At any stage of the proceedings, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the House Journal. The consent decree shall contain such penalty as may be appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(h) CONFIDENTIALITY. Any material provided to the House in response to a complaint filed under this Rule that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by applicable law. Except as otherwise provided in this section, a complaint and the records relating to a complaint shall be available for public inspection upon the dismissal of a complaint by the Chair of the Committee on Rules, Ethics, & Elections, a determination as to probable cause or informal resolution of a complaint by a Special Master or Probable Cause Panel, or the receipt by the Speaker of a

request in writing from the respondent that the complaint and other records relating to the complaint be made public records.

(i) REFEREE. The Select Committee on Lobbyist Conduct may, in its discretion and with the approval of the Speaker, employ a referee to preside over the proceedings, to hear testimony, and to make findings of fact and recommendations to the select committee concerning the disposition of complaints.

(j) INDEPENDENT COUNSEL. The Select Committee on Lobbyist Conduct is authorized to retain and compensate counsel not regularly employed by the House, as authorized by the Speaker.

(k) ELIGIBILITY; SPEAKER OF THE HOUSE. If any allegation under this Rule involves the conduct or activities of the Speaker, the duties of the Speaker pursuant to this Rule shall be transferred to the Speaker pro tempore.

(l) EX PARTE COMMUNICATIONS.

(1) A Special Master or a member of a Probable Cause Panel or of a Select Committee on Lobbyist Conduct shall not initiate or consider any ex parte communication relative to the merits of a pending complaint proceeding by:

a. Any person engaged in prosecution or advocacy in connection with the matter; or

b. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the action of the panel, Special Master or select committee, or authorized representatives or counsel thereof.

(2) Except when acting in official capacity as a Special Master or as a member of a panel or select committee, a Special Master or a member of a Probable Cause Panel or of a Select Committee on Lobbyist Conduct shall not comment upon or discuss with any other person the matters that occasioned the appointment of the Special Master, panel, or select committee during the pendency of proceedings held pursuant to this Rule before the Special Master, panel, or select committee. This section shall not apply to communications initiated or considered by the Special Master or the Chair of the panel or select committee relating to a settlement pursuant to subparagraph (c)(2)c. or to a consent decree authorized pursuant to subsection (g).

(m) TIME LIMITATIONS.

(1) On or after the effective date of these Rules, all sworn complaints alleging violation of the Rules of the House, Joint Rule 1, or any law, rule, or other standard of conduct by a lobbyist shall be filed with the Committee on Rules, Ethics, & Elections within 2 years after the alleged violation.

(2) A violation of the Rules of the House is committed when every element of the Rule has occurred, and time starts to run on the day after the violation occurred.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the lobbyist is filed with the Committee on Rules, Ethics, & Elections. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring action by the Chair of the Committee on Rules, Ethics, & Elections. The complaint and all material related thereto shall remain confidential.

16.6—Penalties for Violations

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the foregoing requirements of these Rules, any provision in Joint Rule 1 adopted by the House and the Senate, or any law, rule, or other standard of conduct by a lobbyist may be reprimanded, censured, prohibited from lobbying for all or any part of the legislative biennium during which the violation occurred, or have such other penalty imposed as may be appropriate. Such determination shall be made by a majority of the House, upon recommendation of the select committee so designated under Rule 16.5.

—was read the first time by title. On motion by Rep. Byrd, the resolution was read the second time by title.

#### Remarks Relating to HR 1-Org.

**Speaker Feeney:** Representative Byrd has moved the adoption of the resolution and is recognized to explain the resolution. Give Representative Byrd your attention, this will be your first vote on a set of Rules in the Florida House. Representative Byrd, you're recognized.

**Rep Byrd:** Thank you, Mr. Speaker. Members, I know the hour is late but this is an important resolution. The Organization Session we are to accomplish two things: the joyous selection of our officers and to organize. In order to organize we must adopt our Rules.

The Florida Constitution vests in the House exclusive right to adopt our Rules, free from the interference of another branch of government.

The Rules provide the structure for the backbone for our deliberations, for us to transact business. The Rules provide for the majority's ability to act. The Rules provide for the minority's ability to be heard, and the Rules provide for the public, the right to know.

Learn the Rules. But, as you learn the Rules, learn the Rules in the context of these three purposes of the Rules: the right of the majority to act, the right of the minority to be heard, and the right of the public to know.

Knowledge of the Rules will serve you well. I would admonish you first, new Members, to read the sections of the Rules that deal with Members, that deal with your responsibility toward our legislative staff and that deal with the rules of ethics contained in the Rules. And ask questions. Do not be timid. There's no question that should not be asked if it's on your mind. Seek out the Clerk. Seek out distinguished former Members. Seek out veteran Chairs. Seek out the Speaker. Seek out the staff. There's no question that you should not ask.

The Rules on your desk have been reorganized, at the Speaker's direction, to be simpler, better stated, better organized. They're renumbered to be completely logical.

And I would like to thank the Clerk and his staff, the Rules Committee staff, especially the Minority staff, and the Minority Leader. We've made every effort to accommodate the suggestions of the minority, and I think that we've shown a real bipartisan effort there.

The committee structure, which is probably your most immediate concern in the work that you'll do over the next several months, has been condensed. We have seven councils; five of those are substantive, one is procedural, and one is fiscal. There will be 34 standing committees.

You may want to make a few notes here. The bill filing deadline—we now have one, historically we did not. But we do have a bill filing deadline that will be at noon on the 14th day of the Regular Session. Note: The local bill deadline is the first day of the Regular Session. There will be a bill limit, and there is a change from the last two years. The bill limit will be a set limit of six bills. Exempt from that are local bills, trust fund bills, public records bills, but contained in that are memorials that you may file.

The structure of the committees being under a council; each council will now have more activities. Each council, under the new Rules, will be able to take up bills, amend bills, pass out to council substitute bills, and so there will be action on bills at the council level.

The Special Order Calendars will be set by the Procedural Council. And the Rules have been condensed to eliminate all the multiple Local Calendars, Consent Calendars, the different types of calendars. We've reduced that to simply say that the Procedural Council will set the calendar. Of course this will be done with the advice and counsel of the Minority Leader.

And we have adopted a Rule that committees will not be able to adopt proposed committee bills without permission from the Speaker.

So we're focusing the Members; you have six bills you can file and the Rules have been streamlined.

I would like to yield, Mr. Speaker.

The last part of the Rules that you'll probably want to really read as we approach session, is a new Rule that allows the Committee on Rules to propose a special rule for a particular bill rather than applying the general rules to every bill. Then in the case of a particular bill, the Rules Committee may want to set a special rule.

And I'll yield to, if I could, Mr. Speaker, to Representative Goodlette to explain the special rule procedure.

**Speaker Feeney:** Representative Goodlette, a year ago I got a little concerned about you when you discarded that wonderful curly hairdo you had. [laughter] This week I have seen you walking around with the new Rules and the *Federalist Papers*. You're back in good graces. You are recognized.

**Rep. Goodlette:** Thank you, Mr. Speaker.

Members, I'll be short, or brief, maybe. [laughter]

A special rule must be approved by the council, that is the Procedural & Redistricting Council, by two-thirds vote before it is submitted to the House for approval. A special rule shall prescribe the time and the conditions of debate and the amendment of the bill. A special rule, and this is important, may include conditions for limiting or prohibiting any amendments. A special rule may designate two floor managers; one on the proponent side, another on the opponent side. Both of which, the floor managers that is, must be approved by the Majority and the Minority Leaders.

There are a few additional changes that Representative Byrd has alluded to. But, by and large, Members, these Rules combined the strengths of the past rules with some exciting, I believe, new changes. As you study this resolution more carefully, you will see that the work that went into creating the Rules for an effective, for a fair, and most importantly, for an open process, in the Florida House of Representatives.

Thank you, Mr. Speaker.

**Speaker Feeney:** Thank you. Representatives Byrd and Goodlette having explained the Rules, we will move into questions and debate. Would anybody like to be recognized for questions? Would anybody like to be recognized in debate? Representative Wiles, for debate on the Rules. You are recognized.

**Rep. Wiles:** Thank you, Mr. Speaker and let me offer first my congratulations to you on your new post.

Mr. Speaker and Members, I rise for two purposes this morning. The first is to recognize and acknowledge the cooperative atmosphere of you and the leadership team in the Florida House of Representatives and working with the Minority Party on developing these Rules. As it has been explained to you here briefly, as you review some of the Rules, you'll know and note, some of the older Members, that there have been several changes that we feel in the Minority Party, in the Democratic Party, are important. But the second reason for my brief remarks today is to point out one area that remains a concern. And I would direct your attention to your Rules on your desk to page 76, item number 12.5(b). That particular part of the Rules deals with an amendment to the general appropriations bill and it requires a two-thirds vote. This is not a change from the previous Rules, but has been a part of the House Rules since they were significantly overhauled in 1996. The Members, those of you who are new, and certainly all of those who have returned, will recognize that the appropriations bill is the only bill that our Florida's Constitution requires that we pass during an entire session. It certainly is one of the most significant bills that we deal with. Because out of five to six hundred bills, this one is probably the most significant in making policy decisions and in appropriating sufficient funds in order to realize the priorities that we have established here in the Florida House in cooperation with others. So it is with some concern, in fact great concern, among those of us here that we have a rule that in light of the significance of this bill, still requires such a significant majority. And we would ask that we continue to work together in some form of



compromise to work on this issue as well as several others. But in the spirit of bipartisan cooperation, let me tell you that I do not anticipate anything other than a unanimous vote on the House Rules today, at least from the House Democratic side.

Mr. Speaker and Members, I appreciate your patience as we explain some of the concerns that we have and look forward to voting on the Rules in just a few minutes.

**Speaker Feeney:** Thank you Representative Wiles. Is there further debate? There being none, Representative Byrd or Goodlette, would you like to close?

**Rep. Byrd:** Thank you, Mr. Speaker. These Rules will be the backbone and the structure as we move forward and I can assure you that the Speaker, Representative Wiles, Representative Frankel, we are committed to having a unanimous vote on the appropriations bill and that we will use every effort and that is the Speaker's desire to move forward into the next millennium in a real bipartisan spirit. So, without further ado, I would move the bill.

On motion by Rep. Byrd, HR 1-Org. was adopted. The vote was:

Session Vote Sequence: 3

Yeas—117

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

Nays—None

Votes after roll call:

Yeas—Baxley, Mahon, Rubio

## Messages from the Senate

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has adopted SCR 2-Org. and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senator Rossin—

**SCR 2-Org.**—A concurrent resolution repealing present Joint Rule 7 and creating Joint Rules 7 and 8 of the Joint Rules of the Legislature.

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That present Joint Rule 7 of the Joint Rules of the Legislature is repealed and Joint Rules 7 and 8 of the Joint Rules of the Legislature are created to read:

### JOINT RULES JOINT RULE SEVEN JOINT LEGISLATIVE BUDGET COMMISSION

#### 7.1—General Responsibilities

(1) *The commission, as provided in chapter 216, Florida Statutes, shall receive and review notices of budget and personnel actions and proposed actions taken or to be taken by the executive and judicial branches and shall approve or disapprove such actions.*

(2) *Through the chairman, the commission shall advise the Governor and the Chief Justice of actions or proposed actions that exceed delegated authority or that are contrary to legislative policy and intent.*

(3) *To the extent possible, the commission shall inform members of the Legislature of budget amendments requested by the executive or judicial branches.*

(4) *The commission shall consult with the Comptroller and the Executive Office of the Governor on matters as required by chapter 216, Florida Statutes.*

(5) *The President of the Senate and the Speaker of the House of Representatives may jointly assign other responsibilities to the commission in addition to those assigned by law.*

(6) *The commission shall develop policies and procedures necessary to carry out its assigned responsibilities.*

(7) *The commission, with the approval of the President of the Senate and the Speaker of the House of Representatives, may appoint subcommittees as necessary to facilitate its work.*

#### 7.2—Zero-based Budgeting

(1) *The commission shall develop a schedule and apply zero-based budgeting principles in reviewing the budget of each state agency at least once every 8 years.*

(2) *By July 1 of each year, the commission shall issue instructions to the agencies whose budgets are to be reviewed prior to the next legislative session.*

(3) *The commission shall provide these reviews to the President of the Senate and the Speaker of the House of Representatives by December 31 of the year in which they are completed.*

(4) *By February 1, 2001, the commission shall provide to the President of the Senate and the Speaker of the House of Representatives a schedule for completing zero-based budgeting reviews of all state agencies prior to December 31, 2008.*

#### 7.3—Organizational Structure

(1) *The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. The appointees shall include the chairman of the Fiscal Responsibility Council in the House of Representatives and the chairman of the Committee on Appropriations in the Senate.*

(2) *The members of the commission shall elect a chairman and a vice chairman. In even-numbered years, a Senator shall be chairman and a House member vice chairman. In odd-numbered years, a House member shall be chairman and a Senator vice chairman.*

(3) *The commission shall meet at least quarterly and more frequently at the direction of the presiding officers or the chairman. Meetings may be conducted through teleconferences or other electronic means.*

(4) *A quorum shall consist of a majority of the commission members of each house plus one additional member of the commission.*

(5) *Action by the commission shall require a majority vote of the members present of each house.*

(6) *The commission shall be jointly staffed by the appropriations committees of both houses. During even-numbered years, the Senate shall provide the lead staff. During odd-numbered years, the House of Representatives shall provide the lead staff.*

#### 7.4—Notice of Commission Meetings

*Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chairman is a Senator or with the Clerk of the House of Representatives when the chairman is a Representative. The Secretary or the Clerk shall distribute notice to the Legislature and the public, consistent with the rules and policies of their respective houses.*

### JOINT RULE EIGHT

#### CONTINUING EXISTENCE OF JOINT RULES

##### 8.1—Continuing Existence of Joint Rules

*All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.*

—was read the first time by title. On motion by Rep. Byrd, the rules were waived and the concurrent resolution was read the second time by title.

Rep. Byrd moved the adoption of the concurrent resolution.

**Speaker Feeney:** Representative Byrd having moved the adoption of the resolution, he's recognized to explain it.

**Rep. Byrd:** Thank you, Mr. Speaker. Members, this is a concurrent resolution with the Senate that will create a Joint Rule 7 regarding the Joint Legislative Budget Commission. And, Mr. Speaker, I would ask to yield to Representative Lacasa for further explanation.

**Speaker Feeney:** Representative Lacasa, you're recognized for further explanation.

**Rep. Lacasa:** Thank you, Mr. Speaker, I appreciate that. This rule implements the changes made in law during the last session regarding the budget amendments by state agencies that actually increases substantially the democratic process associated with post-session amendments to the budget.

It provides for the appointment of a Joint Legislative Budget Commission which assumes the responsibilities formerly held by the Administration Commission of the Cabinet, for approving or disapproving interim budget amendments. The commission is made up of seven Members of the House appointed by the Speaker and seven members of the Senate appointed by the President. It's also responsible for developing a schedule for, and implementing, zero-based budgeting for each state agency at least once every eight years, although we plan to do it a lot earlier than that. The commission is to be chaired by the Senate in even-numbered years and by the House in odd-numbered years and will be staffed in alternating years by our respective staffs. All votes of the commission are unit votes, that is, a majority of each side must approve any action.

**Speaker Feeney:** Thank you. Representative Lacasa having explained the concurrent resolution, are there questions on the resolution?

Representative Greenstein, you are recognized.

**Rep. Greenstein:** Thank you, Mr. Speaker. First of all I want to congratulate you and I'd also like to thank Representative Frankel and you for letting me sit on the Legislative Budget Commission.

Unlike Representative Goodlette, I'm going to stand tall here and just ask the question. Section 216.77 allows any member to request a revision of any action or proposed action that exceeds delegated authority. The statute requires this provision in the Joint Rules, but it

is not included in this proposal. Would the rules and the statute be interpreted to allow a member to make such a request, Representative Lacasa?

**Speaker Feeney:** Representative Lacasa, for a response.

**Rep. Lacasa:** Thank you, Mr. Speaker. Absolutely, Representative Greenstein. In fact the rules do not limit who can file the objections, they simply state the process for it, so it's open.

The question recurred on the adoption of SCR 2-Org., which was adopted and, under the Rule, immediately certified to the Senate.

#### Motion

On motion by Rep. Byrd, seconded by Rep. Goodlette, the Clerk was allowed to make technical and clerical changes to the House Rules adopted earlier today.

#### Select Committee Assignments

In response to the notice of contest received by the Clerk on November 6, 2000, the Speaker announced that he had created, under Rule 7.2, a Select Committee to Review the Charges of a Contested Seat in District 17 and had appointed Reps. Kendrick, Greenstein, Crow, and Ball to serve with Rep. Byrd, Chair.

The committee shall hold a hearing and report its findings and recommendations as soon as reasonably possible in accordance with Rule 1.4(b).

#### Remarks by the Speaker

**Speaker Feeney:** I'm going to start by telling you how fun and emotional it was to be nominated for Speaker of the Florida House of Representatives. I should start with my great friend, Mike Fasano. I've got a lot of friends here today. I've got friends that are with me all day long. Sometimes I've got some college buddies, friends who have been with me all night long. But, nobody has been by my side more regularly, 24 hours a day. They say that even Homer nods, but when it comes to his friendship and support of me, Mike Fasano has never nodded for a second. Thank you very much, Michael. [applause] Johnnie Byrd, you've been right there by John Thrasher's side and my side and it's a great comfort to know that you're going to be in that chair, first violin, for the next two years. It will give me the moral support and the confidence I need to go forward and make sure that we do our work on behalf of the people of Florida. I'm glad you're there. Representative Argenziano, you made me emotional as well. I've seen you choked up and I've seen you fired up. I'd rather have you choked up any day of the week. [laughter] Is that right, Speaker Thrasher? [laughter] And finally, Carlos Lacasa. The one bill that we do have to pass every year and the only bill that we have to pass is the appropriations bill. Because of the supreme confidence I have in the wisdom and the patience and the intellect of Carlos Lacasa, I've asked him to make sure we have an appropriations bill that all of us can be proud of in meeting the needs of Floridians. Thank you very much for being here.

I want to recognize all of the dignitaries that are here. Thank you to all the former Speakers, Lieutenant Governor Brantley, Senator Kiser, Leader Mortham, Speaker Thrasher, and my good friend, Senator Connie Mack, and his wife, Priscilla. We're so grateful that you could join us today as well as the Governor and our Cabinet. I would suggest to you that as we enter some difficult philosophical debates that all of us feel passionate about, that we could all take a great lesson from Senator Connie Mack. He is able to deal with the most difficult and contentious of issues in a dispassionate, honorable, and respectful way that gives all Americans, whether they agree with him or not, great confidence in their public servants that are in Washington representing them. If we could emulate Senator Mack as we deal with our most difficult and contentious issues I would be forever proud. Thank you for being here and thank you for your service. [applause]

I sat with Speaker Wetherell the other night. We've got some great Speakers here, but he was the first Speaker that I served under. From T. K. I learned a couple of things; number one, respect for the

institution. I'm not sure he was convinced after two years of dealing with me that I had learned anything, let alone respect for the institution. But I assure you, I did. I also got some advice from T. K. the other night—and he's an advisor as these gentlemen are on both sides of the aisle—and we're grateful for your help. I got some advice, and that was to have fun. And that will be some advice I'd give to all 120 Members. This is a difficult process and it's a process where we have to work hard, but while we're at it we can have a great deal of fun. And I hope that you will do as Speaker Wetherell advised.

Under Dan Webster, when I came back to the House in 1996, and Speaker Webster was down here earlier, we did some dramatic things. We changed dramatically the process in the Florida House. For example, we no longer regularly conduct business at 10:00 at night, 12:00 at night, sometimes 2, 3, 4 in the morning. Just one of the many things we were so proud of as Speaker Webster instituted a process that we could do in the daylight and be proud of and answer for. And we were very grateful and I had a great opportunity to serve at the side of Speaker Webster. Under Speaker John Thrasher, he gave me every opportunity to participate, kept me probably more busy than I was able to do sometimes. But, it really was the best thing possible to prepare me for the challenges of the next two years. And under Speaker Thrasher, when we had the first Republican Governor, Senate, and House since Reconstruction, we were able to accomplish some dramatic things that I'm proud of. We have a reduced taxation environment on our families and businesses. We have reduced regulation. I think we have a fairer civil litigation environment. None of that would have happened without your great leadership. Thank you so much for being here. [applause]

And I'm grateful to all the Members and their families who are here today. I'm asked especially by some of the newer Members what it's like to become Speaker of the House. I've travelled this state twice on two political missions: one was in 1994 when I ran with Governor Bush, and the second one was as I ran the last two, three years to meet the people of Florida and to become Speaker of the House. And some of the things I like to tell folks, to show how diverse and incredibly interesting our state is, is that I've had the opportunity, Jerry Maygarden and Melvin, to become a member of the Irish Politicians Club in Pensacola. Thanks Representative Sorensen and the Mayor of Key West, I'm an honorary Conch. I have a key to Jacksonville and several other cities. One of my favorite stories, Representative Kilmer, is about attending the Possum Festival. Now, for those of you in Northwest Florida, you know all about the Possum Festival. But unless you've run for statewide office, trust me you don't. And I'll give you all a hint because enough of us former Yankees have been surprised by this one. When you first show up for your first Possum Festival, you are a statewide dignitary, you are shuffled into a line to have your share, believe it or not, of possum. It was only after I had eaten halfway through my plate—Representative Kendrick is laughing over here—only after I had gotten halfway through my plate of possum which would have gone down much better, by the way, with two or three cold beers I'm sure, only after I had got through that plate did I recognize that none of the local folks were eating possum. [laughter] And I went up to, this is a true story, I went up to a gentleman who looked about 72, 74 years old and I asked him if they had eaten before we'd come and why weren't they sharing in the possum. And he said, Representative Feeney, I haven't eaten possum since the Depression. [laughter] Those of you that wander out in pursuit of statewide office, I've given you a hint. I hope you're forever grateful. For you taste possum you will be, trust me. [laughter]

I want to congratulate all of you who are here today and to say that this is a great opportunity to serve you as your Speaker is an incredible understatement. Abraham Lincoln reminded us that "Nearly all men can stand adversity, but if you [really] want to test a man's character, give him power." I want to assure you that I intend to pass that test. I will do my absolute best to honor that trust that you, on behalf of the people and all of the people of Florida, have placed in me today. I also want to say that I fully understand that just as each of us derives what power we have from the people we represent, I derive what little power I have from each of you individually on behalf of those people you represent. I pledge to you that I will use that power only in the best interest of the House of Representatives and ultimately in the interest of the people of the great state of Florida.

And I need to first introduce to you a small group of friends. I've got some friends over here from the Oviedo area, my law partner, Cheryl, and Andy Feeney. It's great to have all of you. Shannon, who also does a great job working in my office, I'm glad that you're here today. You met some of my family. I've got some of my college friends, some of my other friends from the Orlando area, I'm glad to have all of you here. But I want to reintroduce, you know, my most immediate family very quickly. Those of you who have had the chance to meet my wife, Ellen, and she's got a respite from my two boys because they are with the rest of the kids and the first time she's sat down in about four days in Tallahassee. Ellen works as a chemical engineer at Kennedy Space Center. In addition she raises two very rambunctious boys, often with little help from me. My adversaries have pointed out over time that I'm no rocket scientist and that's true, but my wife, Ellen, is. Ellen, I'm so proud to have you here. [applause] Tommy, who led the Pledge of Allegiance today along with a lot of the children of the Members of the House and grandchildren, got his first report card the other day and I was very, very proud and somewhat surprised that he got straight As. He's a good looking young man for those of you who have seen him. And he is lucky to get both his looks and his brains from his mom. And we're grateful for Tommy. Sean, who you may have recognized wandering around, he turned over two plants full of dirt in the Speaker's Office last night. We ejected our first two-year-old from the Speaker's Office, to my knowledge. Sean has curly hair and we're just hopeful—he doesn't have a report card yet—that he gets only his looks and not his brains from my side of the family. But we've got two wonderful boys and we're very proud of them. And for Uncle Ed and Aunt Darlene, mom and dad, my brother-in-law Doug Laman, my sister Jo, my sister Carole, my niece Jenny, and Joshua is upstairs with the kids, and all of my friends, we're really grateful you're here. I should say that my third sister is not here today. She has two very, very brave young boys. Chris, who's 10, just recently underwent his second treatment for cancer. His brother was the donor and we're very proud of him, too. [applause]

And I want to thank Justice Wells here today. He helped make this a very special occasion for us. He has some incredible duties on a year-round basis, but, as you can imagine those duties are especially significant and demanding now and we are grateful. I think all of our new Members will come to be grateful for the fact that he took time to come over and participate in your first swearing in. And, I know I'm grateful as well.

I'd like to welcome another distinguished group of people, 63 brand-new state Representatives. I'm informed, former Representative Bullard, that not only do we have the first male spouse of a former Rep. but I'm informed by Representative Brutus that we have our first Haitian-American Representative. Congratulations. [applause] And only once since our first Legislative Session in 1845 have we had more new Members of the Florida House of Representatives. And some may mourn the loss of experience that accompanies term limits, but I prefer to celebrate the vibrancy and the new ideas that this influx of great new Members will bring. While their term in the Florida House has been limited, their potential for rapid advancement into leadership roles, not just in this House but throughout the state and the country is limitless. I believe deeply it's a great honor to preside over a class that in my view will probably include future Florida Governors, U.S. Senators, Congressmen and women, probably future Speakers of the Florida House, and for those wayward few who head down to the Florida Senate, maybe even a Senate President. We are so excited about the opportunity to participate with our new freshman class. Congratulations. [applause]

We have a substantial advantage over that first Legislature. We've got 57 experienced Members who are here to complement that freshman class. I am confident that this combination of experience and enthusiasm will result in the best two years the Florida Legislature has ever had. We senior Members have an incredible opportunity and obligation to mentor this wonderful new class and demonstrate by example how true leaders can make a difference on behalf of the people of Florida. Our returning Members, along with Speaker pro tem Murman, Representatives Frankel and Wiles, Representative Fasano, the Majority Leader, and my guidance, along with the rest of our

returning Members, I think are prepared to meet that incredible task of helping these new Members. We're prepared, we'll be there.

It may surprise you to know, Bill Daniels and Robert King, among others, that I'm not the first Speaker of the Florida House of Representatives from Oviedo. In 1887, George H. Browne from Oviedo took over as Speaker when Speaker Samuel Pasco resigned to take a seat in the United States Senate. Speaker Browne's distinguished service on behalf of Oviedo and the people of Florida lasted only 10 days, which was the time remaining until the end of that Legislative Session. I certainly hope to quickly beat his record of 10 days [laughter] as Speaker from Oviedo. Back in 1887, Speaker Browne dealt with some interesting issues, such as an effort to punish people selling liquor during election time. Speaker Browne also had to call upon Congress to establish better mail service between Hillsborough and Pinellas Counties. I understand we still have some communication problems from time to time between Hillsborough and Pinellas Counties. [laughter] Interestingly enough, in 1887 the Legislature dealt with requiring school boards to make an equal distribution of money. The 1887 Legislature appropriated just a little bit over \$400,000 for the entire state budget for Florida. Already many of you already have a couple in mind, a couple of Member projects, that far exceed the total budget in 1887.

And the eyes of the world, whether we like it or not, have been on us the last few days in Florida. As public officials we have an opportunity to lead this great state forward with dignity and show the world that we're not the state that is sometimes portrayed in the evening news. If there are challenges, we tend to them. If there are problems, we fix them. And the solutions normally start right here in the Florida House of Representatives. We are up to the task.

Two weeks ago we were all passionately involved in our campaigns, some of them very contentious and heated, but all of them successful as evidenced by your presence here today. Campaigns and politics are about contrasts and differences. The campaigns are over. We're here to do the people's business. And this is not a Republican House of Representatives. This is not a Democratic House of Representatives. This is the people's house. And every decision we make, if we remember the people we are here to serve and ensure that our decisions reflect their concerns and values, we will have fulfilled that sacred trust that they have placed in us, and we will have done our duty as servants of the public.

I'd like to outline some goals and some principles, very briefly, that may be significant to you if you are interested in councils and the committee assignments. In order to prepare Florida for the new economy, I'd like to outline those five goals that our council structure will reflect. Florida and the world is a changed place since Speaker Browne held the House gavel. We are headed toward a wireless world where information moves at an unimaginable pace. Our economy is now driven by knowledge and technology. It is critical that as we move through the thousands of bills we'll consider over the next two years, we make sure we do everything we can to prepare Florida for this new economy. The United States is uniquely positioned as a leader in the world's digital economy, and Florida is uniquely positioned to lead America. Our demographics make Florida look like what the rest of America will look like decades from now. This gives us a great opportunity to lead the nation into this interesting, fascinating, and challenging future. Florida also has the resources to lead our nation's economic engine as we move into this era. Other states have taken advantage in some cases of the new opportunities with fewer resources than are available to us. It's time that we make sure that we are using all those resources at our disposal, including our wonderful cultural diversity, to help the people of Florida take advantage and enjoy all the benefits we can provide.

The first goal that we're going to set out is a goal of **LIFELONG LEARNING**.

And it's going to be a council that encompasses much of our education work. Education is the single largest barrier to Florida's dominance of the new economy. George Washington said, "... there is nothing which can better deserve your patronage, than the promotion of Science and

Literature. Knowledge is in every country the surest basis of public[k] happiness." Our duty as Representatives is to promote and protect life, liberty, and the pursuit of happiness. And, a prerequisite to reaching that goal is to provide every Floridian with a quality education. That is also the first step we must take in preparing Florida for this new economy.

We have to continue the innovative education reforms laid out by Governor Bush and [Lieutenant Governor] Brogan, which have begun to revitalize our K-12 education system. We have to ensure every child is given the tools to succeed in today's world, and each child in our public schools is challenged to receive a year's worth of knowledge in a year's worth of time.

We must provide every Floridian with quality, lifelong learning opportunities. The traditional education model where people graduate from high school at 18, go on to some college and graduate by 22 is obsolete. Too many of the students in our colleges and universities are non-traditional, older students seeking a degree to begin a second or a third career. They are single parents going back to get a degree and provide for their children. They may also be students who put their education on hold for one reason or another and now want to complete it and improve their opportunities. For many of these new students, distance learning, among other new technological advantages, will give tomorrow's class the tools to succeed in our dynamic business environment. Their success is what Florida's tax dollars ought to be purchasing. It should no longer be necessary for a student to move to a university town, sit in the same classroom at the same time each day for 13 weeks, to complete a course. A few years ago, the United States Department of Education announced that 50 percent of Americans were functionally illiterate. We all know that we cannot afford to leave one child behind, but we must also make sure that we don't leave any adults behind either. [applause] Thank you.

My mom and dad have been public educators for all of their lives. When I was in middle school my father became, at a local community college, the Assistant Dean of Continuing Education, which meant adult education and lifelong learning. Today, 67-year-old Pa-Pop, when he comes to our house, after he says hello to Tommy and Sean, gets on the Internet so he can communicate with the rest of his grandchildren around the country. And that is an example of lifelong learning. I am proud to be able to name the Lifelong Learning Council after my dad, Tom Feeney, the "real Tom Feeney", he will tell you. [applause]

The way to achieve this goal of lifelong learning is to make sure we have a seamless approach to education in Florida. Our education structure system must recognize the myriad of personal situations affecting students' lives and utilize the incredible new technologies available to make sure every child, every adult, has access to first-rate educational opportunities.

Our second goal is going to be **SMARTER GOVERNMENT**.

In preparing Florida for the new economy, we must also provide smarter government. Florida's citizens can't afford to allow government to be the sole provider of critical services. That old system fails in accountability and it fails in providing the varied services Floridians, all of us, need and want. Smarter government means we must examine every aspect of how we function, from our personnel systems to our service delivery, and we must demand that all of those systems are functioning in the most efficient manner possible. We must run government as a 21st-century enterprise.

Our government should encourage Floridians to participate in the multitude of new opportunities available, and we must make sure that our state government does not stifle the entrepreneurial spirit, which is the lifeblood of our vibrant economy. We must use all of the tools of technology to ensure that state government doesn't shuffle responsibility through multiple layers of bureaucracy, but looks proactively to solve our citizen's problems and actively seeks their input on issues important to them. In all of our deliberations, we must ensure that government serves the people and not itself.

Our third goal and third council structure will be that for **COMPETITIVE COMMERCE**.

Government must not treat business as the enemy. Rather it should exalt our businesses throughout the state as our citizens' employers and the economic engine that funds our state services. Critical to our success is to promote an atmosphere of competitive commerce in Florida. We should strive to get rid of any non-competitive environments that occur when special interests take precedence over the public interest. As we look to purge our government of unnecessary laws that promote and preserve anti-competitive advantages, we will go a long way towards enabling new jobs and economic growth for all of our communities. Not only must we ensure a level playing field for business, we must also ensure that government does not unduly burden our businesses. While we were working to get elected, community leaders throughout Florida have been studying this issue and will report to us their conclusions about the way Florida currently responds to the needs and challenges of growth and the structure of our tax system. We will soon be called upon to ensure that our growth management laws properly serve our citizens and that our tax structure is both fair and appropriate to meet the needs of the people of Florida.

Our fourth goal is that of READY INFRASTRUCTURE.

As Florida continues to grow, we must be prepared with the best infrastructure that we can afford and we can build. We are facing massive challenges in providing the basic services upon which all Floridians depend. We can no longer afford to be satisfied with a top-down, one-size-fits-all approach to solving the unique problems our diverse communities are facing. State government should retain the authority to set important statewide priorities, but we should empower local communities to solve their own problems—trusting local people to know what is best in their own counties, their cities, and their neighborhoods. Our ports, our airports, our roads, and our mass transit systems must be world-class to facilitate this new economy.

Our fifth and final goal will be that of HEALTHY COMMUNITIES.

Possibly the greatest challenge we face in the next two years is to ensure that all Floridians are able to live in healthy communities. That means building on Florida's success with the KidCare program to make sure our children have access to preventative health care and immunizations that will allow them to grow and learn and to achieve their full potential as Floridians and as human beings. It also means allowing our seniors to live their retirement years with the dignity and respect that they have earned by their great service to our state and our nation. When it becomes necessary, we must also ensure that community-based care is available, as it both preserves the dignity of our citizens and is cost efficient to our taxpayers. In order to be healthy our communities must also be safe. Crime rates have plummeted, I think in large part to the work of this Florida House, and thanks to the effects of 10-20-Life, tougher minimum sentences, and awareness that Florida will punish and remove from society those who are violent and can't follow society's rules. Therefore, we must continue finding innovative ways to crack down on violent criminals as well as those who prey upon those most vulnerable in our society—our seniors and our children.

Over the next two years, I urge each of you to help us, join us, in these bipartisan and nonpartisan goals:

Improving lifelong learning;

Creating smarter government;

Encouraging competitive commerce;

Providing ready infrastructure; and

Promoting healthy communities.

And I promise that in these two years that you will be challenged, you will be challenged repeatedly. You will not always be able to please everyone, but you will be involved in working through the significant issues that face your communities and all of the state of Florida. As you evaluate proposals that you will confront, whether it's a small bill or an amendment or rather it's the biggest package that we send through the House, I would ask you, and I would remind you, to reaffirm, if you would, and the leadership of the Florida House will reaffirm, the five principles that we've used in meeting our goals under Speaker Webster and Speaker Thrasher: Smaller Government, Lower Taxes, More Freedom, Individual Responsibility, and yes, Representative Murman, Empowered Families. Those are the principles that we will use to enact our five goals.

I like to consider myself a man of ideas and ideals. But the fact is that I am guided by certain principles and that I adhere strongly to them hardly makes me afraid of new discussion, new ideas, and different principles and ideals. On the contrary, I really look forward to presiding over a House that's full of new proposals, fresh ideas, spirited debate between honorable men and women in this Chamber, in this House, today.

We have come a long way in recent years toward ensuring that the people's voice is heard in every decision we make, but I believe we can go further. If we hope to retain the trust of the people in Florida, I think it is imperative that we conduct the people's business where the people can participate. It's my goal, therefore, that most of the work of forming and amending legislation will be accomplished in the committees and respective councils, leaving the Chamber floor as a place where we can debate with our great ideas and principles the yeas or nays of individual proposals.

It was Aristotle who reminded us that "We are what we repeatedly do. Excellence, then, is not an act but a habit." As we begin this new day in the Florida House of Representatives, let us make excellence our habit, work together to cast off the burdens of the past and dedicate every decision we make to the health and the prosperity of the people of Florida.

It's been a long session, we're going to have other long sessions. I want to say that I am very grateful for the participation of all the family members, that we really do have a great opportunity to have a lot of fun and do a lot of good these next two years. Thank you, and God bless each and every one of you. [applause]

#### **Motion**

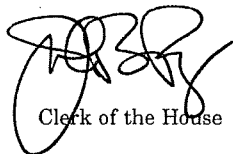
On motion by Rep. Crow, the rules were waived and all organization remarks were ordered spread upon the *Journal*.

#### **Adjournment**

On motion by Rep. Byrd, the House adjourned at 1:22 p.m. *sine die*.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages numbered 1 through 42, inclusive, are and constitute a complete, true, and correct journal and record of the proceedings of the House of Representatives of the State of Florida at the Organization Session of the 80th House since Statehood in 1845, convened under the Constitution, held November 21, 2000.



Clerk of the House

Tallahassee, Florida  
November 21, 2000

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to the

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November 21, 2000

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# Journals

of the

# Florida

# House of Representatives



## Special Session "A"

December 8 through December 12, 2000

of the  
Eightieth House  
**since Statehood in 1845**





# The Journal OF THE House of Representatives

FIRST SPECIAL SESSION—"A" of 2000-2002

Number 1

Friday, December 8, 2000

Journal of the House of Representatives for a Special Session of the 80th House since Statehood in 1845, convened by Proclamation of the President of the Senate and the Speaker of the House of Representatives and held at the Capitol in the City of Tallahassee in the State of Florida on Friday, December 8, 2000.

Pursuant to the following proclamation, the House was called to order by the Honorable Tom Feeny, Speaker, at 12:00 noon.

## Prayer

The following prayer was offered by Dr. Jerry Garrard, Senior Pastor of Celebration Baptist Church of Tallahassee:

Let's bow our heads together for prayer. King David prayed in the presence of all the officials of Israel when he said, "Yours, O Lord, is the greatness and the power and the glory and the majesty and the splendor, for everything in heaven and in earth is Yours. Yours, O Lord, is the kingdom; You are exalted as head over all. Wealth and honor come from You; You are the ruler of all things. In Your hands are strength and power to exalt and to give strength to all. Now, our God we give You thanks, and we praise Your glorious name." (1 Chronicles 29:11-13) We give thanks to You, O God, for this day of life. We give thanks to You, O God, for the strength that comes from You to reason and to make decisions. We give thanks to You for our nation, for our state, and for our leaders.

We acknowledge, today, the sacrifices being made by each person here, the families that support them in their endeavor to serve the citizens of Florida. Grant them today words and deeds of courtesy, honor, grace, peace, and kindness.

Make Your presence felt, Your way known, and Your will done. Give clarity of thought, wisdom to discern, and resolution to follow the way of truth.

I pray in His name Who is the Way, the Truth, and the Life. Amen.

The following Members were recorded present:

Session Vote Sequence: 1

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

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

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

A quorum was present.

The following proclamation was read:

## THE FLORIDA LEGISLATURE JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES:

WHEREAS, it is of critical importance to the citizens of the State of Florida that they be represented by electors appointed to the electoral college and voting on December 18, 2000, and

WHEREAS, the election of electors for President and Vice President of the United States on November 7, 2000, has led to numerous recounts and challenges, and it is increasingly less likely that all legal challenges will have reached finality prior to December 12, 2000, as is necessary to make those election results conclusive when Congress counts the electoral votes, and

WHEREAS, actions by the courts may have rewritten provisions of the Florida Election Code and policies, procedures, or practices of local

and state election officials after November 7, 2000, creating serious doubt as to whether the conduct of certain aspects of the recounting and reporting of the 2000 election for electors for President and Vice President of the United States were conducted in accordance with the laws, policies, procedures, and practices in existence prior to November 7, 2000, as required by Title 3, Section 5 of the United States Code, which could jeopardize the conclusiveness of Florida's electors and possibly result in all of the voters of the State of Florida being disenfranchised, and

WHEREAS, there remains serious doubt as to the validity and conclusiveness of any appointment of electors arising out of an election process which failed to fully comply with the laws, practices, and procedures in existence prior to November 7, 2000, and

WHEREAS, Article II, Section 1 of the United States Constitution provides that the Legislature of Florida shall provide for the manner in which electors shall be appointed to the electoral college to represent the voters of the State of Florida, and

WHEREAS, Title 3, Section 2 of the United States Code provides that in the event that an election for presidential electors fails to produce a choice of electors, the electors may be appointed on a subsequent day in such a manner as the legislature of such state may direct, and

WHEREAS, failure of the Florida Legislature to prepare for the possibility that the results of the 2000 General Election may still be in doubt on December 12, 2000, may disenfranchise and deny the citizens of Florida any voice in the selection of the 43rd President of the United States of America,

NOW, THEREFORE, We, John McKay, President of The Florida Senate, and Tom Feeney, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida, at 12:00 noon on Friday, the 8th day of December 2000, for a period of 11 days ending on Monday, the 18th day of December, 2000.

2. That the Legislature is convened for the sole and exclusive purpose of exercising its power by resolving or enacting legislative measures:

Providing for the manner in which electors shall be appointed if the 2000 General Election fails to produce a final, constitutional choice of electors, conclusive under Title 3, Section 5, of the United States Code, in accordance with the Constitution of the United States and with statutes enacted, and policies, procedures, and practices in existence, prior to November 7, 2000.

Providing for the appointment of electors for President and Vice President of the United States.

Providing for any other matter necessary to fulfill the duty of the Florida Legislature under Article II, Section 1 of the United States Constitution or federal laws incidental thereto.

Making a final determination of any controversy or contest concerning the appointment of all or any of Florida's Electors for President and Vice President of the United States, appointed by the Legislature.

JOHN MCKAY  
President  
The Florida Senate

December 6, 2000

TOM FEENEY  
Speaker  
The Florida House of Representatives

December 6, 2000



Duly filed with and received by the Florida Department of State this 6th day of December, 2000 by:

KATHERINE HARRIS  
Secretary of State

### Pledge

The Members, led by the Honorable Joe Negron, pledged allegiance to the Flag.

### House Physician

The Speaker presented the Honorable Frank Farkas, who served as Doctor of the Day.

### Special Rule for House Concurrent Resolution 1-A

#### LEGISLATION

The House will take up for consideration a concurrent resolution, HCR 1-A, relating to the appointment of presidential electors. The Special Rule governs all aspects of the legislative process including the amendatory process and debate of HCR 1-A. HCR 1-A will be referred only to the Select Committee on Electoral Certification, Accuracy & Fairness. HCR 1-A will be brought before the House on Tuesday, December 12, 2000, as the first item under the order of business of Special Orders.

#### FLOOR LEADERS

Rep. Byrd for the proponents

Rep. Frankel for the opponents

#### AMENDMENTS

A structured rule will be in effect. Except for technical amendments offered in the name of the Procedural & Redistricting Council and all amendments shall be filed before 8:30 a.m. on Tuesday, December 12, 2000.

#### DEBATE

Questions, answers, amendments and debate on final passage of the concurrent resolution shall be limited to five hours if amendments are offered by the proponents or opponents, with time to be equally divided between the proponents and the opponents. If no amendments are offered by the proponents or opponents, questions, answers and debate shall be limited to four hours, with time to be equally divided.

The proponent's floor leader will control the first thirty minutes of debate and the opponent's floor leader will control the next thirty minutes. To the extent possible, the Speaker will alternately recognize the floor leaders after that point. The last ten minutes of each side's time will be for the purpose of closing remarks. The opponent's floor leader will make the first closing remarks, and the proponent's floor leader will make the final closing remarks.

All amendments, questions and answers will count against the time of the floor leader who yields to the questioner.

No Member may be recognized for any purpose unless a floor leader yields time to that Member. All recognitions will go through the Speaker.

Each floor leader may designate up to two Members who will be allowed to speak from the well.

All comments made on second reading shall be spread upon the *Journal*.

Any Member will be allowed to provide written remarks setting forth their comments on HCR 1-A. Remarks may not exceed 300 words, and will be spread upon the *Journal* of the House if received electronically by the Clerk before 8 p.m. on the day of the debate.

Rep. Frankel moved that the rules be waived and the House adopt the Special Rule for HCR 1-A.

Rep. Goodlette briefly explained the Special Rule.

The question recurred on the motion by Rep. Frankel to waive the rules and adopt the Special Rule for HCR 1-A, which was agreed to by the required two-thirds vote.

### Remarks Relating to Special Session

**Speaker Feeney:** I'd like to take a moment—and then invite Representative Frankel, if she wishes, to take a moment—and from my perspective address you very quickly about why we're here and the way we ought to conduct ourselves. I would ask that you allow me to impose on the House and say a few words to the people—not just of Florida who may be watching, but people all across the United States, and, in fact, the rest of the world—as to why I believe it was my duty to call this special session.

To the American people I must say that the only reason we are here today is because of our duty; it's outlined in the United States Constitution. Article II, Section 1, states, and I quote, "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors. . . ." The United States Constitution, in my view, gives the state Legislature and the Legislature alone, the solemn duty of establishing the manner in which Presidential Electors will be chosen. This Legislature honored its duty when we put in place a system of choosing Electors that, for a combination of reasons, has to this date failed to produce a timely and universally accepted outcome.

Florida's House's duty required a special session, in my view, at this time. Any concern that anyone has about what is to take place here in the next several days, I would suggest to them it's not a concern with the role of the Florida Legislature, but really a concern with the structure of government that our founding fathers established. Responsibility that the Constitution has placed on us alone requires that we do our best to carry out that responsibility in a way that we can be a source of pride for all Floridians and Americans.

And ladies and gentlemen, the first vote that I cast in a special session, as a new Member of the House, was a claims bill having to do with some issues of citrus canker. And I appreciate that, for especially our 63 new Members, this is a little tougher vote than my first vote on a citrus canker claims bill.

But regardless of the import of any given issue, we conduct ourselves in a very proud and respectful way in the Florida House. And as the people watch us we can be a great example about our republican form of government.

Members, this is not the first time the House of Representatives has convened to address issues of great historical importance, issues that every Member cares about deeply, issues that carry with them a certain emotional content. That's why I wanted to take a moment and call your attention to Rule 2.3 of the House Rules. The Rule begins, and I quote, "The Speaker shall preserve order and decorum in the Chamber of the House." I'd like the general public watching us to know that this is our duty and I take it very seriously and very personally. I want them to understand that the Members can disagree, sometimes vehemently, without being disagreeable. Now more than ever the preservation of order and decorum, in the Chamber of this great institution of the Florida House, is absolutely essential to our ability to fulfill our responsibilities under both the Florida Constitution and the United States Constitution.

I love and respect this great institution of the Florida House. When I do my job here, upholding the integrity of this great institution is more important than who wins or loses on any given issue or debate. I hope our new 63 Members will grow and come to revere this House and the

people we serve the way that I do. The Rule continues, in quotes, "The Speaker shall see that the Members conduct themselves in a civil manner in the Chamber of the House in accordance with accepted standards of parliamentary conduct. . . ." And I'm confident that all of our Members, no matter what the circumstances, will conduct themselves in a civil manner. I'm confident that our respective partisan leaders, Representative Frankel, Representative Fasano who, by the way, in front of the world cameras, have done a remarkable job of advocating for very different positions in a very civil, polite, and respectful manner. But I'm confident they will help me in assuring that all of our debate will be conducted in this Chamber in an atmosphere of respect for each of our fellow Members. It is my goal that the commentators around the country, who often complain about the decline of civility in American politics, will be able to point to the forthcoming debates that we have here in the House as examples of how people can disagree deeply and yet be civil and respectful to one another. Leader Fasano, Leader Frankel, while passionately advocating their position, have done a tremendous job outside this Chamber and I know all of us can do a great job inside the Chamber.

*Mason's Manual of Legislative Procedure*, which we rely on as an authority in construction and application of our Rules, sets out good guidelines for our behavior; and I quote *Mason's*, "Members must not be permitted by their conduct to deny to others that which they may claim for themselves. It is the duty of all members to conduct themselves so as not to obstruct the like rights of other members. Freedom of speech involves obedience to all the rules of debate." And so it may be that our civil behavior in this legislative debate is a great golden rule for the country to watch.

Churchill in referring to his country's legislature said, in quote, "The object of Parliament is to substitute argument for fisticuffs." We're not going to have any fisticuffs here. We may have a great debate and I hope we do. You'll be judged by your colleagues in the House, not just this week, but perhaps for the rest of your stay, not so much based on which side of an argument you take, but the demeanor in which you press your case, and the statesmanship and character you display in expressing your views.

Let me add that the powers of the Speaker to preserve decorum inside the House also include the power, if necessary, to clear galleries in the case of disturbance or disorderly conduct. Just as decorum requires the cooperation of the Members, so it also requires the cooperation of the public that may wish to view us. We've never—quite before—found ourselves in quite this exact situation. Today, literally much of the world is watching and history is watching us as well. We have before us duties under the Constitutions of our state and nation. And Members, we also have a duty and a grand opportunity to be an example of representative government at it's best. Thank you, and we'll probably refer to that again before the debate on Tuesday.

Representative Frankel, do you have a comment? You're recognized for a comment.

**Rep. Frankel:** Thank you, Mr. Speaker. Well, you know, I have a vigorous disagreement with the necessity and the legality of this Legislature appointing Electors. And getting along doesn't mean going along, but I agree with you, we do need to get along. We're not here to burn bridges, but to represent our constituents in a thoughtful and conscientious manner.

I want to thank you, Mr. Speaker, for the courtesy that you and your leadership has extended to our leadership in getting to this point, in this very difficult issue. And I want to echo you, and I want to just say to the Members, we are going to have some very, very passionate differences of opinion on this floor. But I want to remind you that when all the cameras leave us, we are going to remain behind to work together for the citizens of Florida. And what I want to say to you is this—that when this is over, I know that we will rise above the partisanship and work for our constituents. And, say to all of you, that while the world may be watching us, I know that each one of us inside ourselves are going to do the best that we can. Thank you, Mr. Speaker.

### Correction of the *Journal*

The *Journal* of November 21, 2000, Organization Session, was corrected and approved as corrected.

### Introduction and Reference

By Representatives Cantens, Byrd, Goodlette, Diaz-Balart, Fasano, Rubio, and Maygarden—

**HCR 1-A**—A concurrent resolution providing for the manner of appointing electors for President and Vice President of the United States; providing for the appointment of such electors; providing for the filling of vacancies.

WHEREAS, an election was held in this state on November 7, 2000, for the purpose of selecting electors from Florida to cast the state's vote for President and Vice President of the United States of America on December 18, 2000, and

WHEREAS, Article II, Section 1 of the Constitution of the United States provides, in pertinent part, that "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress," and

WHEREAS, Section 5 of Title 3 of the United States Code provides:

"If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned," and

WHEREAS, the names of the electors who were appointed following the Florida Secretary of State's certification on November 26, 2000, were forwarded to Congress by the Governor of the State of Florida with a certificate of ascertainment pursuant to a timetable and scheme dictated by the November 21, 2000, decision of the Florida Supreme Court, and that decision has been vacated by the December 4, 2000, ruling of the Supreme Court of the United States, thus increasing the uncertainty and confusion regarding the validity of the appointment of those electors, and

WHEREAS, the electors who were appointed on November 26, 2000, are the same electors as those who would have been appointed pursuant to a certification made on November 17, 2000, had the Florida Secretary of State been allowed to do so, and

WHEREAS, it appears that there exists a reasonable risk that the Congress of the United States, in exercising its counting powers pursuant to the Twelfth Amendment of the Constitution of the United States and Title 3 of the United States Code over the votes cast for President and Vice President by the members of the Electoral College, may determine that the election held in this state for the purpose of choosing electors has failed to make a choice on the day prescribed by law because contests and controversies have arisen concerning that election, and that the Congress may decide that those contests and controversies either were not finally determined by December 12, 2000, or that such determination was not pursuant to pre-existing election law or was not in compliance with Article II, Section 1 of the United States Constitution, and that accordingly Congress may not count the votes of the 25 electors already certified and sent to the Congress by the Governor of the State of Florida, and

WHEREAS, the Florida Legislature wishes to fulfill its constitutional obligation to ensure that Florida's six million voters are not disenfranchised and that its 25 electoral votes will be counted by Congress, and

WHEREAS, Section 2 of Title 3 of the United States Code provides that "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct," NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the Florida Legislature finds that the election for electors for President and Vice President of the United States of America held on November 7, 2000, ultimately failed to make a choice of such electors.

BE IT FURTHER RESOLVED that the manner that the Florida Legislature directs that electors for President and Vice President of the United States of America be appointed in the year 2000 is by appointment by the Florida Legislature.

BE IT FURTHER RESOLVED that the Florida Legislature hereby appoints as the 25 electors for President and Vice President of the United States of America, such number being equal to the whole number of Senators and Representatives to which the State of Florida is entitled in the Congress, the following named persons: Charles W. Kane, Maria De La Milera, Sandra M. Faulkner, H. Gary Morse, Armando Codina, Carole Jean Jordan, Tom Slade, Marsha Nippert, Robert L. Woody, John Thrasher, Mel Martinez, Feliciano M. Foyo, Al Hoffman, Alfred S. Austin, Thomas C. Feeney, III, John M. McKay, Cynthia M. Handley, Darryl K. Sharpton, Dr. Adam W. Herbert, Berta J. Moralejo, Jeanne Barber Godwin, Deborah L. Brooks, Dr. Dorsey C. Miller, Glenda E. Hood, and Dawn Guzzetta.

BE IT FURTHER RESOLVED that, if for any reason an elector appointed by this resolution is unable to serve because of death, incapacity, or otherwise, the Governor of the State of Florida may appoint a person to fill such vacancy who is a citizen of the State of Florida, who was registered and otherwise eligible to vote in the general election held on November 7, 2000, and who is not prohibited from serving as an elector under Article II, Section 1 of the United States Constitution.

BE IT FURTHER RESOLVED that each elector for President and Vice President of the United States appointed by this resolution shall, before 10 a.m. on December 18, 2000, give notice to the Governor of the State of Florida that such elector is in Tallahassee and ready to perform the duties of an elector for President and Vice President of the United States and, if it shall be found that one or more electors appointed pursuant to this concurrent resolution are absent, the electors present, subject to the provisions of section 103.061, Florida Statutes, shall elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the nonattendance of the elector.

—was read the first time by title.

### Point of Order

Rep. Kosmas raised a point of order that HCR 1-A did not fall within the scope of a concurrent resolution as defined by Rule 5.10. She argued that the rule limited the concurrent resolution form to procedural matters. HCR 1-A, she said, could not reasonably be construed as presenting a procedural matter but was instead of such magnitude that it was more in the nature of a law. In support of her position, she cited 46(a)-1 from *Rulings & Opinions* (2000 Edition).

Several Members spoke to the point. Speaker Feeney then recognized Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, for a recommendation. Rep. Goodlette argued that Rule 5.10 permits a concurrent resolution to deal with procedural matters and that elections are procedural matters in that no new laws are being created when elections occur. He further noted that the Rule expressly permits the use of concurrent resolutions for ratification of amendments to the United States Constitution and that the Florida Legislature would be exercising the same power when it undertakes to name Electors for President and Vice President of the United States. Finally, he noted that

since Rule 5.10 provides for the use of a concurrent resolution as a vehicle for other procedural legislative matters and since the election of Electors is a procedural matter, the point should not be well taken.

Speaker Feeney affirmed the reasoning of Rep. Goodlette in his recommendation to the Chair. He further noted "selecting Electors is not a matter of statutory law" and that the bill included a resolving, not an enacting clause, which it would were it proposing new law. The Speaker further noted that the use of a concurrent resolution for ratification of amendments to the United States Constitution goes well beyond a question internal to the Legislature.

For these reasons, as well as the contemplation by the Special Rule of the use of a concurrent resolution, the Speaker ruled the point not well taken.

### Referral of HCR 1-A

HCR 1-A was referred to the Committee on Electoral Certification Accuracy & Fairness, Select.

### Communications

#### Vetoed Bills

The following veto messages were received:

*The Honorable Tom Feeney*  
Speaker  
Florida House of Representatives

December 7, 2000

Dear Mr. Speaker:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the House, the following 2000 vetoed bills, Regular Session. The Governor's objections are attached thereto.

CS/CS/HB	113	An act relating to suspension of a driver's license; . . .
HB	2179	An act relating to school district revenue; . . .

Sincerely,  
*KATHERINE HARRIS*  
Secretary of State

*The Honorable Katherine Harris*  
Secretary of State

June 6, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Committee Substitute for House Bill 113, enacted during the 102nd Session of the Legislature, since statehood in 1845, during the Regular Session of 2000, and entitled:

An act relating to suspension of a driver's license.

Current Florida law mandates the administrative suspension of driving licenses for individuals arrested for DUI violations with a blood alcohol level of .08 or higher. This administrative suspension may be appealed to a hearing officer and Florida's circuit courts if an individual believes the suspension occurred in error or was unwarranted. Committee Substitute for Committee Substitute for House Bill 113 was intended to provide for the automatic administrative reinstatement of driver's licenses for individuals who are acquitted at trial of a criminal violation of Florida's DUI laws. According to data provided by the Department of Highway Safety and Motor Vehicles, this would have benefited approximately 436 Floridians last year whose licenses may have been wrongly suspended.

Unfortunately, the specific language in this legislation sweeps too broadly. It provides for automatic driver's license reinstatement in cases that have been "dismissed" or "nolle prossed," often without

consideration of the facts and circumstances of each case, or the individual's actual innocence or guilt. Last year, this would have meant that an additional 4061 individuals would have had their driver's license automatically reinstated - at least some of whom were, as a matter of fact, driving with an illegal blood alcohol level. This unintended consequence has led Mothers Against Drunk Driving and the Florida Police Chiefs Association, among others, to oppose this legislation.

My staff has spoken with the bill sponsors, and they indicated that their original intention in supporting the legislation was simply to provide automatic administrative relief to individuals who have been acquitted by a court of law - not to provide relief to drivers whose criminal cases have been dismissed or "nolle prossed" because of legal technicalities. Furthermore, for drivers who feel they have wrongly had their driver's licenses suspended, or have had their cases dismissed or "nolle prossed," there is an existing, available remedy - the administrative hearing process.

Nevertheless, I intend to work with the Department of Highway Safety and Motor Vehicles as well as the Legislature to ensure consideration of a bill that is narrowly tailored to reflect the original intent of Committee Substitute for Committee Substitute for House Bill 113's sponsors.

Sincerely,  
*Jeb Bush*

*The Honorable Katherine Harris*  
Secretary of State

May 30, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval and transmit to you with my objections, House Bill 2179, enacted during the 102nd Session of the Legislature, since statehood in 1845, during the Regular Session of 2000, and entitled:

An act relating to school district revenue

House Bill 2179 limits the ability of counties to levy school impact fees. First, counties that currently impose school impact fees are prohibited from levying any school impact fee in excess of 37.5% of the county's fees adopted prior to May 1, 1999. Essentially, this caps current school impact fees. Second, House Bill 2179 provides that state funds may be appropriated to counties currently levying school impact fees to replace local school impact fee revenue lost as a result of 37.5% cap. Should the State of Florida appropriate an amount less than 62.5% of the school impact fee revenue collected in 1999-2000, a county may increase the impact fee levy to offset the revenue loss incurred. In short, counties levying school impact fees will be "made whole" under this bill through a state appropriation. Finally, in its application, House Bill 2179 prohibits the 52 counties that currently do not levy school impact fees from ever creating a new school impact fee.

In its effort to accomplish these reforms, House Bill 2179 unfortunately creates an inequality among counties and Floridians in the distribution of state funds for school construction. The General Appropriations Act for 2000-2001 includes Line Item 87A, a \$50,000,000 appropriation to implement House Bill 2179. This state funding is provided to a limited number of counties to offset the loss of school impact fee revenue. I have decided to exercise my line item veto authority to strike this appropriation, as well as the bill that would implement this line item. My objections are as follows:

As a result of the \$50 million appropriation and the legislation, the State of Florida would be creating a new state-financed school construction program whereby the only eligible counties to receive funding would be those levying school impact fees in 1999-2000. For example, Dade, Broward, and Palm Beach Counties would all receive additional state funding for school construction through this appropriation while counties such as Pinellas and Duval would not.

While I agree that we need to meet the demands of a growing population and provide more schools for our students, additional state funding for these needs, if it is to be provided, must be provided in a rational and

equitable manner. Increases in funding for facilities should be based on a set of criteria, which should include such factors as need and local effort. But this legislation does not take into account the actual need for school construction and does not apply objective criteria. Its only requirement is that a county has levied a school impact fee. If a county charges a school impact fee, it will receive state funding. The higher the impact fee, the more state money it will receive. If a county has not levied a school impact fee, it will receive no additional state dollars regardless of growth in student population. In many cases, this process may correlate with need, but not necessarily. Fifty-two counties will be locked out of this new program altogether, and nothing in the bill accounts for changing patterns of population growth and school need. Therein lies the unfairness.

Ultimately, this bill is less about fee reductions, and more about the creation of a new state-financed school construction program. The latter may be a worthy concept, but the course of action I take today is done for the sake of equity. It protects the interests of all Florida taxpayers, not just those in select counties. I encourage the Legislature to continue its work in easing governmental burdens on home purchasers, but to also ensure that where state tax dollars are utilized to promote school construction, they are utilized in a manner that is equitable and fair. If necessary, we should look to make adjustments to the current school facilities funding programs, including the allocation of Public Education Capital Outlay (PECO) funds. Nevertheless, the distribution of state expenditures for school construction should be grounded on something more than a particular local revenue collecting practice.

Sincerely,  
Jeb Bush, Governor

*The Honorable Tom Feeney*  
Speaker  
Florida House of Representatives

December 7, 2000

Dear Mr. Speaker:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the House the following bill, 2000 Regular Session, with the Governor's objections attached thereto.

House Bill No. 2145 (Chapter 2000-166, Laws of Florida).

We understand that the original law will be returned to this office following any legislative action which may be taken on the vetoed portion.

Sincerely,  
KATHERINE HARRIS  
Secretary of State

*The Honorable Katherine Harris*  
Secretary of State

May 30, 2000

Dear Secretary Harris:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of portions of House Bill 2145, enacted during the 102nd Session of the Legislature, since Statehood in 1845, during the Regular Session of 2000, and entitled:

An act making appropriations; providing moneys for the annual period beginning July 1, 2000, and ending June 30, 2001, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Florida once again has been blessed by another year of economic growth and productivity. There is much to celebrate. Seizing the opportunity to fund critical state priorities, the Legislature has provided well for our children, teachers, disabled citizens, and the environment. It has done so without diminishing the importance of other issues vital to the well-being of Florida.

Education in particular has never experienced greater levels of funding. With the budget, our K-12 system will enjoy an \$868 million increase in potential spending and the largest increase in the Florida Education Finance Program (7.8%) in the history of the state. Additionally, low performing schools will receive \$34 million in additional assistance as well as \$12.2 million (up to \$3,500 per teacher) in salary incentives for teachers in those schools trying to improve student achievement. There is also enough money in this education budget to provide every teacher in this state worthy of special recognition with a substantial raise. As a result of our A+ reforms and the tremendous outpouring of resources into our schools, Florida's public education system is fast becoming a model for the rest of the nation.

This year, I am especially pleased by the Legislature's funding for the environment, and more specifically, the Everglades. The historic \$105 million down payment we have provided to restore the River of Grass will blossom into more than \$2 billion over the next 10 years. The state's commitment to restoration is unparalleled in our nation's history. Still, the Everglades are not the only beneficiary of our environmental efforts. Lake Okeechobee as well as other important watersheds across Florida will benefit from more than \$144 million in resources for water projects. This marks a 176% increase in spending over last year to protect our watersheds.

And finally, the \$300 million we appropriate for Florida Forever's first year of implementation will continue our state's acquisition and protection of environmentally sensitive lands. Indeed, friends of our natural treasures would be hard pressed to identify a better year for environmental funding.

Yet spending on education and the environment has not come at the expense of our other important state priorities. In particular, the Legislature has continued for a second year its historic commitment to our children and individuals with disabilities. This year, with the help of the Lawton Chiles Endowment Fund, we will increase spending on child welfare programs by \$131 million, a two-year increase of 58%. This will enable Florida to move to a community-based care model of child welfare, where the focus for our children can truly be on prevention rather than just crisis management. An additional \$96.1 million in health benefits will also be extended to our children through the Kidcare program. By the end of next year, it is anticipated that more than 280,000 low and moderate-income children in Florida will be receiving comprehensive health benefits from the state.

This also marks the second year of record funding for individuals with disabilities in Florida. Coupled with last year's increase, the \$130 million in additional spending for nearly 24,000 Floridians with disabilities amounts to a two-year 51% increase. For the first time ever, Florida will have funded developmental services in a manner that is sufficient to serve the entire waiting list of persons with developmental disabilities. Other funding items in this year's budget that will improve the well-being of Floridians include \$10 million in community grants to address health disparities among ethnic and racial minorities, a 52% increase or \$55 million in services for seniors to enable them to age in place, and \$11.5 million to begin the construction of Florida's fourth and fifth veteran nursing homes. The investment we make today on our most vulnerable will ultimately salvage lives that might otherwise be diminished or lost.

And finally, our Legislature deserves much credit for passing a major transportation package that advances over \$4 billion of road and bridge improvements over a 10-year period. Mobility 2000 will help to relieve urban congestion, expand hurricane evacuation routes, and provide corridors of commerce for our thriving economy.

Again, there is much to celebrate. The good we will do this year is a direct result of Florida's hard working individuals and families. Our prosperity is their prosperity. It is through their increased contribution to government that we have redoubled our efforts to fund these priorities. But as we all know, the blessings of prosperity can often give way to euphoria of spending. The taxpayers of Florida have been generous in sharing their earnings and their good fortune, but prosperity is no excuse for government to embark on a risky spending spree. And we cannot justify a government that grows at a pace that

exceeds our thriving economy or personal income. Outstripping a fast-paced economy is a recipe for unnecessary big government. We must show temperance and discipline. We must also show vision. Indicators and economic forecasts suggest that we may not see a year like this for some time to come. We must plan, prepare and save.

In this budget there are fine examples of how the Legislature and Administration worked together to honor the principles of limited government. This year, we called for a budget process that is taxpayer-friendly, policy-based, accountable and priority-driven. We presented Florida's first e-budget so that ordinary Floridians could better access information on how their tax dollars are spent. We also made the budget a far easier document to understand. For the first time ever, budget items now have objective criteria measures. The budget also shows what we will spend on whole programs rather than just layers of categories, upon components, upon line items. All of these measures will have enhanced accountability.

We also gave millions of dollars back to Florida's families and businesses, over \$400 million in tax relief. The largest portion of this tax cut will go to help our state's seniors and savers. The insidious intangibles tax rate will be rolled back for a second year in a row, freeing up \$279 million in personal investment by those who have saved for security. All told, and when combined with last year's record tax relief, these tax cuts will amount to a four-year savings of \$5 billion.

And finally, through the hard work of Legislative members and staff, we created new and objective processes for reviewing local projects. These processes provided the means for not-for-profits, advocacy groups and other worthy ventures to compete fairly for state assistance. For instance, after multiple meetings and hours of work with House and Senate, we developed a Water Advisory Panel and a Juvenile Justice Review Panel to implement criteria for water clean up and programs that assist our troubled youths. The panels consisted not only of Legislators but the citizens of Florida, providing lay people with the opportunity to serve as trustees of our tax dollars. Criteria were also developed in consultation with legislators and staff for health and human services contracts, requiring projects to demonstrate local matches of 25% and proof of a statewide benefit or participation in a statewide program. Other objective processes were created, including processes for agricultural promotion projects, energy efficiency projects and local emergency management projects. Coupled with processes that had previously existed for local parks, education facilities, cultural and historic preservation, roads and mass transit, Florida now has more than a dozen means for reviewing local projects through objective criteria.

Still, we have much work to do to make these processes truly accountable to the taxpayers.

While the processes worked well this year, they also revealed flaws that could ultimately bankrupt the state. The criteria, for example, did not prove rigorous enough in some cases. Out of the 266 applications for water projects, only 19 were rejected for their failure to comply with criteria. This not only reflects the great need for addressing Florida's water needs, but also a failure of the criteria to prioritize those needs. In addition, the out-year costs of many projects are crippling. If in 2001-2002 the state continues its commitment to the \$144 million worth of water projects it financed this year, while adding additional new water projects, taxpayers will see water funding escalate uncontrollably and irresponsibly. During the period between now and the next legislative session, we will be working with leadership in the House and Senate to address these particular issues.

In addition, local projects that receive funding from the state should have real performance measures. In implementing this year's budget, we will require that all contracts with providers, not-for-profits and other local groups have performance measures as allowed by law and that those covenants are met in the expenditure of funds. The Board of Regents will require major new construction projects to have outside funding in place before state funds are spent. Next year, during the budget process, we will closely review the requests from groups and programs that return for additional state funding. In the end, those

projects that fulfilled their contractual expectations will be eligible for continued funding, those that have not will not.

And finally, despite the good we accomplish in this budget and despite the positive efforts to inject more objectivity and accountability into the process, government is still poised to grow too much. While personal income has accelerated at an admirable clip of 6.8%, the Legislature has presented to me a budget that grows general revenue government spending at a rate of 7.7%. The temptation to spend our surpluses was no doubt hard to resist, and many local projects continued to evade objective review. But as I have said on innumerable occasions, government cannot grow faster than our ability to pay for it. As a trustee of the people's tax dollars, I have an obligation to act.

In total, my line-item vetoes represent \$313 million. While many of these projects support worthy, benevolent, or productive causes, they also represent funding that did not go through an approved process; were not part of a policy priority for state funding and were directed to a specific group; were funded from inappropriate funding sources; or were for under-performing vendors. There are a number of education facilities in the budget that did not go through the facility review processes of the Board of Regents or Community Colleges. There are dozens of local park projects that did not go through the statutory process for parks funding. Criteria set for juvenile justice and health and human services contracts did not include the state constructing buildings for providers, yet there are several such construction projects in the budget. In addition, we vetoed fixed capital outlay projects that inappropriately provide state funds for private nonprofit organizations and providers. There are museums that requested money beyond that approved through the Secretary of State's processes for cultural and historical museums. And there are random local public safety programs that go beyond the scope of our state agencies.

With the knowledge that our prosperity has limits, I am grateful that these vetoed dollars will now go into the state's reserve funds to meet the future needs of Florida. As a result, our reserves will reach its highest level ever, at \$2.9 billion, including almost \$900 million in the Budget Stabilization Fund. With these vetoes, government spending will more closely approximate the growth of personal income. In order to reach this goal, I have decided to line item veto the following items:

#### Specific Appropriation 9G

Pages 7 through 9 - A portion of proviso language

"Daytona Bch CC/Volusia Sch Dist Charter Technical Center(e)	4,241,465
DBCC/Seminole C/WCP High Tech Trng Center partial (p,c)	4,000,000"
"HCC/UF IFAS Horticulture Studies Center (p,c)	500,000"
"Rem/Ren Bldg 400 Phase I	2,500,000"
"Seminole/WCF High Tech Training Fac (p)	750,000"
"Valencia/UCF Jt. Use Facility-Osceola County partial (p)	1,200,000"

#### Specific Appropriation 9H

Pages 9 and 10 - A portion of proviso language

"Henderson Lab School Addition	1,740,000
FAU/FMR/Harbor Branch Oceanographic Institute partial	10,998,843"
"Center for Marine Studies-Whitney Lab	5,537,387
"Pediatric Inpatient Expansion	3,000,000
Shands Pediatric Emergency Center	3,000,000"
"IFAS Aquaculture Research & Demonstration Facility	4,600,000"
"Health Care and Education Center partial	10,000,000"

#### Specific Appropriation 9I

Page 10 - A portion of proviso language

"Columbia County New High School (s,p,c,e) (Cont from Previous Yr)	2,787,000"
"Jackson County New Marianna High School (s,p,c,e)	9,823,945

Funds provided in Specific Appropriation 9I for the Jackson County New Marianna High School are contingent upon House Bill 289 or similar legislation becoming law.”

Specific Appropriation 10C

Page 11 - A portion of proviso language

"Indian River School District Auditorium	3,000,000
Broward School District New Lauderdale Lakes Elem Sch Site Bridge	280,000
St. Lucie School District Agriculture Education Center (p,c,e)	4,300,000
Escambia School Board-Model Technical High School Infrastructure	500,000"

Specific Appropriation 10D

Page 11

"10D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY COMMUNITY SCIENCE/LEARNING CENTERS FROM GENERAL REVENUE FUND	7,222,000
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Funds provided in Specific Appropriation 10D are for the following projects:

Duval County Museum of Science and History	1,250,000
Odyssey Science Center in Leon County	1,800,000
Broward Museum of Discovery and Science	2,000,000
Florida Environmental Learning Center at Tusawilla Preserve	1,200,000
Manatee County Emerson Point Environmental Center	600,000
Manatee County Project T.E.C. Facility	372,000"

Specific Appropriation 10I

Page 12 - A portion of proviso language

“From the funds in Specific Appropriation 10I, \$300,000 from the General Revenue Fund is provided for the support of auditory and oral education for young deaf children.

From the funds in Specific Appropriation 10I, \$200,000 from the General Revenue Fund is provided for the Community Partners for Employment to assist community organizations which operate work centers to assist people with disabilities become employed.”

Specific Appropriation 11A

Page 13

"11A SPECIAL CATEGORIES ROSENSTIEL SCHOOL - UNIVERSITY OF MIAMI FROM GENERAL REVENUE FUND	100,000
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Funds in Specific Appropriation 11A are provided to support the Center for Sustainable Fisheries at the University of Miami Rosenstiel School.”

Specific Appropriation 14A

Page 13

"14A SPECIAL CATEGORIES CUBAN HISTORY DOCUMENTATION FROM GENERAL REVENUE FUND	50,000"
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Specific Appropriation 78

Page 26 - A portion of proviso language

“From the funds allocated to the St. John’s County School District in Specific Appropriation 78, \$60,000 shall be withheld by the Department of Education for payment to the St. John’s River Community College for legal expenses associated with the transfer of the criminal justice training academy.”

Specific Appropriation 85A

Page 29 - A portion of proviso language

“From the funds in Specific Appropriation 85A, \$200,000 is allocated for a grant program to be developed for school districts to purchase lap top computers for middle school and high school students.”

Specific Appropriation 86

Page 30 - A portion of proviso language

“From the funds in Specific Appropriation 86, \$200,000 is provided to students enrolled in Phase II Associated Marine Institutes (AMI) programs for transportation and employment assistance services.”

Specific Appropriation 87A

Page 30

"87A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LOCAL IMPACT FEE REPLACEMENT FROM GENERAL REVENUE FUND	50,000,000
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Funds in Specific Appropriation 87A are contingent on HB 2179 or similar legislation becoming law. These funds shall be distributed to eligible school districts as prescribed in law.”

Specific Appropriation 100A

Page 35 - A portion of proviso language

“, and \$2,000,000 is provided for Student Support Services pilot programs”

Specific Appropriation 103A

Page 36

"103A SPECIAL CATEGORIES GRANTS AND AIDS - MUSEUM OF SCIENCE FROM GENERAL REVENUE FUND	2,000,000"
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Specific Appropriation 104

Page 36 - A portion of proviso language

“From the funds in Specific Appropriation 104, \$1,800,000 is provided for the Technological Research and Development Authority to provide training for teachers, administrators, superintendents and education policy makers in the public policies related to technology.”

“From the funds in Specific Appropriation 104, \$25,000 is provided for the SPACEHAB program.”

Specific Appropriation 107

Page 37 - A portion of proviso language

“From the funds in Specific Appropriation 107, \$250,000 is provided for allocation to the Volusia County School District for the purpose of providing diversionary programs for suspended students.”

Specific Appropriation 108

Page 38 - A portion of proviso language

“From the funds in Specific Appropriation 108, \$1,000,000 is provided to Prevent Blindness Florida for screening, follow-up and evaluation of children in rural areas with mental or physical disabilities in special pre-kindergarten programs and for school personnel and volunteers to conduct vision screening.”

Specific Appropriation 147

Pages 47 and 48 - A portion of proviso language

“ Included in the funds provided in Specific Appropriation 147 is \$35,000 in non-recurring General Revenue to compensate Florida Keys Community College for losses related to Hurricane Georges.

Included in the funds in Specific Appropriation 147 is \$200,000 in non-recurring General Revenue for Miami-Dade Community College for the Distance Learning in Music - New World Symphony program.”



Specific Appropriation 148A  
Page 48

"148A AID TO LOCAL GOVERNMENTS  
GRANTS AND AIDS - PROBATIONERS EDUCATIONAL  
GROWTH  
FROM GENERAL REVENUE FUND 1,500,000"

Specific Appropriation 161  
Pages 54 and 56 - A portion of proviso language

"6. \$1,500,000 for Research Corridors/Economic Development (I-95 & I-10)"

"9. \$750,000 for the Marine Science Partnership - FAU/Harbor Branch Oceanographic Research Institute"

"11. \$100,000 for the Rehabilitation Teaching Specialization in the Program in Visual Disabilities - FSU

12. \$950,000 for the Institute on Urban Policy and Commerce

13. \$391,257 for the Institute for Human and Machine Cognition - UWF

14. \$150,000 for the Wetlands Environmental Lab - UWF

15. \$300,000 for Campus Security Equipment - FAMU"

"22. \$500,000 for Lively Arts Center - UCF

23. \$225,000 for UF Whitney LAB - Marine Animal Health

24. \$450,000 for UF Whitney Center for Marine studies

25. \$350,000 for the Civic Theaters of Central Florida - UCF"

"From funds in Specific Appropriation 161, \$25,000 is provided for the University of Florida College of Pharmacy to study the efficacy of liquid versus solid psychotropic drugs in Florida's prisons."

Specific Appropriation 163  
Page 57 - A portion of proviso language

"2) \$5,000,000 for Graduate Medical Education"

Specific Appropriation 164  
Page 57 - A portion of proviso language

"2) \$500,000 for the ACORN Dental Clinic - UF College of Dentistry

3) \$225,000 for the UF Veterinary School - Marine Animal Health,"

"5) \$5,000,000 for Graduate Medical Education"

Specific Appropriation 198  
Page 65 - proviso language

"From the funds in Specific Appropriation 198, \$250,000 in non-recurring General Revenue and \$250,000 from the Administrative Trust Fund shall be used to implement an automated on-line appeals process for challenging health care denials."

Specific Appropriation 229  
Page 70 - A portion of proviso language

"From the funds in Specific Appropriation 229, \$750,000 from the General Revenue Fund and \$978,509 from the Medical Care Trust Fund are provided for coverage of vagus nerve stimulators for Medicaid patients."

Specific Appropriation 230  
Page 71 - A portion of proviso language

"From the funds provided in Specific Appropriation 230, \$3,601,370 from the General Revenue Fund, \$1,459,600 from the Grants and Donations Trust Fund, and \$4,698,630 from the Medical Care Trust Fund shall be used by the agency to restore certain full dosage

limits. The agency shall not limit payment to certain dosage forms because of lower cost to the state or higher manufacturer rebate if it will place an undue burden on Medicaid beneficiaries in complying with prescribed drug therapies. Practices that shall be avoided include such things as requiring a patient to score a tablet to meet prescribed dosage levels when a more convenient dosage level is available."

Specific Appropriation 286B  
Page 78 - proviso language

"From the funds in Specific Appropriation 286B, \$1,500,000 in General Revenue is for the demolition of the W.T. Edwards Building in Hillsborough County."

Specific Appropriation 291  
Page 78 - proviso language

"From the funds in Specific Appropriation 291, \$250,000 in recurring Tobacco Settlement Trust Funds is provided to continue the shared database in Broward County."

Specific Appropriation 301  
Page 80 - A portion of proviso language

"From the funds in Specific Appropriation 301, \$180,000 in recurring General Revenue is provided to the Clearinghouse on Supervised Visitation within the Institute for Family Violence Studies of the Florida State University School of Social Work for the certification and monitoring of supervised visitation programs."

"From Temporary Assistance to Needy Families (TANF) funds appropriated in the Federal Grants Trust Funds in Specific Appropriation 301, \$300,000 shall be used for the operation of the AVDA - Transitional Housing for Battered Victims in Palm Beach County.

Upon review by the WAGES State Board or its successor, the sum of \$450,000 in non-recurring Temporary Assistance to Needy Families (TANF) funds in the Federal Grants Trust Fund shall be used to fund three demonstration projects that support court directed, non-custodial parent supervised visitation programs in the 1st, 4th, and 9th Judicial Circuits. The projects would test such strategies as child support enforcement, responsible parenting and two-parent reunification. This language is not intended to preclude the WAGES State Board or its successor from allocating TANF funds in excess of \$450,000 to support the efforts by the projects to promote self-sufficiency among TANF qualifying participants and their children."

Specific Appropriation 302A  
Page 80 - A portion of proviso language

"From the funds in Specific Appropriation 302A, \$350,000 in non-recurring General Revenue is provided to Women in Distress in Broward County for the acquisition, construction and/or renovation of emergency and transitional housing facilities for homeless persons, and \$100,000 in non-recurring General Revenue is provided to Aid to Victims of Domestic Abuse in Palm Beach County."

"From the funds in Specific Appropriation 302A, \$50,000 in non-recurring Tobacco Settlement Trust Funds is provided to the Domestic Violence Prevention and Assistance Program in Dade County."

Specific Appropriation 325A  
Page 84 - A portion of proviso language

"Kinship Support Center-Broward County	500,000
Immigrant Family Support Program - C.A.S.A. in Dade County	250,000"
"Crisis Shelter for Children-Devereux - District VII	250,000"

Specific Appropriation 325B  
Page 85 - A portion of proviso language

"The non-recurring General Revenue funds in Specific Appropriation 325B shall be allocated for Child Welfare Facilities as follows:

Club Esteem - Brevard County	75,000
The Haven II Emergency Shelter - District 7	100,000"

Specific Appropriation 342

Page 87 - A portion of proviso language

"Loveland New Education Center - Charlotte and Sarasota.	300,000"
"W.O.R.C. Developmental Services - Flagler and Volusia (non-recurring)	639,000"

Specific Appropriation 347A

Page 89 - A portion of proviso language

"From the funds in Specific Appropriation 347A, the following issues are from non-recurring General Revenue unless specifically noted:

ARC Marion Building Project - Marion	100,000
Center for Independence Group Homes - Pasco	500,000
ARC - Charlotte and DeSoto	200,000"
"Community by the Sea Brevard	350,000"

Specific Appropriation 367

Page 92 - A portion of proviso language

"From the funds in Specific Appropriation 367, the sum of \$750,000 in recurring TANF (Temporary Assistance to Needy Families) federal funds is provided to Lakeside Alternatives for a pilot transportation system for WAGES eligible clients in Orange and Seminole counties who have mental illness and substance abuse problems."

Specific Appropriation 369A

Pages 92 and 93 - A portion of proviso language

"Satellite Clinic-Dade County	350,000
Miami Behavioral Health Center, Inc. (MBHC)-Dade County	200,000
Expansion of Crisis Stabilization Unit/Public Receiving Facility Capacity-Leon County	400,000
The Starting Place 1999 Capital Campaign Facility Expansion-Broward County	450,000"
"Mental Health Care Inc, Inc.- Hillsborough	50,000
Fellowship House-Dade	100,000

From the funds in Specific Appropriation 369A, \$654,213 in non-recurring Administrative Trust Funds is provided for Seminole Community Mental Health Center for construction of a new program in Seminole county."

Specific Appropriation 385A

Pages 94 and 95 - proviso language

"From the funds in Specific Appropriation 385A, \$100,000 in the Administrative Trust Fund is provided for the renovation of the Florida Center for Addictions and Dual Disorders in Avon Park."

Specific Appropriation 398

Page 97 - A portion of proviso language

"Pasco Adolescent Intervention (non-recurring)	725,000
Tri-county Community Service Integration - Hardy, Highlands and Polk (non-recurring)	300,000"

Specific Appropriation 398A

Page 97 - A portion of proviso language

"Volusia Drug Residential Treatment Center Flagler and Volusia Counties	1,800,000"
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Specific Appropriation 408

Page 99 - A portion of proviso language

"Community Outreach Program in Pinellas County	50,000
LEIC Little Havana EZ/EC Project Dade County	250,000"

Specific Appropriation 410A

Page 99

"410A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY PASCO COUNTY FOOD BANK EXTENSION FROM ADMINISTRATIVE TRUST FUND	301,650
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From the funds in Specific Appropriation 410A, \$301,650 in nonrecurring funds from the Administrative Trust fund is provided for the expansion of the Pasco Food Bank in Pasco County."

Specific Appropriation 410B

Page 99

"410B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY CHILDREN AND FAMILIES - GENERAL FROM GENERAL REVENUE FUND	700,000
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From the non-recurring General Revenue funds in Specific Appropriation 410B, \$200,000 is provided for the Florence Fuller Child Development Centers in Palm Beach County and \$500,000 is provided for the Human Development & Resource Center in Fort Pierce.

Funds in Specific Appropriations 410A and 410B for purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least five years from the date of purchase of the completion of the improvements or as further required by law."

Specific Appropriation 425

Page 101 - proviso language

"From the funds in Specific Appropriation 425, \$100,000 in non-recurring General Revenue is provided for Mildly Ill Child Care in Broward County."

Specific Appropriation 435

Page 103 - proviso language

"From the funds in Specific Appropriation 435, \$50,000 in recurring Refugee Assistance Trust Funds is provided for the Asian Family and Community Empowerment Center in Pinellas County."

Specific Appropriation 447

Pages 106 - A portion of proviso language

"From funds in Specific Appropriation 447, \$300,000 in recurring General Revenue is provided for the Meals on Wheels Plus of Manatee, Inc. to provide adult day care services in Manatee County."

Specific Appropriation 448

Page 106 - A portion of proviso language

"Villa Maria Nursing Home - Dade	50,000"
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Specific Appropriation 448A

Page 106 - A portion of proviso language

"Town and Country Senior Center - Hillsborough County	150,000"
"Columbia County Community Senior Services Center	100,000
Adolph and Rose Levis Jewish Community Center - Palm Beach County	500,000
Senior Center/Service Campus - Martin County	500,000

Largo Adult Day Services Center - Pinellas County 426,000  
 Senior Wellness Project - Dade County 200,000

The non-recurring Tobacco Settlement funds in Specific Appropriation 448A provided for senior centers shall be allocated as follows:

Elder Affairs Projects-De Hostos Senior Center Construction - Dade County 100,000"

Specific Appropriation 452A  
 Page 107

"452A SPECIAL CATEGORIES  
 ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND 20,000"

Specific Appropriation 490  
 Page 112 - A portion of proviso language

"and \$400,000 in recurring General Revenue is provided for Prevent Blindness Florida"

Specific Appropriation 498  
 Page 113 - proviso language

"From the funds in Specific Appropriation 498, \$1,020,000 in non-recurring Tobacco Settlement Trust Funds is transferred to the University of South Florida to provide for a distinguished chair / professorship at the Chiles Center."

Specific Appropriation 534A  
 Page 117 - A portion of proviso language

"Manatee County Rural Health Services 150,000"

Specific Appropriation 537B  
 Page 118 - A portion of proviso language

"Miami Children's Hospital-Dade 200,000  
 Northwest Quadrant Health Center Hillsborough 500,000  
 Riverview/Gibsonton Health Center-Hillsborough 500,000  
 Pinellas County Community Health Centers 350,000"  
 "Central Florida Health Care, Inc., - Polk, Hardee and Highlands 100,000"  
 "Borinquen Health Care - Dade County 60,000  
 Dover Health Center - Hillsborough County 500,000"  
 "Escambia - Gulf Coast Kids House 200,000"

Specific Appropriation 556  
 Page 121 - A portion of proviso language

"and \$125,000 in recurring General Revenue is provided for Northeast Florida Regional Pediatric Diabetes Program at Wolfson Hospital"

Specific Appropriation 592B  
 Page 126 - A portion of proviso language

"From the funds in Specific Appropriation 592B, \$1,600,000 in non-recurring General Revenue is provided to Madison Hospital in Madison County."

Specific Appropriation 723  
 Page 142

"723 SPECIAL CATEGORIES  
 GRANTS AND AIDS - ASSISTANCE ALTERNATIVES TO INCARCERATION PROGRAMS FROM GENERAL REVENUE FUND 500,000"

Specific Appropriation 723A  
 Page 142 - A portion of proviso language

"Dade HART 500,000  
 Clearwater Community Services Program 158,000

New Horizons Family Intervention and Support Program 500,000  
 The Jail Alternative Project 400,000"

Specific Appropriation 726A  
 Page 143

"726A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY  
 PINELLAS COUNTY SECURE DRUG TREATMENT FACILITY FOR OFFENDERS FROM GENERAL REVENUE FUND 200,000"

Specific Appropriation 765  
 Page 147

"765 SPECIAL CATEGORIES  
 GRANTS AND AIDS - ON-THE-JOB TRAINING PROGRAM FROM GENERAL REVENUE FUND 150,000

Funds in Specific Appropriation 765 shall be used to contract with Transition, Inc. for on-the-job training services for offenders after their release from state prison."

Specific Appropriation 1146A  
 Page 185 - A portion of proviso language

"The Miami Love - Youth At Risk Program 100,000"

Specific Appropriation 1149A  
 Page 185 - A portion of proviso language

"Gifford Youth Activities Center 750,000"

Specific Appropriation 1167  
 Page 190 - proviso language

"From the funds in Specific Appropriation 1167, up to \$75,000 may be provided to Citizen's Crime Watch of Dade County."

Specific Appropriation 1169  
 Page 190 - A portion of proviso language

"Range 2000 Firearm Simulator 100,000  
 Palm Beach County Auto Theft Task Force 350,000"

Specific Appropriation 1252A  
 Page 201

"1252A AID TO LOCAL GOVERNMENTS  
 GRANTS AND AIDS - SOIL AND WATER COST SHARING PROGRAM FROM GENERAL REVENUE FUND 300,000"

Specific Appropriation 1299  
 Page 207 - A portion of proviso language

"From the funds in Specific Appropriation 1299, \$100,000 from the General Revenue Fund is provided for the control of nuisance chironomidae (blind mosquitoes) in Lake Monroe in Sanford, Florida."

Specific Appropriation 1321A  
 Page 210

"1321A AID TO LOCAL GOVERNMENTS  
 CALADIUM RESEARCH PROGRAM FROM GENERAL REVENUE FUND 100,000"

Specific Appropriation 1324B  
 Page 210 - A portion of proviso language

"South Florida Food Recovery, Inc 200,000"  
 Specific Appropriation 1324C  
 Page 210

"1324C SPECIAL CATEGORIES  
 GRANTS AND AIDS - CONTRACTED SERVICES  
 FROM GENERAL REVENUE FUND 30,000"

Funds provided in Specific Appropriation 1324C are to be allocated  
 as follows:

Palmetto's 13th Annual Tomato Festival 30,000"

Specific Appropriation 1329B  
 Page 211

"1329B SPECIAL CATEGORIES  
 TROPICAL FRUIT  
 FROM GENERAL REVENUE FUND 300,000"

Specific Appropriation 1329K  
 Page 211

"1329K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND  
 NONPROFIT ORGANIZATIONS - FIXED CAPITAL  
 OUTLAY  
 TROPICAL GARDEN EDUCATION CENTER  
 FROM GENERAL REVENUE FUND 200,000"

Specific Appropriation 1329L  
 Pages 211 and 212 - A portion of proviso language

"Baker County Agriculture Center Renovations 100,000"  
 "Brevard County Fair Phase I 100,000"  
 "Chipola Community College Public Information  
 Display Center 20,000  
 Desoto Ag-Civic Center 200,000  
 Escambia County Equestrian Facilities 200,000  
 Escambia/Barrineau Park Agriculture Heritage  
 Museum 75,000  
 Florida Agriculture Center & Horse Park  
 Master Plan 200,000"  
 "Gadsden-Soil Survey Update 542,000  
 Glades County Agri-Center 200,000  
 Hamilton County Arena 100,000  
 Hendry County Fairgrounds Improvements 200,000  
 Hernando County Fairgrounds 200,000"  
 "Jefferson-County Agricultural Pavilion 200,000"  
 "North Walton County Community Agriculture  
 Center 100,000  
 Northeast Florida Fairground Expansion/Renovation 200,000  
 Odessa Rodeo & Festival bleacher replacement 126,000  
 Okaloosa Fairgrounds Purchase and Improvements 550,000  
 Okeechobee County Agri-Center 200,000  
 Pasco Food Bank Expansion Initiative 170,000  
 Pensacola Interstate Fair Facilities 450,000"  
 "Portland Community Agriculture Center  
 (Walton Co.) 150,000  
 Santa Rosa/Chumuckla Agriculture Center 53,750  
 Santa Rosa/East Milton Arena Cover 200,000  
 Sarasota-County Fair Facility Agricultural  
 Pavilion 200,000"  
 "Storage Building for Livestock Equipment  
 (Volusia Co.) 40,000"

Specific Appropriation 1333A  
 Page 213 - A portion of proviso language

"Indian River Research & Education Center  
 - University of Florida 250,000  
 Scallop Hatchery - University of South Florida 85,000  
 Levy County 4-H Project FEAT (Fishing  
 Education & Aquaculture Training) 30,000  
 Pompano Beach/Collier City Aquaculture & Hydroponics  
 Complex 200,000"

Specific Appropriation 1333B  
 Page 213 - A portion of proviso language

"Aquatic Food Production Program  
 (University of Florida) 100,000"

Specific Appropriation 1421A  
 Pages 226 and 227 - A portion of proviso language

"Rollison Development Center 175,000"  
 "Melvin Anglin Square 200,000  
 Old Fellsmere School 300,000"  
 "City of St. Augustine - Public  
 Transportation Initiative 800,000"  
 "Inner City Revitalization Program 50,000"  
 "YMCA/Little League Pedestrian Crossover 39,000  
 Community Center Improvements - Winter Park 200,000  
 Public Safety Facility - Winter Park 475,000"

Specific Appropriation 1490B  
 Page 233 - proviso language

"Funds in Specific Appropriation 1490B from the Conservation and  
 Recreation Lands Trust Fund are provided for the Preservation  
 Project and Cedar Swamp."

Specific Appropriation 1490H  
 Page 233

"1490H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND  
 NONPROFIT ORGANIZATIONS - FIXED CAPITAL  
 OUTLAY  
 LAND ACQUISITION - PERFORMING ARTS CENTER -  
 MIAMI-DADE COUNTY  
 FROM LAND ACQUISITION TRUST FUND 1,000,000"

Specific Appropriation 1490I  
 Page 234

"1490I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND  
 NONPROFIT ORGANIZATIONS - FIXED CAPITAL  
 OUTLAY  
 CAPITOL DOWNTOWN PARKING FACILITY - LAND  
 ACQUISITION  
 FROM LAND ACQUISITION TRUST FUND 1,000,000"

Funds in Specific Appropriation 1490I are for the purchase of land  
 by the Tallahassee Downtown Improvement Authority for the  
 construction of a mixed-use/parking facility to help serve the  
 parking and housing needs of state government employees,  
 constituents and visitors to the Capitol Center Complex, and  
 intended to include parking, a courthouse annex and housing."

Specific Appropriation 1532A  
 Page 238

"1532A SPECIAL CATEGORIES  
 DISTRESS FLARE DISPOSAL PROGRAM  
 FROM SOLID WASTE MANAGEMENT TRUST  
 FUND 100,000"

Specific Appropriation 1548A  
 Page 239

"1548A FIXED CAPITAL OUTLAY  
 GEOSCIENCE RESEARCH CENTER  
 FROM GENERAL REVENUE FUND 100,000"

The funds in Specific Appropriation 1548A shall be used, in  
 consultation with the Florida State University, to conduct the  
 preliminary planning necessary to develop refined funding  
 requirements and development options for the Florida Geoscience  
 Center."

Specific Appropriation 1566A  
 Page 240

"1566A	SPECIAL CATEGORIES PERMIT DOCUMENT MANAGEMENT SYSTEM	
	FROM AIR POLLUTION CONTROL TRUST FUND	433,334
	FROM SOLID WASTE MANAGEMENT TRUST FUND	433,333
	FROM WATER QUALITY ASSURANCE TRUST FUND	433,333"

Specific Appropriation 1573B  
Page 242

"1573B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY ANNES BEACH ENHANCEMENTS - MONROE COUNTY FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND	80,000"
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Specific Appropriation 1573D  
Page 242

"1573D	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY VOLUSIA COUNTY BEACH IMPROVEMENTS - NORTH ORMOND FROM LAND ACQUISITION TRUST FUND	300,000"
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Specific Appropriation 1591F  
Page 244

"1591F	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY DAVIE CANEL REFORESTATION FROM GENERAL REVENUE FUND	135,000"
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Specific Appropriation 1591G  
Pages 244 and 245 - A portion of proviso language

"Biscayne Bay Cleanup	300,000"
"Wekiva River Protection Ecological Modeling Project	300,000"

Specific Appropriation 1591J  
Page 248

"1591J	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY NORTH MIAMI WATER PLANT EXPANSION FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND	750,000"
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Specific Appropriation 1607  
Page 249 - proviso language

"From the funds in Specific Appropriation 1607, \$500,000 is provided for the department to initiate an Environmental Management Systems training program for agency enforcement, water management district and county environmental employees.

From the funds in Specific Appropriation 1607, \$300,000 from the Inland Protection Trust Fund is provided for Miami Shores Village Fuel Storage and Tank Cleanup."

Specific Appropriation 1608A  
Page 250

"1608A	SPECIAL CATEGORIES BROWNFIELD REDEVELOPMENT PROGRAM - DADE COUNTY FROM INLAND PROTECTION TRUST FUND	400,000"
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Specific Appropriation 1608C  
Page 250

"1608C	SPECIAL CATEGORIES BROWNFIELD - EASTWARD HO URBAN REDEVELOPMENT PROGRAM FROM INLAND PROTECTION TRUST FUND	150,000"
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Specific Appropriation 1609C  
Page 250 - proviso language

"From funds in Specific Appropriation 1609C, from the Inland Protection Trust Fund, \$306,000 is provided to the City of Winter Park Police Department for the pre-approval cleanup and site remediation, due to the high score and potential health receptors at risk."

Specific Appropriation 1609D  
Page 250 - A portion of proviso language

"From the funds in Specific Appropriation 1609D, \$400,000 is provided to establish a grant for a compost pilot project involving wastes from Department of Corrections prisons. The grant funds shall be used by the New River Solid Waste Association to reimburse direct costs for the design, construction, and operation of the pilot compost project."

Specific Appropriation 1633C  
Page 252

"1633C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY FLORIDA KEYS SPILL CORPORATIVE INC FROM COASTAL PROTECTION TRUST FUND	250,000"
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Specific Appropriation 1641B  
Pages 254 and 255 - A portion of proviso language

"Aquatic Center - City of Apopka	50,000
Avon Park Recreation Complex	50,000
Biscayne Park Family Project	50,000
Bray-Hendricks Park Improvement Project (lighting)	50,000
Choctawhatchee Bay Recreation Facility	50,000
City of Coral Springs Safety Surfacing of Slide and Glide Park	50,000
City of North Lauderdale Parking Lot Lighting for Rock Island Road Park	20,000
City of Tamarac McNab Park Universally Designed Playground	50,000
Club Esteem - Lipscomb Park Center	50,000
Cooper City Recreation Center	50,000
Coral Gables Parks Rejuvenation Project	50,000
Escambia County Equestrian Facilities	50,000
Evinrude Civic Learning Building	50,000
Fernandina Harbor Marine Welcome Center	50,000
Frank Brown Park - City of Panama City Beach	50,000
Franklin Square Recreation Center - Franklin County	50,000
Fred Lippman Multi-Purpose Center and Shuffleboard Complex	50,000"
"Heritage Park	50,000
Hopkins Landing Park Improvements	50,000
Lonnie Miller Regional Training Facility	50,000
Miami Watersports Park & Recreation Center	50,000
Milton Recreation Center	50,000"
"Oceanfront Park Preservation Project	50,000
Okaloosa Island Recreational Path	50,000
Parks and Recreation Master Plan - City of North Miami	50,000
Parks and Recreational Projects - City of Opa-Locka	50,000
Pineda Landing Park Recreational Improvements	50,000
Port Orange National Aquatic Center	50,000
Programming for Youth/Elderly - City of Coral Gables	50,000
Raised Boardwalk Nature Trail - Environmental Learning Center	50,000
Recreation Complex (Phase III) - City of Holly Hill	50,000
Rock Island Road Park Drainage	50,000
Rockledge Senior Center Park	50,000
Sebring Firemen, Inc. Stadium Improvements	50,000
Southwinds Recreational Park & Playground	50,000
Sunrise Tennis Club Park (Phase III)	50,000
Upper Pinellas Youth Sports Association	50,000
Volusia County Youth Sportplex	50,000
Wilton Manors Public Use Greenspace	50,000
Woodville Recreation Center - Leon County	50,000
Youth Activity Center - Boca Raton	50,000"

Specific Appropriation 1641D  
Page 255

"1641D	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY YMCA/LITTLE LEAGUE PEDESTRIAN CROSSOVER FROM LAND ACQUISITION TRUST FUND	500,000"
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Specific Appropriation 1641E  
Page 255

"1641E	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY SKATEBOARD PARK AT POMPANO BEACH COMMUNITY PARK FROM LAND ACQUISITION TRUST FUND	150,000"
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Specific Appropriation 1641G  
Pages 255 and 256

"1641G	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY PARTNERSHIP IN LOCAL PARKS/STATE MATCH FROM LAND ACQUISITION TRUST FUND	200,000
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Funds in Specific Appropriation 1641G are provided for the department to establish a Partnership in Local Parks grant program to provide grants of up to \$50,000 to local parks which contribute equal matching funds."

Specific Appropriation 1708A  
Page 264

"1708A	SPECIAL CATEGORIES TRANSFER FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION DERELICT VESSEL REMOVAL FROM COASTAL PROTECTION TRUST FUND	2,000,000"
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Specific Appropriation 1781D  
Page 272

"1781D	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY LOWRY PARK ZOO FROM NON-GAME WILDLIFE TRUST FUND	415,000"
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Specific Appropriation 1798B  
Page 274

"1798B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY SMITHSONIAN MARINE STATION BOAT DOCKAGE FACILITY FROM MARINE RESOURCES CONSERVATION TRUST FUND	300,000"
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Specific Appropriation 1798C  
Page 274

"1798C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY NATIVE FLORIDA AQUARIUM AND TEACHING FACILITY FROM MARINE RESOURCES CONSERVATION TRUST FUND	250,000"
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Specific Appropriation 1821E  
Page 281 - A portion of proviso language

"From funds in Specific Line Item 1821E, \$11,970,000 provided in the Department of Transportation five year work program for fiscal year 2000-2001 for the development of and operating assistance of the LYNX light rail system in Orange County shall be reallocated to the planning, design, and construction of a grand intermodal terminal at the Orange County Convention Center."

Specific Appropriation 1890  
Page 291 - proviso language

"From funds in Specific Appropriation 1890, \$150,000 shall be used to supplement the federal appropriation creating the County Rural Development Program (Co. RD)."

Specific Appropriation 1890B  
Page 292

"1890B	SPECIAL CATEGORIES GRANTS AND AIDS - FINANCIAL TECHNICAL ASSISTANCE PROGRAM FROM GENERAL REVENUE FUND	200,000"
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Specific Appropriation 2036  
Page 305 - proviso language

"From the funds in Specific Appropriation 2036, \$500,000 shall be used for a condominium/cooperative association education program contracted with the Florida Division of Community Colleges, pursuant to the Memorandum of Intent between the Division of Community Colleges and the Center for Community and Condominium Living, Inc."

Specific Appropriation 2087A  
Page 311 - A portion of proviso language

"Florida First Capital Finance Corp	250,000"
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Specific Appropriation 2087B  
Pages 311 and 312 - A portion of proviso language

"PIERS / Ports Information	286,641
Florida Manufacturing Technology Center	3,500,000
Tech Research & Development Authority	2,000,000
Florida Technology Incubator Network	800,000
Innovation & Commercialization Centers:	
Enterprise North Florida Corporation (Jacksonville)	180,000
Office of Corporate Development (Tampa)	180,000
Enterprise Development Corp of South FL (Palm Beach)	180,000"

"For funds in Specific Appropriation 2087B allocated to the Florida Manufacturing Technology Center, the Office of Tourism, Trade and Economic Development shall contract directly with the Florida Manufacturing Technology Center. Such contract shall be developed in consultation with the State Technology Office."

Specific Appropriation 2088C  
Pages 313 and 314 - A portion of proviso language

"Historic Sanford Memorial Stadium Renovation	200,000
Escambia County Commerce Park	900,000
Indian River Lagoon Scenic Highway Lagoon House	250,000"
"Trade Mission Center for the Americas	150,000
African & African Diaspora Trade Office	50,000
Florida Advanced Semiconductor Technology Program	570,000
Black Entrepreneur Conference	50,000
Florida Institute for Economic Development	300,000
Eastside P-3 Network	50,000
Seaport Training and Employment Program (STEP)	800,000
One Stop Capitol Center	250,000"
"Not for Profit Bowl Game - Micronpc.com Bowl.	100,000
Spring Hill Redevelopment	200,000"

"From funds in Specific Appropriation 2088C allocated to the Florida-Caribbean Basin & Florida-African Market Expansion, \$100,000 shall be administered by the Seaport Training Employment Program (STEP) for establishing the Florida-Caribbean Basin

Trade Initiative. Funds shall be utilized for assisting small and medium-sized businesses to become involved in international activities and helping them to identify markets with product demand, identify strategic alliances in those markets, and obtain financing to effectuate trade opportunities in the Caribbean Basin. Authorized activities shall include, but not be limited to, export readiness, assistance and referral services, internships, seminars, workshops, conferences, e-commerce, mentoring and matchmaking services, but shall coordinate with and not duplicate those services provided by Enterprise Florida, Inc.

From funds in Specific Appropriation 2088C allocated to Seaport Training and Employment Program (STEP), up to \$200,000 may be utilized for establishing the Florida-Caribbean Basin Trade Initiative.”

Specific Appropriation 2088E  
Page 315 - proviso language

“From funds provided in Specific Appropriation 2088E, the following projects are funded:

University Walkover - Shands Medical Center	500,000
44th Street and Collins Avenue in Miami Beach	2,000,000
County Road 210 - Emergency Access Improvements	2,000,000”

Specific Appropriation 2453  
Page 360 - A portion of proviso language

"City of Lynn Haven Telecommunications System	30,000
City of Port St. Joe Public Safety Communications Infrastructure	95,400”
"Mexico Beach Emergency Management 800 MHz Upgrade	153,000”
"Sanibel Fast Internet Access (Lee County)	26,400”

Specific Appropriation 2591C  
Page 379 - proviso language

“From funds in Specific Appropriation 2591C, \$500,000 is provided to the Department of State for the purpose of supporting the Ft. Lauderdale International Center for Technology and Economic Development.”

Specific Appropriation 2645A  
Page 387 - A portion of proviso language

"MacDonald House-Second and Third Floor Renovation	125,000
International Children's Museum	250,000”
"Capital Improvement of Teatro 8	100,000
Nassau County Public Libraries-Callahan Branch	1,000,000”
"Broward Center for Performing Arts/FAU Lifelong Learning	200,000
Florida International Museum St. Petersburg	1,100,000”
"Ballet Florida	50,000”
"South Florida Museum/Bishop Planetarium	350,000
Smithsonian-affiliated Florida Museum - Miami	100,000”

Specific Appropriation 2646C  
Pages 387 and 388

"2646C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY	
	GRANTS AND AIDS - CHILDREN'S MUSEUM FACILITIES PROGRAM	
	FROM GENERAL REVENUE FUND	400,000
	FROM CULTURAL INSTITUTIONS TRUST FUND	400,000

Funds in Specific Appropriation 2646C are provided to assist in the creation of new children's museums for the acquisition, renovation, or new construction of facilities and furniture, fixtures, and equipment. The Department shall implement a competitive grant process with an initial application deadline by January 31, 2001. Eligible projects shall be selected by March 31, 2001. Grants of up to \$150,000 per project shall be awarded on a 1:1 match basis. These grants are only for the creation of new children's museums in

communities where no such museum currently exists. For this purpose, a children's museum targets 2-12 years olds for 90% of its educational events, displays, and other activities.

General Revenue funds provided in Specific Appropriation 2646C shall be transferred to the Children's Museum Facility Account within the Cultural Institutions Trust Fund. Private sector contributions to match the state appropriation shall also be deposited to the account and made available for grant awards. State funding shall be matched by private sector contributions on a 1:1 match basis prior to any expenditure from the account. The Department may process a budget amendment under the legislative notice and review requirements set forth in s. 216.177, Florida Statutes, to request budget authority for any private sector contributions. Applications for future projects shall be accepted annually as long as funds remain available in the trust fund account.”

Specific Appropriation 2718A  
Page 397

"2718A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS - FIXED CAPITAL OUTLAY	
	PLANT CITY SATELLITE COLLABORATIVE FROM GENERAL REVENUE FUND	465,000

Funds in Specific Appropriation 2718A are provided for the Elder Justice Center in Plant City.”

Section 42  
Page 410

“SECTION 42. The unexpended balance of the \$400,000 appropriated in Specific Appropriation 1221F from the Marine Resources Conservation Trust Fund for an environmental bait fish pilot program in Chapter 99-226, Laws of Florida, is hereby reappropriated.”

The portions of House Bill 2145 which are set forth herein with my objections are hereby vetoed, and all other portions of House Bill 2145 are hereby approved.

Sincerely,  
*Jeb Bush*

Pursuant to Rule 6.7, vetoed bills CS/CS/HB 113, HB 2145, and HB 2179 (2000 Regular Session), together with the Governor's objections thereto, were referred to the Procedural & Redistricting Council.

**Council and Committee Assignments**

The Speaker advised that, pursuant to Rule 7.2(a), a Joint Select Committee on the Manner of Appointment of Presidential Electors had been created. The Speaker further advised that he had appointed the following Members on the part of the House: Rep. Byrd (Co-Chair) and Reps. Cantens, Diaz-Balart, Goodlette, Gottlieb, Betancourt, and Stansel; and that the Senate President appointed the following Senators on the part of the Senate: Senator Carlton (Co-Chair) and Senators Webster, Laurent, Horne, Rossin, Holzendorf, and Smith.

The Speaker advised that, pursuant to Rule 7.2(a), he had created a Select Committee on Electoral Certification Accuracy & Fairness and that, he had appointed Rep. Byrd (Chair) and Reps. Cantens, Diaz-Balart, Goodlette, Gottlieb, Betancourt, and Stansel.

The Speaker advised that, pursuant to Rule 7.1(a), he had made the following appointments to the Procedural & Redistricting Council: Rep. Byrd (Chair), Rep. Diaz-Balart (Vice Chair) and Reps. Goodlette, Cantens, Gottlieb, Betancourt, and Stansel.

The Speaker advised that, pursuant to Rule 7.1(a) he had made the following appointments to the Committee on Rules, Ethics & Elections: Rep. Goodlette (Chair) and Reps. Byrd, Diaz-Balart, Cantens, Gottlieb, Betancourt, and Stansel.

**Motion to Adjourn**

Rep. Byrd moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 10:00 a.m., Tuesday, December 12, or upon call of the Chair. The motion was agreed to.

**Cosponsors**

HCR 1-A—Farkas, Gardiner, Hart, Johnson, Kyle, Miller

**Excused**

Reps. Harper, Ritter, Simmons, Wilson

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 12:51 p.m., to reconvene at 10:00 a.m., Tuesday, December 12, or upon call of the Chair.





# The Journal OF THE House of Representatives

FIRST SPECIAL SESSION—"A" of 2000-2002

Number 2

Tuesday, December 12, 2000

The House was called to order by the Speaker at 10:00 a.m.

## Prayer

The following prayer was offered by the Reverend John F. Green of Bethel AME Church of Tallahassee, upon invitation of Rep. Richardson:

O God, we gather this hour in Your name to deliberate the affairs affecting the great people of this great state of Florida. We pray that You would open our minds to the significance of our duties and the blessings of truth and fairness.

We meet today aware of our desire for greatness and to serve rather than to be served. But we delight in the knowledge that by the power of Your spirit we can work together with loving compassion and in humble service.

Speak to us, O God, as You spoke ages ago bringing order out of chaos. Speak to us in these troubled times and give us the will and the spirit to let order and peace prevail.

Shed Your light upon us so we may see clearly that in our lives, our labor, and the tough decisions of each day, You are with us. We invite You into the sessions of today and the days to come, so that as we begin and end we can truly say, Your power, not ours, and Your presence prevailed. Amen.

The following Members were recorded present:

Session Vote Sequence: 2

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

Mayfield	Paul	Russell	Stansel
Maygarden	Peterman	Ryan	Trovillion
McGriff	Pickens	Seiler	Wallace
Meadows	Prieguez	Simmons	Waters
Mealor	Rich	Siplin	Weissman
Melvin	Richardson	Slosberg	Wiles
Miller	Ritter	Smith	Wilson
Murman	Romeo	Sobel	Wishner
Needelman	Ross	Sorensen	
Negron	Rubio	Spratt	

A quorum was present.

## Pledge

The Members, led by Bryars Byrd and Michael Fowler, pledged allegiance to the Flag. Bryars Byrd, son of Rep. Byrd, and Michael Fowler served at the invitation of the Speaker.

## Correction of the Journal

The *Journal* of December 8 was corrected and approved as corrected.

## Motion to Defer Printing of Remarks

On motion by Rep. Byrd, the Clerk was permitted to print, in an addendum to today's *Journal*, remarks made on the floor today pursuant to the Special Rule.

## Introduction and Reference

By Representative Byrd—

**HCR 3-A**—A concurrent resolution providing for adjournment of the House of Representatives for more than 72 consecutive hours.

—was read the first time by title.

## Special Orders

**HCR 1-A**—A concurrent resolution providing for the manner of appointing electors for President and Vice President of the United States, providing for the appointment of such electors; providing for the filling of vacancies.

WHEREAS, an election was held in this state on November 7, 2000, for the purpose of selecting electors from Florida to cast the state's vote for President and Vice President of the United States of America on December 18, 2000, and

WHEREAS, Article II, Section 1 of the Constitution of the United States provides, in pertinent part, that "Each State shall appoint, in

such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress," and

WHEREAS, Section 5 of Title 3 of the United States Code provides:

"If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned," and

WHEREAS, the names of the electors who were appointed following the Florida Secretary of State's certification on November 26, 2000, were forwarded to Congress by the Governor of the State of Florida with a certificate of ascertainment pursuant to a timetable and scheme dictated by the November 21, 2000, decision of the Florida Supreme Court, and that decision has been vacated by the December 4, 2000, ruling of the Supreme Court of the United States, thus increasing the uncertainty and confusion regarding the validity of the appointment of those electors, and

WHEREAS, the electors who were appointed on November 26, 2000, are the same electors as those who would have been appointed pursuant to a certification made on November 17, 2000, had the Florida Secretary of State been allowed to do so, and

WHEREAS, it appears that there exists a reasonable risk that the Congress of the United States, in exercising its counting powers pursuant to the Twelfth Amendment of the Constitution of the United States and Title 3 of the United States Code over the votes cast for President and Vice President by the members of the Electoral College, may determine that the election held in this state for the purpose of choosing electors has failed to make a choice on the day prescribed by law because contests and controversies have arisen concerning that election, and that the Congress may decide that those contests and controversies either were not finally determined by December 12, 2000, or that such determination was not pursuant to pre-existing election law or was not in compliance with Article II, Section 1 of the United States Constitution, and that accordingly Congress may not count the votes of the 25 electors already certified and sent to the Congress by the Governor of the State of Florida, and

WHEREAS, the Florida Legislature wishes to fulfill its constitutional obligation to ensure that Florida's six million voters are not disenfranchised and that its 25 electoral votes will be counted by Congress, and

WHEREAS, Section 2 of Title 3 of the United States Code provides that "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such manner as the Legislature of such State may direct," NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the Florida Legislature finds that the election for electors for President and Vice President of the United States of America held on November 7, 2000, ultimately failed to make a choice of such electors.

BE IT FURTHER RESOLVED that the manner that the Florida Legislature directs that electors for President and Vice President of the United States of America be appointed in the year 2000 is by appointment by the Florida Legislature.

BE IT FURTHER RESOLVED that the Florida Legislature hereby appoints as the 25 electors for President and Vice President of the

United States of America, such number being equal to the whole number of Senators and Representatives to which the State of Florida is entitled in the Congress, the following named persons: Charles W. Kane, Maria De La Milera, Sandra M. Faulkner, H. Gary Morse, Armando Codina, Carole Jean Jordan, Tom Slade, Marsha Nippert, Robert L. Woody, John Thrasher, Mel Martinez, Feliciano M. Foyo, Al Hoffman, Alfred S. Austin, Thomas C. Feeney, III, John M. McKay, Cynthia M. Handley, Darryl K. Sharpton, Dr. Adam W. Herbert, Berta J. Moralejo, Jeanne Barber Godwin, Deborah L. Brooks, Dr. Dorsey C. Miller, Glenda E. Hood, and Dawn Guzzetta.

BE IT FURTHER RESOLVED that, if for any reason an elector appointed by this resolution is unable to serve because of death, incapacity, or otherwise, the Governor of the State of Florida may appoint a person to fill such vacancy who is a citizen of the State of Florida, who was registered and otherwise eligible to vote in the general election held on November 7, 2000, and who is not prohibited from serving as an elector under Article II, Section 1 of the United States Constitution.

BE IT FURTHER RESOLVED that each elector for President and Vice President of the United States appointed by this resolution shall, before 10 a.m. on December 18, 2000, give notice to the Governor of the State of Florida that such elector is in Tallahassee and ready to perform the duties of an elector for President and Vice President of the United States and, if it shall be found that one or more electors appointed pursuant to this concurrent resolution are absent, the electors present, subject to the provisions of section 103.061, Florida Statutes, shall elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the nonattendance of the elector.

—was read the second time by title.

Rep. Goodlette briefly explained the Special Rule for HCR 1-A, which was adopted on Friday, December 8.

The Speaker referred to Rule 2.3 relating to the preservation of order and decorum.

REPRESENTATIVE MELVIN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Representative(s) Cantens offered the following:  
(Amendment Bar Code: 073213)

**Amendment 1**—On page 4, lines 6 - 13  
remove from the bill: all of said lines

and insert in lieu thereof: following named persons: Charles W. Kane, whose address is or was 4084 S.E. Fairway East, Stuart, Florida 34997; Maria De La Milera, whose address is or was 398 West 53rd Street, Hialeah, Florida 33012; Sandra M. Faulkner, whose address is or was 1850 Stable Trail, Palm Harbor, Florida 34685; H. Gary Morse, whose address is or was 1100 Main Street, The Villages, Florida 32159; Armando Codina, whose address is or was 2 Alhambra Plaza, PH 2, Coral Gables, Florida 33134; Carole Jean Jordan, whose address is or was 1525 Old Dixie Highway, Vero Beach, Florida 32960; Tom Slade, whose address is or was 200 West College Avenue, #308, Tallahassee, Florida 32301; Marsha Nippert, whose address is or was 1520 Blue Heron, Sarasota, Florida 34239; Robert L. Woody, whose address is or was 608 S.E. 12th Street, Gainesville, Florida 32641; John Thrasher, whose address is or was The Capitol, Room 420, Tallahassee, Florida 32399; Mel Martinez, whose address is or was P.O. Box 1393, Orlando, Florida 32802-1393; Feliciano M. Foyo, whose address is or was 5915 Grenada, Miami, Florida 33146; Al Hoffman, whose address is or was 11200 Longwake Chase Court, Ft. Myers, Florida 33908; Alfred S. Austin, whose address is or was 1211 N. Westshore Blvd., Tampa, Florida 33607; Thomas C. Feeney, III, whose address is or was 28 W. Central Blvd., Orlando, Florida 32801; John M. McKay, whose address is or was P.O. Box 111, Bradenton, Florida 34206; Cynthia M. Handley, whose address is or was 10 Willow Green Drive, Cocoa Beach, Florida

32931; Darryl K. Sharpton, whose address is or was One SE Avenue, Suite 2100, Miami, Florida 33131; Dr. Adam W. Herbert, whose address is or was 325 W. Gaines Street, Tallahassee, Florida 32399; Berta J. Moralejo, whose address is or was 7008 Oakview Circle, Tampa, Florida 33634; Jeanne Barber Godwin, whose address is or was 46 Star Lake Drive, Pensacola, Florida 32507; Deborah L. Brooks, whose address is or was 3033 SW 53rd Street, Ocala, Florida 34478; Dr. Dorsey C. Miller, whose address is or was P.O. Box 1738, Ft. Lauderdale, Florida 33301; Glenda E. Hood, whose address is or was 400 S. Orange Avenue, Maitland, Florida 32801; and Dawn Guzzetta, whose address is or was Palm Beach Sheriff's Ofc., 3228 Gun Club Road, West Palm Beach, Florida 33406-3001.

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

Representative(s) Frankel, Wiles, Kosmas, Henriquez, Smith, Wilson, Ryan, Heyman, Bucher, Cusack, Gannon, Romeo, Lerner, Peterman, Holloway, Jennings, Justice, Wishner, Weissman, Bendross-Mindingall, Brutus, Bullard, Joyner, Lee, Rich, Siplin, Slosberg, Sobel, Gelber, Meadows, Harper, McGriff, Betancourt, Gottlieb, Ausley, and Greenstein offered the following:

(Amendment Bar Code: 113811)

**Amendment 2 (with title amendment)—**  
remove: everything after the resolving clause

and insert in lieu thereof:

That the Florida Legislature take no action to interfere with the lawful ongoing election process created prior to the election of November 7, 2000.

BE IT FURTHER RESOLVED that the Florida Legislature congratulate the next President of the United States.

And the title is amended as follows:

remove: everything before the resolving clause

and insert in lieu thereof:

WHEREAS, Article II, Section 1 of the Constitution of the United States provides, in pertinent part, that "Each state shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in Congress," and

WHEREAS, the Legislature of this state has placed the decision for election of the President of the United States, as well as every other elected office, in the citizens of this state through a statutory scheme as set forth in section 103.011, Florida Statutes, and

WHEREAS, an election was held in this state on November 7, 2000, for the purpose of selecting electors from Florida to cast the state's vote for President and Vice President of the United States of America on December 18, 2000, and

WHEREAS, on November 7, 2000, over 6 million Floridians went to the polls to vote for President and Vice President, and

WHEREAS, on November 8, 2000, George W. Bush was leading in Florida's popular vote according to initial returns reported by Florida's 67 counties, and

WHEREAS, Florida law provides that any candidate shall have the right to protest the returns as being erroneous, and further that "the county canvassing board may authorize a manual recount" pursuant to section 102.166(4)(c), Florida Statutes, and

WHEREAS, Al Gore filed a protest of the November 7 election and requested a manual recount in certain counties where punch card ballots were used, and

WHEREAS, the manual recount was not completed, and

WHEREAS, on November 26, 2000, Florida certified its 25 presidential electors for George W. Bush, and

WHEREAS, on November 26, 2000, Governor Jeb Bush signed an ascertainment of such certification and delivered such ascertainment to the National Archives, and

WHEREAS, Florida law provides that after the certification of an election, an unsuccessful candidate may contest the results of an election if there is a "receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election" pursuant to section 102.168(3)(c), Florida Statutes, and

WHEREAS, Florida law provides that an election contest shall be resolved in a judicial forum pursuant to section 102.168, Florida Statutes, and

WHEREAS, Al Gore filed a complaint, Albert Gore and Joseph Lieberman vs. Katherine Harris, as Secretary, etc., et al., in the Circuit Court for Leon County contesting such certification, and

WHEREAS, the Legislature has mandated that no vote shall be ignored "if there is a clear indication of the intent of the voter" on the ballot, unless it is "impossible to determine the elector's choice" as provided for in section 101.5614(5)-(6), Florida Statutes, and

WHEREAS, the Legislature has also provided that the focus of any manual examination of a ballot shall determine the voter's intent as provided in section 102.166(7), Florida Statutes, and

WHEREAS, the Legislature has specifically authorized the circuit court judge to "fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked, to prevent or correct any alleged wrong, and to provide any relief appropriate under such circumstances" pursuant to section 102.168(8), Florida Statutes, and

WHEREAS, the matter of the contest of George W. Bush vs. Albert Gore now lies in the United States Supreme Court, and

WHEREAS, the will of the people should be paramount to the will of the Legislature, and

WHEREAS, thousands of our forefathers and mothers have struggled and died for universal suffrage, and

WHEREAS, the right to vote is the right to participate; it is also the right to speak, but more importantly the right to be heard, and

WHEREAS, the Legislature's appointment of electors would violate Section 1 of Title 3 of the United States Code and would set a dangerous precedent which could lead other states to follow Florida's example and disenfranchise their electorates, and

WHEREAS, we should respect the rule of law, NOW, THEREFORE,

Rep. Frankel moved the adoption of the amendment.

On motion by Rep. Frankel, further consideration of **Amendment 2** was temporarily postponed under Rule 11.10.

The House returned to consideration of HCR 1-A.

On motion by Rep. Frankel, the House returned to consideration of **Amendment 2**.

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

On motion by Rep. Frankel, further consideration of **Amendment 2** was temporarily postponed under Rule 11.10.

The House returned to consideration of HCR 1-A.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Rep. Frankel suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 3].

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

Session Vote Sequence: 4

Yeas—41

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

Nays—79

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

The House returned to consideration of HCR 1-A.

REPRESENTATIVE MELVIN IN THE CHAIR

THE SPEAKER IN THE CHAIR

**Recessed**

The House stood in informal recess at 3:03 p.m., to reconvene upon the call of the Chair.

**Reconvened**

The House reconvened at 3:18 p.m.

The House returned to consideration of—

**HCR 1-A**—A concurrent resolution providing for the manner of appointing electors for President and Vice President of the United States; providing for the appointment of such electors; providing for the filling of vacancies.

WHEREAS, an election was held in this state on November 7, 2000, for the purpose of selecting electors from Florida to cast the state's vote for President and Vice President of the United States of America on December 18, 2000, and

WHEREAS, Article II, Section 1 of the Constitution of the United States provides, in pertinent part, that "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress," and

WHEREAS, Section 5 of Title 3 of the United States Code provides:

"If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination

of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned," and

WHEREAS, the names of the electors who were appointed following the Florida Secretary of State's certification on November 26, 2000, were forwarded to Congress by the Governor of the State of Florida with a certificate of ascertainment pursuant to a timetable and scheme dictated by the November 21, 2000, decision of the Florida Supreme Court, and that decision has been vacated by the December 4, 2000, ruling of the Supreme Court of the United States, thus increasing the uncertainty and confusion regarding the validity of the appointment of those electors, and

WHEREAS, the electors who were appointed on November 26, 2000, are the same electors as those who would have been appointed pursuant to a certification made on November 17, 2000, had the Florida Secretary of State been allowed to do so, and

WHEREAS, it appears that there exists a reasonable risk that the Congress of the United States, in exercising its counting powers pursuant to the Twelfth Amendment of the Constitution of the United States and Title 3 of the United States Code over the votes cast for President and Vice President by the members of the Electoral College, may determine that the election held in this state for the purpose of choosing electors has failed to make a choice on the day prescribed by law because contests and controversies have arisen concerning that election, and that the Congress may decide that those contests and controversies either were not finally determined by December 12, 2000, or that such determination was not pursuant to pre-existing election law or was not in compliance with Article II, Section 1 of the United States Constitution, and that accordingly Congress may not count the votes of the 25 electors already certified and sent to the Congress by the Governor of the State of Florida, and

WHEREAS, the Florida Legislature wishes to fulfill its constitutional obligation to ensure that Florida's six million voters are not disenfranchised and that its 25 electoral votes will be counted by Congress, and

WHEREAS, Section 2 of Title 3 of the United States Code provides that "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such manner as the legislature of such State may direct," NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the Florida Legislature finds that the election for electors for President and Vice President of the United States of America held on November 7, 2000, ultimately failed to make a choice of such electors.

BE IT FURTHER RESOLVED that the manner that the Florida Legislature directs that electors for President and Vice President of the United States of America be appointed in the year 2000 is by appointment by the Florida Legislature.

BE IT FURTHER RESOLVED that the Florida Legislature hereby appoints as the 25 electors for President and Vice President of the United States of America, such number being equal to the whole number of Senators and Representatives to which the State of Florida is entitled in the Congress, the following named persons: Charles W. Kane, Maria De La Milerá, Sandra M. Faulkner, H. Gary Morse, Armando Codina, Carole Jean Jordan, Tom Slade, Marsha Nippert, Robert L. Woody, John Thrasher, Mel Martinez, Feliciano M. Foyo, Al Hoffman, Alfred S. Austin, Thomas C. Feeney, III, John M. McKay, Cynthia M. Handley,

Darryl K. Sharpton, Dr. Adam W. Herbert, Berta J. Moralejo, Jeanne Barber Godwin, Deborah L. Brooks, Dr. Dorsey C. Miller, Glenda E. Hood, and Dawn Guzzetta.

BE IT FURTHER RESOLVED that, if for any reason an elector appointed by this resolution is unable to serve because of death, incapacity, or otherwise, the Governor of the State of Florida may appoint a person to fill such vacancy who is a citizen of the State of Florida, who was registered and otherwise eligible to vote in the general election held on November 7, 2000, and who is not prohibited from serving as an elector under Article II, Section 1 of the United States Constitution.

BE IT FURTHER RESOLVED that each elector for President and Vice President of the United States appointed by this resolution shall, before 10 a.m. on December 18, 2000, give notice to the Governor of the State of Florida that such elector is in Tallahassee and ready to perform the duties of an elector for President and Vice President of the United States and, if it shall be found that one or more electors appointed pursuant to this concurrent resolution are absent, the electors present, subject to the provisions of section 103.061, Florida Statutes, shall elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the nonattendance of the elector.

**Motion**

On motion by Rep. Frankel, the time for debate by the opponents of the resolution was extended 5 minutes.

Rep. Frankel suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 5].

The question recurred on the adoption of **HCR 1-A**. On adoption, the vote was:

Session Vote Sequence: 6

Yeas—79

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

Nays—41

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

So the concurrent resolution was adopted, as amended, and under the rule, immediately certified to the Senate.

**Explanations of Vote**

In accordance to House Rule 9.7, I would like to provide an explanation of my vote on Tuesday, December 12, 2000.

My vote on House Concurrent Resolution 1-A was not to select the next President of the United States or to follow partisan lines. Instead, it was to be certain Florida voters have a slate of electors to represent them and our great state of Florida on December 18, 2000, when the Electoral College votes to decide the next President of the United States of America.

In my oath of office, I swore to support, protect, and defend the Constitution of the United States. Therefore, after researching the laws and listening to my constituents, as well as my fellow colleagues, I cast my vote in favor of House Committee Resolution 1-A.

*Rep. Heather Fiorentino  
District 46*

Today, as we filed into the House Chamber for this historic and solemn occasion, it seemed important to share in writing my thoughts as a member of the Florida Legislature, due to limited oral debate set forth by House Rules.

Just two weeks ago, we were sworn in with the oath to uphold the Florida and United States Constitution and I believe, as much as I would have never chosen to be here and make this decision, it is my constitutional duty to do so.

The cloud over our election compels us to act now. My support of this resolution has never wavered. Even as a non-attorney, it appears very clear to me that we must act now to preserve the 6 million votes that were cast and the 15 million citizens of the state of Florida. With the legal controversies at hand, there is doubt regarding Florida's participation in the Electoral College.

For these reasons, I cast my vote in support of Resolution 1-A.

*Rep. Carole A. Green  
District 75*

The Florida Legislature had no choice but to be part of history today. We were not convened in an effort to choose the 43rd President of the U.S. but to protect the voices of 6 million Floridians who went to the polls to be heard.

The U.S. Constitution, U.S. Supreme Court interpretations, number of Federalist papers, U.S. Codes and laws are very specific that state legislatures have the ultimate responsibility to ensure that votes from their respective states are represented on December 18, 2000, the day the electoral college convenes to select our next President.

Over the past several weeks, it has become very clear to me, and all Floridians, there is no end in sight to the legal battles being waged across our state and country to determine the real intent of the Florida voter.

As the State Representative for District 31, I was called to duty to defend the votes of my constituents and I answered that call with pride. After hearing the testimony given by my colleagues in the House, it was my belief that it was in the best interest of my district and all of Florida to vote for House Concurrent Resolution 1A.

*Rep. Mitch Needelman  
District 31*

As a freshman legislator, and a student of the law, I find it particularly honorable and humbling to participate in this most important vote today. There is no dispute that the Florida Legislature has been given, by way of the US Constitution, the plenary power to provide the manner and method of choosing Florida's presidential electors. There is no dispute that the existing list of certified electors is at risk by various court challenges. We must preserve the electoral process for the State of Florida. This legislative action is a safety net to

assure that Florida is not left out of the electoral process. I understand that I will never erase the label of partisan politics for this vote, but I also understand that I have a constitutional duty to perform. I strongly urge the passage of this resolution.

*Rep. Dennis A. Ross  
District 63*

On motion by Rep. Byrd, the rules were waived and—

**HCR 3-A**—A concurrent resolution providing for adjournment of the House of Representatives for more than 72 consecutive hours.

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

The Florida House of Representatives shall stand adjourned from 3:39 p.m., December 12, 2000, to reconvene at the call of the Speaker.

—was read the second time by title. On motion by Rep. Byrd, the concurrent resolution was adopted and, under the rule, immediately certified to the Senate.

## Reports of Councils and Standing Committees

### Committee Reports

#### Received December 11:

The Select Committee on Electoral Certification Accuracy & Fairness recommends the following pass:

HCR 1-A

**The above bill was placed on the appropriate Calendar.**

### Written Remarks Pursuant to Special Rule for HCR 1-A

Mr. Speaker, I rise today to express and demonstrate my commitment to the citizens of Florida by fulfilling my Constitutional duty and my duty as a Representative.

As a newly sworn State Representative, I am honored by the opportunity to vote for all the citizens of our great State. The appointing of electors for President and Vice President of the United States is an important decision that I do not take lightly. I have formed my decision carefully, with input from my constituents and with a foundation of duty given to me by our US and State Constitutions.

Florida has election laws, passed by the Legislature and followed by our Secretary of State for the certification of our electors to the Electoral College. The Florida Supreme Court reacted to the many election protests by over-reaching their legal authority to create new rules and standards, which jeopardize the certification of our State's electors.

It is our duty and responsibility to insure that Florida's vote is counted in this election. The US Constitution requires that the Legislature of Florida be responsible for Florida's six million voters inclusion in the US Electoral College. Legally cast ballots, which have followed Florida's law, must be counted.

I am ready to accept that responsibility and do my Constitutional and Representative duty by voting in favor of HCR 1-A.

*Rep. Bob Allen  
District 32*

Today's actions will bring finality to the choice of electors that Florida will send to Washington, D. C. It is right that we do this because the close vote for president has dragged on in many forms that have not resolved the issue to everyone's satisfaction. Six weeks is enough. When we look back over the past weeks one thing sticks out in my mind that has made the recount process less than democratic. I refer to the actions of some of the canvassing boards and how they chose to count or not count ballots. This process should be non-partisan and yet it was not only less than non-partisan, but also showed inconsistencies in how to discern a voting mark from county to county. In addition, it is easy to

recognize that not all people were interested in voting in the presidential race, and yet there seems to be a "need" to make something out of any mark, no matter how slight into a vote. This has created a "wishful thinking" on the part of some people that appears to have clouded their judgment in their "official capacities". These inconsistencies are rendering less, rather than more comfort in the public's mind that the outcome would be genuine.

Under the authority of the Constitution of the United States giving the final authority to the state legislature and also to protect the equal rights of all voters, now is the time to act. On behalf of the citizens of Florida we need to name the electors for President of the United States in Bush vs. Gore. I support the resolution and I urge my fellow members to do the same.

*Rep. William F. "Bill" Andrews  
District 87*

Mr. Speaker, I am very much aware of the magnitude of the vote that I am about to undertake and the historical implications of such a vote.

I am positive that the forefathers of this great nation at the time of drafting and ratifying the constitution of the United States in Article 2, Section 1, bestowed the right for appointing Electoral College delegates to the State Legislature.

Section 5 of the federal code states that in case of controversy/contest the legislature of each state has the right to protect its participation in the electoral election. It also establishes a clear timeline to protect its participation.

I vote to ensure and protect the certification of the election results that gave Florida's 25 electoral college votes to Texas Governor George W. Bush. As I vote, I think of the 69% of the voters in my district from Hialeah, Hialeah Gardens, Miami Lakes, and Collier County who on November 7 cast their votes for George W. Bush. I would like to mention and thank the residents of District 102 who on September 5 entrusted me as their State Representative by the exact same %, 69%. It is an honor for me to cast my vote in the presence of my wife, Eris and my four children; Jaclyn, Christina, Tony and Katherine who sit in the gallery of this great institution, and witness their father participate in the great democracy of this great nation. I also think of my 9th and 11th grade history students from Miami High who witness their teacher become a part of history.

I will vote for HCR1-A, that Florida will be represented in the electoral election on December 18 and guarantees 25 Electoral College votes for George Bush therefore making him the 43rd President of the United States.

*Rep. Rafael "Ralph" Arza  
District 102*

The debate we are having today is one that will be viewed by many generations to come, thus it cannot be a debate of which slate of electors we use, or which candidate's side we want. It must be how we arrive to our conclusions to select these electors. It would be a travesty, for the end result to be that all 6 million voters in Florida be disenfranchised in the Electoral College.

A competitive race for America's next President was held. Floridians were actively involved in the process on both sides as the results clearly show. To not ratify and to risk electors not representing Florida is not an option.

Our election process has served Floridians well, until now. Look at the numbers, nearly 50,000 ballots were gathered this past weekend because there was no vote recorded on them. The Florida Supreme Court ordered a manual recount. However, there is no standard on what is considered a vote, if in fact a machine could not determine the voter's intent. In addition, questions arose on counting absentee ballots from patriotic warriors serving in our military overseas and defending us from harm's way. However, a time honored tradition is that the mail of those serving abroad does not require a post mark. Canvassing boards changed the rules. Florida's Supreme Court changed the rules. There is no conclusivity on the results. There is no finality. Ben Franklin said we

had a democracy “if we could keep it.” Our constitution is a living document that has given us a great democracy for over 200 years. My duty as an American is to confirm their vision of a great democracy. My oath as a member of the Florida House requires me to ensure that every vote counts equally.

*Rep. Frank Attkisson  
District 79*

I favor the resolution. The resolution may be the only way to ensure that Florida’s votes are counted and the voices of 6 million Floridians are heard.

On January 5th, Congress will count each State’s electoral votes. Congress may reject Florida’s electoral votes certified on November 26 because those votes are based upon the Florida Supreme Court’s now vacated November 21st decision. To paraphrase Chief Justice Wells, we are faced with the very real possibility that those nearly six million voters who cast their ballots on Election Day will be disenfranchised.

This nation’s laws provide one way to ensure that Congress counts a State’s electoral votes. If a State, following laws enacted before Election Day, determines its electors at least six days before the electors meet, that determination shall be conclusive and govern the counting of that State’s electoral votes. The converse is true—if a State did not follow laws enacted before Election Day in determining its electors, that determination is not conclusive. Arguably, Congress may find that here.

If subsequent to our actions today, the U.S. Supreme Court calls for another recount of the Florida vote then I will call upon this Legislature to support that process. Furthermore, I will call upon us to ensure that our slate of electors accurately reflects the outcome of a complete, fair and consistent recount.

The resolution before us today affirms the slate of electors certified on November 26. Its passage is not an act of substituting the will of the Legislature for the will of the people. The contrary is true. Passage ensures that the election results as expressed by the people of Florida—as best we can discern on this final date for the naming of our electors—are represented in the electoral college.

*Rep. Jeff Atwater  
District 83*

During this historic special session, I feel compelled to disclose the thoughts and principles that now guide my actions.

A constitutional crisis involving the election of our next President now threatens to silence the voices of the people of Florida. The Florida Legislature must now stand and recognize its duty by halting the seemingly endless litigation that jeopardizes this election.

Our constitution and federal law explicitly states that the Legislature alone shall choose the manner in which electors are selected and that manner cannot be changed after the fact.

Having sworn to defend and uphold the constitution, it is my duty to recognize the honest and fair results of Florida’s November 7th presidential election.

It is with great diligence and pride that I cast my vote for the electors of George W. Bush. God bless America.

*Rep. Carey Baker  
District 25*

While we keep hearing “count every vote” it is even more imperative that we be sure “every vote can count”. As we pass this Resolution, we can rest assured that we, as legislators, have done everything in our power to fulfill our oath and constitutional duty to see that 6 million Florida voters will have their vote count when the electoral college ballots are tabulated. We are living through unusual times, but it is also an unusual opportunity to act in behalf of our constituents and our country.

May we not be guilty of doing nothing when we have this opportunity to act, and may our efforts contribute to the much-needed finality in this presidential election. We have an unresolved contest although Governor

Bush has won the first count, the second count, and the third count devised by the Florida Supreme Court’s over reaching legislating on new election rules in the midst of the contest.

May god bless our efforts to bring this contest to conclusion and may we ever be thankful that our founding fathers laid this path for us to follow that we might have a civil conclusion and peace in our land.

*Rep. Dennis K. Baxley  
District 24*

On Tuesday, November 7th as I celebrated my victory in our election process, not once did the events we have had unfold before us these past weeks ever cross my mind. I am sure that I speak for everyone here as well.

This has been an historical election! A monumental civics lesson, a motivational experience in our governmental process for all citizens world wide. This is the greatest nation on earth and we, as Florida Legislators are proud, honored and indeed humbled by the faith and trust that our constituents have put in us. In the oath that we all took, we vowed to “Protect and defend the Constitution”, not when it was convenient or popular, but at all times. We are here today to test that oath.

When we were young, we all learned the pledge of allegiance. Standing in our school rooms, reciting the pledge every morning, was at the time, part of the daily routine. It is so much more than that today. We all take an oath every time we stand and place our hand over our heart, to pledge our allegiance to America and the Constitution, to our Republic, our nation that was founded on principals and faith in God. We must continue to strive to be indivisible even with our differing philosophies, working together to protect our liberties and justice for all. “God Bless America.”

*Rep. Marty Bowen  
District 65*

As a State Representative I have sworn to support, protect, and defend the government and Constitution of the United States and the State of Florida. On this historic day, we have convened in the Chambers to perform our duties to the State. It is of optimum importance that we guard the rights of all Floridians and have their votes included in the electoral college.

*Rep. Donna Clarke  
District 69*

It is with a great deal of personal pride that I submit these comments to be included in the Journal of the House of Representatives for Special Session-(A) of 2000-2002.

I feel very strongly that, as a newly elected legislator, my swearing to protect, defend and uphold the Constitution of the United States and the State of Florida dictates that I support and vote for House Concurrent Resolution 1-A. The Constitution is very clear that only the legislatures of the states have the sole and plenary power to decide the method by which electors are appointed and we must take the necessary action to assure that a slate of electors is properly certified by today’s deadline of December 12, 2000.

The constituents of District 18 have sent me a clear signal that they feel Governor George W. Bush won the majority of votes in Florida on November. 7, 2000 and has continued to maintain a lead of popular votes in Florida, in spite of court ordered recounts of disputed ballots.

The Supreme Court of Florida has usurped the authority of the Florida Legislature by “changing the rules” after the game has been played. By extending the deadline dates for certifying votes from the county canvassing boards and allowing hand counts of disputed or undervotes, the courts have changed our election laws. Since Governor Bush has won the majority of the official votes of the citizens of Florida, the voters of my district want me to do everything within my legislative power to certify the 25 electors committed to Governor Bush so that the voters of Florida will be properly represented at the Electoral College vote on December 18, 2000.

Today's special session has been an exciting experience which will last a lifetime and I am firmly convinced that we have done the right thing for the citizens of Florida and our great country.

*Rep. Don Davis  
District 18*

Today I feel both humbled and privileged for having the opportunity to participate in a course of action that will undoubtedly be regarded as one of the most significant events in the history of our great nation. As an elected representative, I am faced with the awesome responsibility of representing my constituency in a manner that honors and reflects its most valued right in our democracy: namely, the right to vote.

Approximately forty years ago, the citizens of Cuba were abruptly denied the power of their vote and, as a result, the power to participate in a democratic process. My parents were exiled as a result of their opposition to such an oppressive regime. In turn, they made the bold decision of fleeing their homeland and settling in a country where their voices would not be drowned out by that of one individual. This great country of ours opened its arms to my parents and allowed them not only to settle but also to participate in its sacred democratic process. My parents, in return, instilled in me the idea that the right to vote is the most basic human right in that it provides individuals with control over their own destinies.

It is this belief in the value of our right to vote which lead me to vote in the manner in which I did today. I feel that my vote today not only reflects the votes of my constituency for President of the United States but also honors the votes that placed me here today. Our citizens have spoken and it is my duty to ensure that their voices are not ignored. As Thomas Jefferson once said, "The basis of our governments being the opinion of the people, the very first object should be to keep that right. . ."

*Rep. Renier Diaz de la Portilla  
District 115*

I support HCR-1A because it is the right thing to do. Today we are here arguing whether or not we should certify the electors we have. If we don't, not one of the 6 million votes cast in Florida will count. I don't want that to happen. It is our constitutional duty to ensure that Florida be present at the electoral college. We all want the same thing, and that is that everyone's vote be counted equally. Every member of this House has been subject to the same election laws and the same counting procedure. In every race there have been hundreds of votes that have been thrown away for a number of reasons. We have all lived with this process. It is an injustice to all those who have sought public office if we now start counting all the under-votes and dimpled chads. If we were to do that then we must go back to every election and do the same for everyone else. The election law was in place before the election, it might not be the best law but it is law and we are all subject to it, including Gov. George W. Bush and Vice-President Al Gore. We cannot change the rules of the game after the fact, this is simply unfair.

*Rep. Rene Garcia  
District 110*

The privilege of voting for President of the United States is one of the highest honors and most important responsibilities bestowed on the American people. As free citizens, we exercise our liberty by choosing that fellow citizen we believe best suited to lead our Nation.

This year, we have witnessed a most unusual election and post-election period. The eyes of the Nation have been focused on Florida with its twenty-five electoral votes.

On November 7th, George W. Bush won the majority of votes cast by Florida's citizens. On November 8th, after the recount mandated by Florida statute, Governor Bush again, won the vote. When overseas ballots were completely tabulated, Governor Bush was, again, the winner of the election and was so certified under Florida law by the Secretary of State.

To the shame of our Nation, Democratic candidate Al Gore has refused to accept the legally expressed will of Florida's voters. He has

dragged our great State through a judicial and political quagmire with the help of the liberal-activist justices on the Florida Supreme Court. Vice President Gore has disgraced himself and his party. In plain language, he and his "Clintonian companions" have sought to steal an election. In Florida, in America. . . this cannot and will not stand.

I am today casting my vote in confirmation of those electors sworn to George W. Bush. I cast this vote as my sworn duty as a Florida Legislator under our State Constitution and in order to ensure that the legally expressed will of Florida's 6 million voters be heard. I perform this duty in the fervent hope that the United States of America never again face such a scurrilous attack on our elective system as the one unleashed by Vice President Gore. I perform this duty with the firm resolve that Florida's voters be heard and that the rule of law be upheld.

*Rep. Hugh Gibson  
District 42*

Today the Florida Legislature, in enacting the Concurrent Resolution, is about to take a historic step to begin the process of ensuring that the people of Florida have a voice in the election of the 43rd president of the United States. The United States Constitution is very clear that the state legislatures have the ultimate responsibility to ensure that the voters in their respective states are represented on the day that the Electoral College convenes to select our next president. As the elected Representative for District 81, it is my responsibility to do what is necessary to see that this is accomplished. I accept that responsibility with humility and great thoughtfulness.

Due to the legal wrangling that has taken place, today has arrived with no conclusively being reached. The possibility exists that Congress will contest Florida's electors and Florida's voters will have no voice in the election for the 43rd President of these United States. While this legal turmoil exists, our state's electors and the votes of over six million citizens are in jeopardy.

In addition, the U.S. Code requires that the rules must be enacted prior to the election. The many changes in the process of determining a winner in this election also calls the acceptance of our electors into question.

I take my responsibility as an elected official very seriously. In making my decision concerning Concurrent Resolution 1-A I have thought of my husband, James, who served our country in Viet Nam. He assumed a responsibility to support, protect and defend the Constitution of the United States, with his life, if necessary. I have thought of our youngest daughter, Melinda, who is currently serving our country in the US Air Force over in the Middle East. She too is putting her life on the line for our country. Stephanie, Jennifer, and James Jr. would also expect their mother to vote for this resolution.

When I was sworn in as the Representative for District 81 I also took the oath to support, protect and defend the Constitution of the United States and the State of Florida. In all good conscious, I cannot allow my constituents' voices or votes to be silenced and I will vote to support the Concurrent Resolution.

*Rep. Gayle Harrell  
District 81*

On November 7, 2000, we were elected by the people of our respective districts to represent their interest and to vote on their behalf on issues that impact their communities, the State of Florida and the Nation. On November 21, 2000 we swore an oath to uphold the constitutions of the great state of Florida and the United States.

The Presidential election results in Florida have come under attack by the losing candidate Vice President Al Gore. The Florida vote has been counted, recounted and even endured a partial manual count in "cherry picked" counties; each time the results were the same-Governor George W. Bush of Texas was/is the winner of Florida's 25 electoral college vote. The Florida Secretary of State, Katherine Harris, and the Election Canvassing Commission have certified the election.

In the face of this information, indeed in spite of it, Vice President Al Gore is still disputing the vote and is vigorously and recklessly pursuing



legal challenges to overturn the vote of the people. Despite recent court victories, the threat remains that Florida's electors will not be counted on December 18, 2000 when the U.S. Electoral College convenes. For that reason the Legislature of our great state must act to preserve our electors and the vote of almost 6 million Floridians. Article II, Section 1 of the United States Constitution clearly outlines our responsibility as legislators concerning this issue.

My fellow Representatives, we could best serve the citizens of our State by insuring that their voices are heard and their votes are counted in this important Presidential election. Therefore, I urge you to support this Resolution.

*Rep. Mike Hogan  
District 13*

As this honorable body, the Florida House of Representatives, today gives consideration to the concurrent resolution, HCR 1-A, regarding the appointment of presidential electors, I urge all of us to be mindful of our purpose for being here in the first place. Only a few short weeks ago each of us in this House stood and repeated that solemn oath to "support, protect, and defend the Constitution and Government of the United States and of the State of Florida. . . So help me God." Drafting and passing legislation is secondary to embracing those principles upon which this great Republic and our beloved State are founded. In doing so today, we do our utmost to support the interests of the citizens of our Florida.

We are here today not to elect the next President of the United States but to ensure that the people of Florida, to whom we have a solemn commitment, are actually represented in the Electoral College. It is true that our actions here will have national, and even international implications. But, that is merely a matter coincidence. It is our obligation, first and foremost, regardless of consequences, to fulfill our promise by ensuring that the voice of Florida's voters is represented in the Electoral College.

It is our U.S Constitution, the supreme law of the land, that also beckons us. We are assembled here in Special Session not out of decision or desire, but as demanded by the Constitution. We, the State Legislature, are required by law to certify a slate of electors in times of confusion and doubt. Confusion was created when the results of the November 7th election—an election that was conducted according to pre-established laws—were unlawfully challenged. Doubt has been created because the existing Electors have been certified under pretentious circumstances. If we do not respond to the task laid out before us then we will have ignored our duties as elected State Representatives and violated the very oath that we all took just days ago.

Finally, let us all remember that the duty is in our hands and the results are in God's.

*Rep. Jim Kallinger  
District 35*

The honor of serving in this House is accompanied by legal and moral responsibilities. The legal responsibility to follow the Constitution and laws. The moral responsibility to do what is right.

Today we find our Presidential election results swimming in a sea of uncertainty. The laws of our State and Nation mandate that we take this action of last resort. We do so not to impose our will on an election, but rather, to insure that voices of Florida's voters are heard in the Electoral College. We take action, not just because the law mandates that we do so. . . but because it is the right thing to do.

Those who oppose our undertaking do so under the mantra of "Let every vote count". Yet they support a candidate who initiated a systematic effort to exclude the votes of the soldiers who defend our Nation. Their cause is not to count every vote, but to alter the outcome of the election. We cannot. . . we will not. . . allow that to happen.

History will record that despite pressure and threat from every corner the men and women of this noble chamber stood tall for the rule of law and principle of right. In the shadow of a Vice-President who fails to

accept defeat, who resorts to lawsuit after lawsuit to threaten our State's electoral votes. . . the members of this body have bravely put principle over the personal interest to send a loud and clear message that we will fulfill our Constitutional duty.

We must insure that our State's electoral votes get counted. If we are to safeguard our liberty and honor the lives lost in the defense of our freedom. . . we must act. . . we must do so in order to restore faith in our election process and to secure our Republic for the generations to follow.

*Rep. Jeff Kottkamp  
District 74*

It is with both pride and personal commitment that I submit the following remarks to be included in the Journal of the House of Representatives in its Special Session "A" on Tuesday, December 12, 2000.

It has become abundantly clear to me after hearing the testimony and the evidence presented to me in my capacity as an elected State Representative that under the powers granted to us by the Constitution of the United States, we have the duty to insure that our state sends a slate of electors that have been properly certified by today's deadline of December 12, 2000.

The action we took today by passing House Resolution 1A was granted to our body under Article 2: Section 1 of the United States Constitution. These are powers that can neither be taken away from us not abdicated by us.

Our action today guarantees that the voters of the State of Florida will have a voice through the selection of their twenty-five certified electors committed to Governor George W. Bush.

This is a proud moment for the Florida House of Representatives and for the citizens of our state and of our great country.

*Rep. Dick Kravitz  
District 19*

This is an important moment in my life. Today marks my first address to this august body, but far more important today is a historic moment for the Florida State Legislature, our state and our nation. As members of the Florida State Legislature, we have the awesome responsibility to insure that the citizens of Florida are not disenfranchised for any reason. Our legislative branch has a constitutional right and obligation to insure that this election was fair, open, and honest. I had hoped that the courts would have taken the necessary action to guarantee that Florida's voters will be heard, sadly I cannot be sure of that today. Perhaps the federal Supreme Court will still do so, but the appropriateness of the state legislature to act in this matter, in my view, is clear, proper, and required by the Constitution. For us in the Legislature to walk away from our constitutional responsibility, would undermine the founding father's view of the legislature's proper role in the importance of the separation and balance of power that must exist in government. Politics should never override the constitutional obligation that this legislature has in performing its role as a co-equal branch of government. I'm saddened, that politics seems to be driving the actions of the day instead of constitutional procedure. The people of my district have a right to know that the state election process will follow both the letter and the spirit of the law. That's why I urge my colleagues in the state legislature to stand fast in defense of the proper role of this body and vote to insure that Florida's voice is heard and vote in favor of the concurrent resolution.

*Rep. Connie Mack  
District 91*

When I started out on the path to become a Florida State Representative over a year ago, I thought I was fully aware of the awesome responsibility I was seeking. Never could I have imagined that an ordinary person like myself be caught up in an amazing event like this with national implications. Historically, the Freshman Class is gifted with the time-honored banner of obscurity. Not so for the class of 2000. We are being called to duty.

Where does that call to duty come from? For me, as a career law enforcement officer and a member of the freshman class of 2000, the answer is simple—from the law of the land, which I swore to uphold when I took my oath of office in this very room 20 days ago.

To me, that event was more than a ceremony. It was a solemn oath, just like the oath I swore to 29 years ago that placed my life on the line for my fellow Floridians. On November 21, 2000, I obligated myself, just as you have, my fellow representatives, to uphold the laws not only of the state of Florida but to support and defend the Constitution of the United States of America.

Look around you, look at the portraits of great Floridians giving testimony to the history of our state. It humbles me to realize that we have joined the ranks of these patriots who took the same oath to the very same constitution. We have no choice but to uphold Article II Section 1.2 of the United States Constitution which sets forth “Each State shall appoint, in such Manner as the Legislature thereof may direct a number of electors. . . .” Please join me in preserving the law of our great country by supporting this resolution.

*Rep. Mitch Needelman  
District 31*

Fellow members, fellow Floridians and fellow Americans, the issue attempting to stare us down today may not emerge again for hundreds of years in this country. But if it does, our actions may be called upon as precedent necessary to not just select a future president but to preserve a fragile yet stubborn model of government that Madison, et al. crafted hundreds of years before us . . . a dividend tomorrow that will be measured by our courage today.

History will not likely remember any present figure the way we now recognize Madison, but one of our country's future legislatures might well look back on us as an institution and be grateful that we chiseled out a record renewing earlier principles currently lost on our press, partisans and some citizenry—principles that may be lost again on the same long in the future.

In some small way let us be remembered for having carried out our oath to uphold our constitution. Let us be remembered for protecting Florida's 6 million voters and 25 electoral votes lest they otherwise be rendered a nullity.

*Rep. Jerry Paul  
District 71*

As a freshman legislator I hoped to make history, although not quite this soon. As I listen to the comments of my colleagues today, one thing is clear – uncertainty and lack of finality abound in our current circumstance.

If it is correct, as has been argued, that Florida has made a clear choice and that we already have a valid slate of electors in place, our action today simply confirms and protects their right to serve with the conclusivity the law requires and the voters of Florida deserve. If, on the other hand, Florida has failed to make a clear choice, then we ensure the right of the majority of the lawful voters of Florida to have their voices heard.

If we pass HCR 1A and our action, by whatever circumstance, is proved to have been necessary to have Florida's votes counted in the Electoral College, we have fulfilled the obligations of our oath of office in the most courageous and historical manner imaginable. If on the other hand, we fail to act, and our inaction results in Florida not securing valid, conclusive electors, we will have abandoned the responsibilities of our oath of office in the most shameful and historical manner imaginable.

In this historic session, we were urged to vote our conscience, which I intend to do supporting HCR 1A, because it confirms and protects the electors for the candidate whom a majority of the lawful voters of Florida elected as certified on November 26, 2000.

On this most historical of issues, I choose action over inaction and will vote the courage of my convictions. History will be my judge. I cannot,

however, leave the fate of our voters to the whims of uncertainty. I support HCR 1A and urge my colleagues to do so as well.

*Rep. Joe H. Pickens  
District 21*

Mr. Speaker, fellow members, I stand before you to speak against this resolution.

On Nov. 26th, Governor Jeb Bush signed a slate of electors that were certified by our Secretary of State. I hold that very document before you here today. This slate of 25 Republican electors is now on file in the national archives in Washington, D.C. where it will remain until January 5th, when all slates are opened and counted by the U.S. Congress.

There has never been a time when the State of Florida has not acted in the manner prescribed by law to have our electors in place. There has never been a time when Florida's certified slate of 25 Republican electors was at risk of being lost or stolen. And there has never been a time when it was acceptable to change the rules of the game in the 4th quarter, with the goal in sight. We have never failed to make a choice.

Florida's electoral votes will be counted along with all other states votes on January 5th . To interrupt the process at this point in the game would be counter productive and risk the very votes we are arguing to protect today. I urge you all to leave the certified slate in place, and let our laws work as there were designed.

*Rep. Sara Romeo  
District 60*

Let the record show that the following constituents and friends have sent me to Tallahassee, not to vote for President, but to represent their voice within our State government, the families of: Warren; Ostrowsky; Podell; Flanick; Ahamonitz; Leiberman; Rolla; Orloff; Tobin; Weiner; Bernie; Glazer; Klepfu; Stavitskey; Stutchin; Katz; Stutchin; Kramer; Dashefsky; Feinberg; Berman; Guberman; Jugber; Fried; Singer; Nora; Eisenberg; Harold; Marjorie; Pinkonitz; Frances; Stone; Hammelstein; Farkas; Pure; Moses; Myers; Bard; Deitchman; Schlackman; Samberg; November; Moser; Hoback; Reer; Schacher; Meltzer; Bolinko; Grosswacks; Kaufman; Schectman; Weiss; Agulmick; Miller; Cohen; Hirsch; Novatt; Steinfeld; Schwartz; Miller; Levine; Bankis; Rosenthal; Stein; Kaye; Mazzara; Kleiber; Berlinsky; Romaine; Berkley; Aaronson; Altman; Apsel; Archer; Auster; Baer; Berman; Bernstein; Blackman; Blatt; Boikes; Borkan; Bornstein; Chalfin; Chopp; Darer; Diamond; Epstein; Feinstein; Feldman; Fleischman; Garber; Gillman; Glazer; Goldman; Goren; Gottlieb; Grab; Greco; Gross; Grosse; Grossman; Guskakoff; Glushakoff; Hauser; Hass; Hersh; Hilfer; Hochbaum; Hornick; Horowitz; Jam; Jacobs; Kantow; Kantrowitz; Karp; Katz; Kaufman; Kelter; Klarman; Klein; Kolatka; Koval; Kriner; Kwal; Lenowsky; Leone; Leviton; Metzger; Mondshein; Perlstein; Protney; Ross; Reginsky; Rosenblatt; Rosman; Rubin; Scheckner; Schnepf; Schulick; Schwartz; Seligmann; Serafin; Shandalove; Siegel; Silverman; Singer; Steinberg; Stollowitz; Strent; Sussman; Wachtel; Wasserman; Weiner; Weinstock; Werner; Winkler; Winkoff; Wolfson; Zipkin; Winkler; Wolfson; Weiner; Zimmerman; Yellow; Blustein; Fink; Rickenback; Freidken; McArthur; White; Odgis; Sandow; Fields; Gruber; Slosberg; Slosberg; Victoria; Kubek; Wasserman; Flaidell; Epstein; Harris; Bush; Biechuch; Bleiweise; Ostrow; Epstein; Kalich; Rosenblatt; Block' Rotterman; Schneiber; Goldman; Rose; Walter; Foxy; Kartek; Myer; Coffen; Lubin; Shepard; and Cowen.

*Rep. Irving Slosberg  
District 89*

Today we find our country, our state, our counties, our communities, and even in some cases, families, at heights of political disagreement not witnessed since the civil war era. Having the responsibility assigned to me by serving on the Joint Select Committee on the Manner of Appointment of Presidential Electors as well as the House Select Committee on Electoral Certification Accuracy & Fairness gave me opportunity and insight on the Presidential Election process. An appropriate description of this process would probably be a “mess”. We have allowed our election process to become judicialized. We have all

been unconcerned, and complacent with our election process. All other states are certainly glad they are not under this scrutiny.

I supported HCR 1-A in committee for several reasons. I voted against having a Special Session while serving on the Joint Select Committee.

My supporting HCR 1-A was based on principles, philosophy, my interpretations of facts and constitutional law. The fact that a large majority of the people in my legislative district supported the Republican candidate, even though it consists of 70 + % of registered Democrats, was not the most important factor in my decision. My heart was. I believe it is the right thing to do.

This was by far the most difficult vote in my legislative career. I had many suggestions of help. Some of these were sincere and some ridiculous, but all were welcome. Whether you agree with me or not is important, but not nearly as important as you knowing I did what I believed was right for District 11 and our state, and certainly in this case, our nation.

*Rep. Dwight Stansel  
District 11*

This country has a shameful history of silencing African-American voters—with the majority stepping on the voting rights of minorities. . . imposing poll taxes. . . establishing literacy tests. . . threatening violence and actually murdering those who would seek to register black voters.

In 1965, President Johnson signed the Voting Rights Act. The Voting Rights Act began turning around centuries of oppression. By ensuring minorities the right to vote, it gave us a strong voice. We can't afford to go back.

African-Americans turned out in record numbers in the last election—and many of their votes were not counted. The truth of the matter is, there seems to have been a coordinated, systematic and disturbing effort to target African-American precincts.

Votes from mainly black precincts were discarded by out-of-date voting machine technology. 1950's Jim Crow-era machines that produce predictable undercounts were distributed to poor black neighborhoods.

All of the work of our greatest civil rights champions—black and white—who suffered in the struggle to gain the right to vote. . . those who stared down the burning crosses of the Klan. . . the nightriders. . . the lynch mobs. . . the water hoses. . . the attack dogs. . . the dynamiting of churches and homes while families slept. . . those who died in the struggle—the sacrifice of those heroes should not go in vain.

That's why I oppose this Legislative aggression on our right to vote and our right to be heard by counting our votes.

There was a time when a Black person in our country was counted as three-fifths of a person. We will not go back to those days. We are 100-percent people, 100 percent human beings. We are voters and our votes must count as much as the next person. That's not only right, but it's what the very foundation of this country is supposed to be about.

*Rep. Frederica S. "Freddi" Wilson  
District 104*

### Motion to Adjourn

Rep. Byrd moved that the House stand in adjournment, pursuant to HCR 3-A, to reconvene upon the call of the Chair. The motion was agreed to.

### Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 3:39 p.m., in accordance with HCR 3-A, to reconvene upon call of the Chair.

### Remarks Relating to Consideration of HCR 1-A

[HCR 1-A (shown earlier in the *Journal*) was read the second time by title.]

**Speaker Feeney:** The resolution, having been introduced on second reading, the first thing that we'd like to do, Members, is to go over the Special Rules that have been adopted unanimously by the Florida House of Representatives. I'd like you to give your attention to Representative Goodlette, who will explain the Special Rule and if you have questions about the rule, now would be the appropriate time to ask those questions. Representative Goodlette to explain the Special Rule, you are recognized.

**Rep. Goodlette:** Thank you, Mr. Speaker. Members, as you will recall when we were in session on Friday, I went through the Special Rule briefly. I would like to do so again. I have had the privilege of meeting with Representative Frankel, and Representative Wiles, and Representative Byrd to further discuss these rules, and I think that we are all in agreement. But I did want to review those with you briefly.

This is the first use of the new Special Rule process so I want to just review it and answer your questions. The process included in the Special Rule is designed to provide for a fair and orderly way to consider this very important resolution. The Special Rule governs all aspects of the legislative process including—and it's important Members—including the amendatory process and the debate on the resolution.

As you know there are two floor leaders who have been designated: Representative Byrd for the proponents, Representative Frankel for the opponents. These two floor leaders will coordinate the discussion, the questions, offering of amendments, and debate on the floor today. While all recognitions will still go through the Speaker, no Member may be recognized for any purpose—questions, amendments, debates, etc.—unless the floor leader yields time to those Members. For example, Mr. Byrd may yield 5 minutes to Representative Bennett to discuss the resolution. The Speaker would then recognize Representative Bennett for 5 minutes. At the end of that 5 minutes, the Speaker will announce that the time has expired.

The Special Rule also allows for extensive debate on the concurrent resolution and the amendments and permits the proponents and the opponents equal time to express their views. Consideration of the resolution and the amendments will be limited to five hours, with time to be equally divided between the proponents and the opponents. On the large screen will be a timer for each side of the debate, so that the floor managers can follow the time that they have remaining for each Member. Each floor manager will be allowed a 30-minute opening. After that point, questions and then amendments will be in order. Finally, there will be time for final debate. Where it's practical to do so, the Speaker will alternate recognizing the floor leaders for blocks of time. Those blocks of time, it is anticipated, will be 30 minutes for the proponents, 30 minutes for the opponents, 30 more minutes for the proponents, 30 minutes for the opponents, 45 minutes for the proponents, 45 minutes for the opponents, 35 minutes for the proponents, 35 minutes for the opponents and then 10 minutes remaining for each with the opponents going first, and the final 10 minutes reserved for the proponents of the resolution. So that's the rough order subject to the floor managers relinquishing time, where necessary, or reserving time, where necessary, in order for the debate to proceed in an orderly way.

There are several specific points that need to be emphasized on how the time will be counted. Questions and answers will count against the floor leader who yields to the Member asking the question. That floor leader can limit the amount of time that is allocated for a specific question and the answer to that question, so this is not an open-ended grant of time. Again, it's controlled by the floor managers.

The offering of an amendment will count against the time of the floor manager who has authorized the amendment. The deadline, of course, for amendments was 8:30 this morning.

For your information, Members, all comments made upon the floor during the second reading today will be spread upon the *Journal*. Also,

so that all Members will be allowed to express their particular views, any Member wishing to do so will be allowed to provide written remarks setting forth his or her comments on the resolution. The remarks may not exceed 300 words and will be spread upon the *Journal* of the House if received electronically by the Clerk before 8 o'clock p.m. this evening.

I realize that this is indeed a new approach to debate on the House floor and I want to be sure that this new process is very clear to all Members.

At this point I am available to attempt to answer any of your questions. We do appreciate your cooperation and we look forward to your thoughtful, civil debate and discourse. Thank you, Mr. Speaker.

**Speaker Feeney:** Thank you. Are there questions of the Rules Chairman? Are there questions? There being none, I would ask the indulgence of the House just a moment again, as I did on Friday, to remind you what a special place and institution this is. The Florida House of Representatives has a great, proud history. We are widely respected around the country as one of the most progressive and professional institutions in state government. This is not the first time that the Florida House has taken up and addressed issues of historic importance and great controversy—issues Members care deeply and passionately about. That is why I would like all of you to take a moment to call attention to Rule 2.3 of the House Rules. That rule begins in quotes, “The Speaker shall preserve order and decorum in the Chamber of the House.” That is a duty that I take personally and seriously, because now, more than ever, the preservation of order and decorum in our Chamber is absolutely essential so we can fulfill our responsibilities under the Florida and the United States Constitutions. The rule continues and I quote: “The Speaker shall see that the Members conduct themselves in a civil manner in the Chamber of the House in accordance with accepted standards of parliamentary conduct. . . .” I am confident that all of our Members today, here, no matter what the circumstances, will conduct themselves in a civil manner. That all debate conducted in our Chamber today will be conducted in an atmosphere of respect for our fellow Members and for the institution of the Florida House.

I hope the many commentators and pundits around the country, who complain about the lack or the decline of civility in American politics today, will be able to point to our debate as a debate where great men and women who felt passionately about their responsibilities, although they differed in what those responsibilities required, were able to set an example of how people can disagree deeply and yet be civil and respectful to one another.

And I would suggest to you a few things. Representative Goodlette has just advised all of the Members that if you wish, there will be an opportunity to spread up to 300 words of remarks on the *Journal* today. Since history will be watching us, it is something I suggest Members consider taking advantage of. I would also tell you that because all of our remarks today that are made orally, if they concern the main resolution, are going to be spread upon the *Journal*. The Clerk's staff does a wonderful job at this, it is not easy to do, but they are going to make sure we have a full record. So the level of your voice won't count much for historical purposes, but the level and intellect of your debate may count a great deal. And I guess with that I believe we are ready to have the floor leader for the proponents address the Chamber. One second, Representative Byrd.

Representative Frankel, for what purpose do you rise?

**Rep. Frankel:** Mr. Speaker, just for an introduction. We have with us Congressman Robert Wexler from Palm Beach County, I just wanted to welcome to the Chamber today. [applause]

**Speaker Feeney:** Congressman Wexler, it is great to have you. We will add you to the list of dignitaries that we don't usually get this time of year in Tallahassee. Thank you for being here today.

There being no questions, the proponent's floor leader, Representative Byrd, is recognized and provided approximately 30 minutes. Representative Byrd.

**Rep. Byrd:** Thank you, Mr. Speaker. I would first yield to Representative Goodlette for 12 minutes.

**Speaker Feeney:** Representative Goodlette is recognized on behalf of the proponents for 12 minutes and is given permission to approach the well.

**Rep. Goodlette:** Thank you, Mr. Speaker. I want to at the outset, Members, tell you that this is a very solemn moment that we approach as we take up this important resolution that has statewide and national implications and ramifications. I also want to thank the Speaker for permitting me and for permitting six of our colleagues here in the House to serve on the Joint Committee with the Senate who went for three days last week in hearings to receive the testimony of expert witnesses and to receive, importantly, the input from the citizens of the State of Florida on these important issues. I'm also appreciative of the leadership that has been provided by Representative Byrd on the Select Committee of this House that met yesterday, most all day, again for the purpose of receiving expert testimony and to listen to citizens, not only from around the state of Florida but from around this great country, to provide their thoughts on this important subject to us.

And I would be remiss if I did not indicate at this moment that I appreciate the respect, the cordial conversations, and, frankly, the quality of the thought and the debate from both the Democrats and the Republicans on both the Joint Committee and the Select Committee. And for those of you who do not know, the seven of us, that is Representative Byrd, who was our chairman, Representative Diaz-Balart, Representative Cantens, myself, Representative Betancourt, Representative Stansel, and Representative Gottlieb; I want to thank all of them for their cooperation, for the quality of the input that they provided. And I think that we looked upon these important issues and showed the people in this state, indeed the people in this country, that we can do so in a thoughtful, in a deliberative way. And I would be remiss if I didn't take this opportunity to express my gratitude and my appreciation to them and to you, Mr. Speaker, for giving us that opportunity.

What I want to now cover is the resolution itself. Other speakers who will follow will, perhaps, go into some more detail. First, I would like to talk about what the United States Constitution says about this important issue. And you will see behind me, and I'd like for you to follow if you can, some of these important concepts. Article II, Section 1, of the United States Constitution provides that, “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. . . .” Those are indeed, ladies and gentlemen and Members, the 25 electors that have been certified and whose certification we are here, and this resolution contemplates preserving their ability to cast ballots on behalf of the over 6 million voters in the state of Florida who voted on November the 7th and 15 million residents of the State of Florida when the electoral college convenes next Monday.

Now I want to move briefly into what the United States Supreme Court has said about that particular provision of Article II, Section 1, of the United States Constitution. It was in 1892 that the United States Supreme Court, in the case of *McPherson v. Blacker*, stated the following and it's so crystal clear that I think it bears repeating and being shown to you on the screen, “The appointment of these electors is thus placed absolutely and wholly with the legislatures of the several states. . . . This power is conferred upon the legislatures of the states by the constitution of the United States, and cannot be taken from them or modified by their state constitutions. . . . Whatever provisions may be made by statute, or by the state constitution, to choose electors by the people, there is no doubt of the right of the legislature to resume the power at any time, for it can neither be taken away nor abdicated.” And that, Members, is all contained within the resolution that is before you. Now, that is a statement of the United States Constitution and a statement of our United States Supreme Court interpreting that constitutional provision.

Now it's further incumbent upon Congress to implement that constitutional provision. And Congress has done so in Title 3 of the

United States Code and I want to review two important sections with you. First, United States Code, Title 3, Section 2, pertains to the failure to make a choice on the prescribed day. And others will speak more directly to this but I want to lay the foundation. And that important provision states clearly that, "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, . . ." here November the 7th, Members, "the electors may be appointed on a subsequent day in such manner as the Legislature of such State may direct." A very important statutory provision found in Title 3 of the United States Code.

The next, safe harbor provision of the United States Code, again Title 3, Section 5, I think bears your further consideration and your specific attention. Section 5 pertains to the determination of a controversy as to the appointment of electors. "If any State shall have provided, by laws enacted. . ." and this is very important, "prior to the day fixed for the appointment of the electors, for its final determination or any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods. . ." other methods in Florida delegated to the Secretary of State "or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of the meeting of the electors, shall be conclusive. . ." This is important, Members, as we talk about this process because it helps define what the role of Congress is in determining whether or not there has been conclusivity in this process. Congress' responsibility is to establish the time, the date of the election, and to count the votes. The remaining responsibilities are those of the legislatures of the various states.

Now moving forward to what the United States Supreme Court said about this safe harbor provision, just last week in their ruling on December the 4th in the case of *Bush v. Palm Beach County*. "Since § 5 contains a principle of federal law. . ." now this is the United States Supreme Court speaking just last week, "of federal law that would assure that finality of the State's determination if made pursuant to a state law in effect before the election, a legislative wish. . ." that is the desire of this institution "to take advantage of the 'safe harbor' provision in Section 5 "would counsel against any construction of the Election Code that Congress might deem to be a change in the law." And if those of you who may have followed any of the debates before the United States Supreme Court yesterday know that several justices were concerned, and it will reflect on these conversations today as to how the Florida courts could change the law, but that the legislature was prohibited from changing the law. And we will be discussing that in further detail.

Let me mention—how am I doing on the time, Mr. Speaker? thank you—let me just mention two important provisions in the *Federalist Papers*. You know, as we are thinking about how to govern ourselves prospectively in these important constitutional issues, I think it's important at times to reflect upon what our forefathers, what our founding fathers, said and how they set in place these provisions that we are now dealing with. And I think it's important to note that they actually anticipated and contemplated that these kinds of controversies may arise. There are two provisions from the *Federalist Papers* that I want to share with you, briefly, in closing. The first is the view of the founding fathers found in the *Federalist Paper No. 45*. And I think these words are of some import. These were written by James Madison who's the author, of course, of that *Federalist Paper, 45*. "Without the intervention of the State legislatures, the President of the United States cannot be elected at all. They must in all cases have a great share in his appointment, and will, perhaps, in most cases, of themselves determine it."

And finally, and in conclusion, I want to also bring to you the views of Alexander Hamilton as expressed in *Federalist Paper No. 68*. And what he was talking about in *Federalist Paper, 68*, Members, was the electoral college process and the wisdom that was devised for this republic. And his comments are excerpted here and they bear repeating, "It was also peculiarly desirable, to afford as little opportunity as possible to tumult and disorder. But the precautions which have been so

happily concerted in the system under consideration. . ." the electoral college "promise an effectual security against this mischief." Thank you.

**Speaker Feeney:** Representative Goodlette, your time, and Treasury Secretary Hamilton's, has run out. Representative Byrd, you're recognized with approximately 18 minutes remaining.

**Rep. Byrd:** Thank you, Mr. Speaker. We would yield 10 minutes to Representative Alexander.

**Speaker Feeney:** Representative Byrd yields 10 minutes to Representative Alexander and your time begins.

**Rep. Alexander:** Thank you, Mr. Speaker. I'd like permission to approach the well.

**Speaker Feeney:** You're granted permission to approach the well. Members, while Representative Alexander comes up, and his clock should be starting—travel time counts, we've given permission of both the proponents and opponents for up to two Members to approach the well. Representative Alexander.

**Rep. Alexander:** Thank you, Mr. Speaker. Members, so much has happened in the five weeks since election day and I think it would be a benefit to us all to remind ourselves of the sequence of events—both as required by law and as the events actually occurred. As we walk through the timeline, try to keep in mind the question, this question: did the Supreme Court of Florida change the law as it was in effect on election day? Why is this question of changes to election laws important? As Representative Goodlette has summarized, in Title 3, Section 5, of the United States Code, which was put in place after the disastrous election of 1876, requires that states determine presidential elections according to the laws in effect on election day if Congress is to treat the results as conclusive.

And as we go through the timeline, please pay attention to three points:

First, the Florida Supreme Court imposed a new election deadline that conflicted with Florida law as it existed on November 7. Second, since the court intervened, there are no standards for manual counting of ballots in our Statutes. And today, December 12th, is the deadline for resolving controversies about the selection of presidential electors.

So, how did we get here? Five weeks ago today, six million Floridians went to the polls to vote for President and George W. Bush received more votes than his opponent. That was November 7th. The difference between the two candidates' votes was less than one-half-of-one-percent and so the automatic recount requirements of Florida law kicked in. Four days after the election day, on November 11th, the recount—the first and only statewide recount—confirmed that George W. Bush won the election.

We move forward to November 14th, one week after election day, the day set by Florida Statute for certification of the results of the election. That was also the day that the Gore campaign filed suit here in Leon County to extend the deadline for certification. As you may recall, Circuit Judge Terry Lewis ruled that the November 14th deadline was mandatory, but that the Secretary of State had the discretion to accept or ignore late-filed returns.

The next day, November 15th, Secretary of State Harris, relying on Judge Lewis's ruling, used her discretion and certified election results and found within her discretion that the requests for extensions did not meet the appropriate criteria.

Two days later, on November 17th, Judge Lewis upholds Secretary Harris's actions and the Gore campaign appeals to the Florida Supreme Court. The Supreme Court, in its first interference with the statutory scheme of events, stays the certification.

On November 18th, the count of foreign absentee ballots was announced and, again, the results of November 7th were not disturbed.

Then two weeks later, after election day, November 21st, the Supreme Court of Florida announces new law. It orders the Secretary of State to

accept and certify results through 5 p.m., Sunday, November 26. This decision changed Florida election law. The State Supreme Court changed the deadline for certification from November 12th to November the 26th—this was no mere procedural change—and required the Secretary of State to accept counts that the law gives her discretion to accept or “ignore.” The Supreme Court added 12 days of vote counting not provided for by law and they changed “may ignore” to “shall not ignore.” These are not mere acts of interpretation, these are changes to the law.

When November 26 arrived, the Secretary of State complied with the Florida Supreme Court order and certified the results that had been received by the Supreme Court’s 5 p.m. deadline. The final results were: Governor Bush, 2,912,790 and Vice President Gore, 2,912,253—a margin of 537 votes for Governor Bush. The next day, the Gore campaign filed a contest in Leon County Circuit Court.

Over the next few days, the Legislature began Joint Committee meetings to examine our role in this undecided election and the Florida Supreme Court dismissed one of the many lawsuits arising out of the election, the action involving the so-called “illegal butterfly ballots” that were used in Palm Beach County.

Which brings us to December the 4th. That’s when the U.S. Supreme Court vacated the November 21st Florida Supreme Court decision, finding that there was “considerable uncertainty” about the basis for the Florida decision. They requested clarification, which came only yesterday. Also on December 4th, Leon Circuit Judge Sanders Sauls, after a nationally-televised two-day trial, rejected the Gore contest on all counts and the Joint Committee recommended that the Legislature act to assure that Florida’s electoral votes were to be counted.

Then, in rapid succession, Vice President Gore appealed Judge Sauls’ ruling, Speaker Feeney and President McKay issued a call for this special session, two Leon County judges ruled against the challenges to Seminole and Martin County absentee ballots, and the Florida Supreme Court ruled again.

In their December 8th decision, the Florida Court further changed the law, ordered statewide partial manual recounts without specifying any uniformity of process, ordered the acceptance of the Palm Beach recount that came in after the court’s own deadline, ordered the acceptance of the partial Miami-Dade recount, and so on. The U.S. Supreme Court stayed the various manual counts this weekend and then heard oral arguments yesterday.

That’s where we stand today. Where do we go from here? Today, December 12th, is the last day to resolve controversies over electors and benefit from the safe harbor Congress has given us.

December the 18th, electors will meet to cast their votes; January 6, Congress will count the votes; but today is the day to begin resolving this matter, for once and for all.

Why must we act? Because, in the words of Judge Birch for the dissenters in the U.S. 11th Circuit Court, the Florida Supreme Court “superimposed a new model onto the state’s statutory election scheme” and “unconstitutionally changed the election system after the election had taken place.” “By changing the rules of the game after it was played, the Supreme Court debased the votes of thousands of Florida voters and denied them equal protection of the laws guaranteed by the Fourth Amendment.”

Members, we are here for a clear purpose: to protect the votes of 6 million Floridians and to assure all Floridians the rights guaranteed them under the U.S. Constitution. Thank you. [applause]

**Speaker Feeney:** Thank you, Representative Alexander, who yields back the balance of his time to Representative Byrd.

Representative Byrd, let me just take a minute, or a second or two, of your time. For the visitors in the gallery and any visitor or Member on the floor, please make sure that you don’t have your cell phones on with you. I recognize you may be from the press and have to stay in contact, but we would ask that cell phones be turned off so that we can conduct this important debate in the appropriate manner.

With that, Representative Byrd, you have approximately 9 minutes.

**Rep. Byrd:** Mr. Speaker, we yield the balance of our time to Representative Dockery.

**Speaker Feeney:** Representative Dockery, you are recognized.

**Rep. Dockery:** Thank you. Thank you, Representative Byrd. Good morning, Mr. Speaker, colleagues, and fellow Floridians. The eyes of the nation remain upon us as there is still no closure on the outcome of the presidential race in the great state of Florida. We are here today because of our constitutional obligation to assure the inclusion of our 25 electoral votes. These 25 electors represent the votes of some 6 million Floridians who cast their ballots in accordance with the laws that were in effect on November 7th.

Members, this is an awesome responsibility and one that we cannot, must not, shy away from. On November 21st, each of us raised our right hand and swore to “support, protect and defend the government and Constitution of the United States and of the State of Florida.” We are here today to honor that commitment.

Representative Goodlette has explained in great detail the constitutional and legal issues. It is my hope that each of you understands that we are not here to circumvent the law but rather to adhere to its clear instruction.

Representative Alexander has provided a recap on the events that have unfolded over the past 35 days since the November 7th election. It is regrettable that our action today is necessary—but make no mistake—it is indeed necessary. This election process has shown the inherent flaws of an election system where 6 million voters cast their ballots. Because this is a rare case where the margin of error exceeds the margin of victory, we are left to defend the outcome of the election in Florida. Fortunately, there are laws in place to direct us in this determination. I am proud to say that all those involved have followed those laws and as a result Florida has certified the election and a slate of electors to represent our 6 million voters.

Why then are we here today? Because the certification took place on November 26th rather than on November 14th which was the legal certification deadline and because the official result was altered due to the Florida Supreme Court’s intervention. As Representative Alexander pointed out this ruling by the State Supreme Court violated federal law Title 3, Section 5, which prohibits changes in the election laws after the election.

Today is a solemn day—a day of decision. A day we have approached with caution and concern. We have nervously watched the clock tick away hoping and sometimes praying for finality in this unimaginably close election for President of these United States. Sadly, we have reached the December 12th deadline and that decision has not come. Now it is time for us, the Members of the Florida Legislature, to perform our solemn duty. A duty thrust upon us by the Constitution of the United States which says, in part, “Each State shall” not may “appoint in such manner as the Legislature thereof may direct, a number of electors. . . .” The Constitution is not unclear or ambiguous on that point. It is not an option or a choice. We shall. We are supposed to exercise our duty based on the laws that existed prior to the election in question. Since there is a subsequent contest and the outcome is unclear it becomes our lawful duty to determine the electors of this great state. The 2000 election is spiraling out of control and we must stop it now.

Your vote, Yea or Nay, on the resolution before you is a responsibility you cannot avoid. To abdicate this awesome and solemn duty is not a choice. We must support, protect, and defend the Constitution. I will do so by voting for a slate of electors who are pledged to cast their ballots for Governor George W. Bush for President. He won the state on November 7th. He has won on each recount. He is the winner today—December 12th. I urge each member of this House to vote with me. However, I acknowledge that some of you will not agree with me and will cast a vote of conscience against the proposed slate of electors—that is your right and your duty. Many of you who disagree with me are not only my colleagues but also my friends. We have worked together in committees, we have worked together in this Chamber and on occasion

we have attended social events together. It is my hope and belief that we will continue to work together after this historic moment of decision and refocus our attention on those issues of importance to our constituents who sent us here.

I want to express my appreciation for the open dialogue that continues across the aisle with members of the minority party. Their willingness to work through this difficult moment speaks volumes about our ability to conduct the affairs of our state.

I want to say a few words to our newest Members. To the 63 freshmen legislators who are attending their first special session, I regret that your first vote in this House will be a matter of such grave concern to the country. You have been campaigning for six months or more and the good people of your district rewarded your efforts by electing you to represent them in the Florida House of Representatives. They decided that you would speak for them on matters of grave importance to the community, our state, and our nation.

Many of you have yet to be hooked up to our computer system and may not have received the abundance of electronic mail from around the state and throughout the country. These communications reflect the intensity of emotion that the American people feel. This is a deeply divisive issue and the best you can do is examine the facts, understand the law and vote your conscience. You are not here to determine the next President of the United States, you are here to ensure that Florida's 25 electoral votes are included along with the other 49 states to determine who the next President will be. We as a state did not seek to be in the position we find ourselves, but we do not fear it either.

Today is a good day, a day in which we will reinforce our history as a nation of laws and a state of laws. Tomorrow is another day, one I hope will be a day of healing. A day when we return to the friendly debate of public policy in committees and here in the Chamber of this great institution—the Florida House of Representatives. And soon another day will come when we join together in a common goal of helping to improve the lives of all Floridians.

In closing, I would like to express my gratitude to all those who participated in this election process. We as a state have a lot to be proud of. We stood up to the intense scrutiny of the media, our critics, the late night comics and indeed the world. We conducted our election process in accordance with the law in a fair and open manner. I for one am very proud to represent the wonderful people of Imperial Polk County. I am proud to be a Floridian and proud to be an American.

Representative Byrd, thank you for the opportunity to address the Members of the House. [applause]

**Speaker Feeney:** Thank you, Representative Dockery. Representative Byrd, you have approximately a minute and 42 seconds remaining.

**Rep. Byrd:** Thank you, Mr. Speaker. We would reserve that. There are amendments on the desk that we'd like to yield time to the sponsor for. Representative Cantens has an amendment; we'd like to yield 5 minutes for him to present that amendment.

**Speaker Feeney:** Representative Byrd, perhaps if we could stop the time clock for a second, I could ask a question of Representative Goodlette. Representative Goodlette, my understanding was we were going to have roughly 30 minutes for the proponents; and now I am advised that there is an amendment that the proponents wish to offer. What happens with respect to the clock at this point? Representative Goodlette, you are recognized.

**Rep. Goodlette:** Thank you, Mr. Speaker. With the indulgence of Representative Frankel, if we could just take a couple of extra minutes out and present that amendment now, I think we have discussed this and she will be offering their strike-everything amendment immediately following this, Mr. Speaker.

**Speaker Feeney:** OK, with the indulgence of Representative Frankel, Representative Cantens, you've been recognized for purposes of offering and explaining an amendment.

**Rep. Cantens:** Thank you, Mr. Speaker. Members, this amendment is a technical amendment that provides the address of each one of the 25 electors and includes that address in the resolution.

**Speaker Feeney:** Representative Goodlette, all 25 of us will be glad that you have told the world our address. Could we have the technical amendment read by the Clerk?

[**Amendment 1**, by Representative Cantens (shown in the *Journal* earlier today), was read.]

Representative Cantens having explained the amendment, the amendment having been read, are there questions about the amendment? Are there questions? Is there a debate on the amendment? There being no debate, Representative Cantens, you are recognized to close on your amendment.

**Rep. Cantens:** Waive closing, Mr. Speaker.

**Speaker Feeney:** Representative Cantens having closed, all Members in favor shall state so by saying Aye; all opposed, Nay. [voice vote] Well, let's try it again. All those in favor, please state by saying Aye; all those opposed, Nay. [voice vote] I think the Ayes have it that time. [laughter] The amendment is passed.

[**Amendment 1** was adopted.]

Representative Byrd, you still have 28 seconds on your original clock, Representative Byrd.

**Rep. Byrd:** We'd like to reserve the balance of that time, Mr. Speaker.

**Speaker Feeney:** Show it done.

Representative Frankel, we are going to begin, what I have on my script as 30 minutes for the opponents of the resolution and for purposes of debate, you're recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. Well, we almost won one there. [laughter] I want to tell you that I'm very proud to represent the "red team" today. Mr. Speaker, we have an amendment on the table that we'd like to take up.

**Speaker Feeney:** The Clerk will read the amendment.

[**Amendment 2**, by Representative Frankel (shown in the *Journal* earlier today), was read.]

Representative Frankel, are you the proponent of this amendment?

**Rep. Frankel:** Mr. Speaker, I'm just going to explain the amendment and then I'm going to waive my time to other Members to debate it.

**Speaker Feeney:** OK, I will state that you're recognized to explain the amendment and Members that have questions can ask you, or if you prefer somebody else that you would like to have answer the question. To explain her amendment, Representative Frankel.

**Rep. Frankel:** Thank you, Mr. Speaker. Now I told you that we were going to try to work in a bipartisan spirit, and so I want to tell you we're going to try to help you out here today. So, if you all listen carefully, I think this is a very good amendment. And the essence of this resolution, this is really a—we're presenting an alternative resolution here, folks—the essence of this resolution is really, it really tells us all to respect the rule of law. We've created a legal process here in Florida prior to the election, and we believe and this resolution concludes, that we should take no action to interfere with that process; that it is up now to the Supreme Court of the United States to evaluate the actions of the Florida Supreme Court. And what I would like to do, as I explain this resolution, with the help of our Clerk's staff, I will go through it with you. It sets out what we think is the important chronology and some of the legal references that will be later explained by some of my colleagues.

We agree that Article 2, Section 1, of the Constitution of the United States, provides that each state shall appoint, in a manner as the

Legislature shall direct, a number of electors. And the resolution goes on to say that this Legislature has placed the decision for the election of the President of the United States in a statutory scheme, which you all find in your law books in your offices or in any legal library in the state. And specifically Section 103.011 has that provision in it.

We did have an election pursuant to that statute, on November 7th, 2000, and as we all know 6 million Floridians went to the polls to vote. On November 8th, George Bush was leading in that vote according to the returns. And Florida law provides that any candidate has the right to protest the returns as being erroneous and further that the canvassing boards may authorize a manual recount, and you can find that in Section 102.166(c) of the Florida Statutes.

Al Gore did file a protest and he requested a manual recount in certain counties. And as we know, the manual recount was not completed. And then on November 26th, 2000, Florida certified its 25 presidential electors for George Bush. And then on that same day, Jeb Bush, our Governor, signed an ascertainment of the certification and he delivered it to the National Archives, in which it now rests. And then Florida law provided that after this certification, an unsuccessful candidate could contest the election if there was a receipt of a number of illegal votes or a rejection of a number of legal votes sufficient to place the election in doubt. You can find that in your law books at Section 102.168(3)(c). It's right in the law books, there. And the Florida law further provided that an election contest shall be resolved in a judicial forum. You will also find that in Florida Laws 102.168. And so Al Gore, following the process that we had set out prior to the election, filed a complaint, *Gore v. Harris*, that went to the Leon Circuit Court. You will also note in our resolution that the Florida Legislature mandated, in law, that no vote be ignored and I'm quoting from the statute, "if there is a clear indication of the intent of the voter" and unless it was "impossible to determine the elector's choice." And you will also find that in the law books, 101.561(4)(5) and (6). And the Legislature also provided that the focus of any manual examinations of a ballot should determine the voter's intent, and that's also in law. The Legislature also specifically authorized a circuit court judge to fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked to prevent or correct any alleged wrong and to provide any relief appropriate under the circumstances. That's in 102.168(3)(c).

And now as the resolution continues, as we all know, the matter of the contest of *Bush v. Gore* lies in the United States Supreme Court. We believe, as this resolution goes on, that for us to go forward with this measure today would violate Section 1, Title 3, of the United States Code and set a dangerous precedent which could lead to other states doing the same. And so, we resolve today, that the Legislature take no action to interfere with the ongoing election process created prior to November 7th, and then, in a spirit of bipartisanship, we resolve that this Legislature should, together, congratulate the next President of the United States.

Thank you, Mr. Speaker, and I would waive at this time. I'd like to waive 20 minutes to Mr. Gelber.

**Speaker Feeny:** Representative Frankel, I would appreciate while you are recognizing your Members if you'll point to them and make them stand up and wave their hand. [laughter]

Representative Gelber, welcome to the House and you are recognized for 20 minutes.

**Rep. Gelber:** May I approach the well, Mr. Speaker?

**Speaker Feeny:** You're given permission to approach the well. While Representative Gelber does that, for people that aren't familiar, the Florida House of Representatives just underwent our first term limits and we have 63 freshmen and we're very excited about working with them. Representative Gelber, you are recognized.

**Rep. Gelber:** Thank you, Mr. Speaker, and thank you for affording me the privilege to speak from the well. Members, I speak today in support of the amendment and the Speaker's comments would remind me that I am a freshman. It's pretty obvious he doesn't even know who

I am—most of you don't know who I am, we don't know who each other are—and here we are making one of the most important votes, I think, any legislature anywhere is ever going to make. But the irony of this moment should not be lost on anybody in this Chamber, especially the citizens of our state.

In the same breath that we are told that this session is about preserving the votes of Floridians, by the majority resolution today we will be disenfranchising every single voter who went to the polls on November 7th. While we are told that this session is about respecting the rules, the majority's resolution will declare irrelevant all of the rules that this Legislature has created to govern and resolve elections.

While we are told that we must act to protect our electors, I believe that if you look at the United States Code and read it you will see that this action does nothing but jeopardize our electors. Perhaps most ironic is we are about to insert ourselves into a process and declare ourselves the paramount authority when the United States Supreme Court, as many of my colleagues on the Republican side have said, are about to consider the exact same issues. And I wonder, just like my fine colleague from Tallahassee, why we are here today?

We are here, as the majority have said, because of the oaths that were taken when we assumed our office. Well, we in the minority took exactly the same oath that you did, and for me it was not my first oath. In fact, I swore to uphold the Constitution as an Assistant U.S. Attorney, as a Chief Counsel in the United States Senate, and each time I took that oath it was very interesting. I never, ever took an oath of fidelity to a particular party or to any particular candidate. Rather, each time that I took that oath, just like every public officer who takes that oath, I took an oath of allegiance to the Constitution, to a set of rules, to the wonderful notion that respect for the paramount authority of law is what separates us from nations where the absence of such law is a constant and daily threat to freedom.

It has been said that we are a nation of laws. It will be said throughout this debate, I am sure. But the matter before us today will test the truth of that statement and its continued vitality in this Chamber and I urge all of you, even though I am a freshman, we need to look at this very carefully. And to my fellow freshmen we need to know what we are doing here. Because, what we are about to do and where we are about to embark will be a very, very terrible precedent for Legislatures to come.

Now the legal reason, we are told, we have been here by the folks that spoke before me, is our fear that our inaction will leave Florida's electors at sea. I submit to you, that if you look at the law in this regard, you will see that this proposition is wrong. And further, those same laws assure us that the singularly most perilous course we can take in this Chamber is the course that is being offered through the majority's resolution, because it robs the people of their right to have their votes counted. And while we can talk all we want about our preserving the rights of votes, when we vote today and if the majority votes and they win, the people of America who showed up in Florida to vote for their President will have wasted their trip to the polls. And that is the truth and we'll be giving that decision to this Chamber. I urge my colleagues to consider the minority amendment.

Let me first address the majority's argument that this body is compelled to act because of Section 2 of Title 3 of the United States Code. Read that provision very carefully, because it doesn't exactly comport with this notion of plenary and absolute authority. "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the Legislature of such State may direct."

This is why we are here, according to the majority, this provision of law. The majority's view is that this compels us to act and the key phrase here—the key phrase in the logic of the majority—is that there has been a failure to make a choice, a failure to make a choice. That is the key. What do they point to—what do my colleagues point to—to show there has been a failure to make a choice?

There is a contest of the election, there are all these lawsuits, everybody is making a big deal, it's a close race. That, under the law, is



not failure to make a choice. There has been no case ever, there is nothing in the enabling legislation of that provision, no legislature in the history of our country, at least since it's been, this act has been enforced, has ever interpreted an election contest. The mere existence of a contest to mean we have failed to make a choice, and that is where the majority and the minority depart in their analysis.

Why has nobody ever advanced such an interpretation? There's a very good reason, because an interpretation like that would turn the rule on its head. The purpose of the rule is to say to the Legislature, you do have authority to create the manner, but Congress has the authority to tell you the time. And you cannot act for all this talk about the plenary or absolute power of this body. Isn't it sort of interesting that we have this provision that exists here today, that tells us we cannot act until that has been found? Why can't we? Think about the problems that will happen if just merely the presence of litigation allows the Legislature to hijack an election. The state with a legislative majority whose candidate of choice appears to have lost, simply needs somebody, any partisan or just anyone. And in Florida there's enough lawsuits, we know somebody will file a lawsuit about something. And if the presence of the litigation continues, the Legislature will simply be able to disenfranchise itself.

Now, during the hearings of the Select Committee that preceded this session, the majority's experts and some of my colleagues from the majority, suggested the question that whether an election has failed is a factual issue for us to determine. We must look at the facts and we must consider the law. We must make that determination. And then it occurred to me as I was listening, haven't we created a process to do exactly that? Are we suppose to prejudge every single lawsuit that comes to decide whether it is meritorious, and then if it might be meritorious and contest the election, then we must act? Well, why would we do that in the first place? If it is a meritorious lawsuit, wouldn't that suggest that we ought not act? To give ourselves the ability to throw every election in such disarray is to invite a horrible precedent that would be a stain on this Chamber.

Now we should note that there has been some discussion about taking out of this resolution the phrase, and it is in the current form, "that the Florida Legislature finds that the election for electors. . . and Vice President. . . [has] ultimately failed;" that's in the majority's resolution as it stands. There's been some talk about taking that out. Listen, for you to act, when you act, you are finding by your vote that this election has failed to make a choice. And you are saying the determination of that is simply the presence of an election contest.

The obvious meaning of Section 2—the obvious meaning of failure to make a choice—we don't have to look very far for. It's upstairs in this building, it's in the Department of Elections. We have a code section that creates exactly this process. Go to 103.011, that provision just does two very simple things. First of all, my colleagues are correct. We have the right to create the manner in which our electors are established; that provision is us telling our constituents they have that right. That's what the first part of that does, we gave it to them. But the second thing it does is it tells the Department of State to certify the electors of the candidate who receives the highest number of votes—to declare a winner.

In our case we had an election on November 7th. A winner was certified, exactly as the provision requires and, in fact, Mr. Roberts, who is an employee of Secretary Harris, appeared at our hearing. I was permitted, with leave of the committee, to ask a question of Mr. Roberts. I had one simple question; who won the election? According to the authority of the state, who is the winner of the election? Mr. Roberts, without pause, go and ask him right now, will tell you, Governor Bush won the election, he is the winner. He has a certification that he has won. That certification has been sent to the National Archives, it is waiting to be counted. Now, it is possible that that winner may change. But if that happens, Governor Bush, our Governor Bush, will simply send another certification over replacing the one that exists.

The point is—the point is—our process has declared a winner. We do not need to decide that we have to declare a winner. Section 2 simply cannot provide a basis for this body to act. But the majority have suggested that Section 2 is not the only authority and they point to the

McPherson opinion, and this whole notion—and this is an important notion—that the Legislature has a plenary, or the sole and unlimited power to do as it sees fit with regard to the selection of electors. This is an important notion. Let's understand something about McPherson. When McPherson occurred, African-Americans in this country were counted as three-fifths people. McPherson has to comport and obviously our actions have to comport with the Constitution. Does anybody in this great Chamber think we could decide that only white men who own land can pick electors? Obviously not, because that would violate at least two concepts of our Constitution. So, McPherson is not sort of this idea that we can do as we seem fit whenever we want to. In fact, it's much different than that.

First, the Federal Constitution has only told us we can do the manner, we can decide whether we pick it or whether the people pick it. But, it has also told us that we have to comport with the Constitution. And in fact, in the hundred or so years since McPherson, obviously all those things that give people rights have grown up around this concept of plenary power. But once we create that process, we are obliged to follow it; that's the manner we chose. We gave people the right to request recounts, to create grounds for contest, to create a contest phase in the courts and to give the courts the right to fashion pretty broad remedies.

But there's something else you should note about this, and why it's pretty obvious we can't do whatever we want to. Look at Section 2 itself again. It is by its very nature a conscription on our ability to act. We cannot act until there has been a failure to make a choice. So if everyone stands up and says we can do whatever we want, ask yourself why there's a United States Code provision that says until there has been a failure to make a choice, you must stand down.

You know, the scholars that came before us—and there were a lot more lawyers than I wanted to see, a lot more law professors, I had a bad flashback to law school—who came before us, there is something that the 50 that signed that letter said. And they said that if we act right now, we will be turning this rule on its head. We will find that a failure to act, a failure to reach a vote, has happened when we shouldn't trigger that yet. And they said that the frolic that the Legislature has come will not be merely unwise and irresponsible but it will be also unlawful. And I think that's something we need to think about, whether we are actually committing an unlawful act by attempting to jump into this fray when we really are not allowed to.

Now let's talk about this safe harbor that has been put up here. And the safe harbor is very important, because first of all it's not really relevant to our debate here today. The safe harbor is simply the following: the safe harbor of Section 5 basically says, in very simple terms, it's a pledge between Congress and the states. If we get our act together by December 12th—if we get our act together—and we select a slate by a process that does not change after election day, then our slate will be deemed conclusive. So long as our process is complete and that section talks about contest, so long as there is no contest pending.

There is no question the safe harbor is gone, we are out of the harbor, folks. It doesn't exist anymore. First of all, it doesn't exist because there is a contest. And a lot of you may say, well wait a second, if there is a contest doesn't that mean that the election hasn't reached a conclusion according to that other section, Section 2? And the difference is, see there are two different provisions, not having reached conclusivity is different from failing to make a choice. Those two provisions were created decades apart and have little to do with each in this regard.

But the key here is that it's a promise that if we stick by the rules we will be able to actually have a winner that will be viewed conclusively by the Congress. It is no longer relevant. And by the way, our action cannot put us there because the one thing we know about the safe harbor is that it has to be done by December 12th and I believe our counterparts are not acting until tomorrow. But we also know that we can't change the rules after the election. And clearly we have rules that, in the courts, are suppose to decide this election. And, if we act, it'll be a change in the rules, it'll be something new that obviously was not happening on November 7th when we told people that they should vote to pick their President. So, that's not going to happen.

Now, the best way to assure that our slate is as conclusive as it can be is to rely on the certification that we have sent up on November 26th, which was certified within our legislative framework. Our action might jeopardize, in fact, that slate. The Governor and Secretary Harris have signed that slate. Now that may change if the Vice President prevails; it's possible we'll have to have Governor Jeb Bush send a new slate up to the archivist. If the Supreme Court allows us to count, we count and we have a new winner.

But in any event, if we do nothing, if we follow the minority's amendment and we do nothing, we will always have only one slate. And one slate is always better than two. You see, if you look at Section 15 of Title 3, it tells you the only way, when you have one slate, that one slate will not be counted is if both houses of the federal Congress agree to reject that slate. That's very important. Let me repeat it, the only way to lose your one slate is if both houses agree to reject that slate. And we all know what the current lineup of our House and our Senate is. There's no chance there is going to be agreement to reject the only slate Florida sends up. This clearly will not happen. However, if we throw in our other slate—and this is a second slate—we now have two slates pending before the House and the Senate; two slates in the mix. Now go to Section 15. And according to Section 15, when there are two slates pending, the houses of Congress must agree on which one they prefer. So, the same difficulty you have in rejecting our slate, when there is only one, you have in agreeing on a slate for number two. Now that might not be a problem if all the slates are for Governor Bush, but we are here because we want the process to be fair. And if the Supreme Court turns around the election and the votes count the other way, as the Democrats are hoping, we will have two slates of different parties. And we will have created a serious constitutional problem.

Professor Ackerman said he did not want to even think about it. I'm sure he does want to think about it because that's what, apparently, he likes to do. But this is a real problem and we will have created it because we will have created less conclusivity in this process by our very action.

Now, let me finally speak to the actions and the rulings of the Florida and United States Supreme Courts; and I agree with Representative Alexander, I am not sure why we are here.

Look, it is ironic that the majority is relying so greatly on the Supreme Court's opinions in this matter. And the points that were raised were raised by the Supreme Court. But remember what the high court said to the Florida Supreme Court, think about it. They basically said when they extended that Katherine Harris seven-day deadline—the Supreme Court said to the Florida Supreme Court, you know, we're not sure whether you did that based on a statutory interpretation or whether you did that based upon some frolic of the State Constitution. We don't know what exactly you did. If you did it as a statutory interpretation, it's probably OK. But if you did it otherwise it might endanger the safe harbor. Some other problems, well the safe harbor, when they made that opinion, the safe harbor was still a possibility; it's not any more. But the point is the U.S. Supreme Court was saying, you could have done it right, it's possible you did it wrong.

But what should be important, and the lesson here is that all the concerns that have been raised—and they all have been constitutional concerns for the most part, all the concerns that have been raised—apparently are being reviewed by the United States Supreme Court. They are there right now, they are writing an opinion that is going to shed light for all of us. So, I am unsure as to why we are here. We are about to change a process that we created, while literally just hijacking the entire process and saying everything that's going on in the courts, we don't care about. We have the plenary authority to do as we see fit, when the actual high court of the land is making that decision right now. Now, I may not agree with what the U.S. Supreme Court does or I may, I don't know. But it won't matter what any of us, how much we agree or disagree, because, at the end of the day they are, and no one disputes this, the highest authority in our land. And I wonder why this body believes that we should render an opinion now, when the exact same issues that have been attached for our debate are also being debated by the U.S. Supreme Court, and they will resolve. I don't think anyone here thinks we are better suited or better able to navigate these legal waters.

And I believe that this act really reflects an act that is not befitting of the peoples' House. I don't think that throwing ourselves into this mix in this way is appropriate.

Ultimately, today's impending action, I believe, is an assault on the rule of law, and we have heard about that. But in supporting this extraordinary action, the Republican majority is saying that they do not want the election process to go forward pursuant to the laws that we created. They do not want the courts to consider the appeals. They do not want the established process to run its course.

The Republican majority's resolution is bad government in its worst. I urge you to support the Democratic amendment.

**Speaker Feeney:** Representative Gelber, your 20 minutes has expired. Representative Frankel, you have about 2 minutes and 27 seconds.

**Rep. Frankel:** Thank you, Mr. Speaker. I would yield the floor to Representative Romeo for some questions.

**Speaker Feeney:** Just so we're clear, we're going to yield through the Chair. Representative Romeo, you have a question?

**Rep. Romeo:** Yes, Sir.

**Speaker Feeney:** And who would you address that question to?

**Rep. Romeo:** To Representative Frankel.

**Speaker Feeney:** Representative Romeo, you're recognized for a question if Representative Frankel will yield for an answer.

**Rep. Romeo:** Thank you, Sir. Representative Frankel, why did our forefathers use an electoral college process rather than just allowing the state Legislators to vote on a President?

**Rep. Frankel:** Thank you, Representative Romeo. Now you're going to test whether I was listening to our expert testimony this week.

One of the main reasons for using an electoral college is, with my understanding, that the electoral college evaporates right after the election. And it was our forefathers belief that it was in the best interest of the country that a President not be obligated to any particular body that would remain in existence. That's why we have this process of choosing electors and we got away from the fact of having a state Legislature directly choose the President. That's the same reason why the Legislature, why our forefathers, determined that everybody should have the election on the same date, so that one state would not have more influence than another.

**Rep. Romeo:** Further to my question, Representative Frankel. . .

**Speaker Feeney:** Representative Romeo, you're recognized for another question.

**Rep. Romeo:** I apologize, Sir. I'm learning as I go.

**Speaker Feeney:** You're doing great.

**Rep. Romeo:** Thank you so much. Are the electors in the resolution the same electors previously certified by Governor Jeb Bush and do they have the legal authority, or how could they lose their legal authority?

**Speaker Feeney:** Representative Frankel, you've got 23 seconds to answer unless Representative Byrd will give you some additional time. You've got 19 seconds.

**Rep. Frankel:** Representative Byrd, would you like us just to finish out our questions, and we'll take it off the back end?

**Speaker Feeney:** Absolutely, you have as long as you like to answer Representative Romeo's question. Representative Frankel, you are recognized.

**Rep. Frankel:** Thank you. Representative Romeo, from reading the resolution of the majority today, it appears that they have put in their resolution the same electors that have been certified to the National Archives. And it is my understanding that those electors will be the

certified electors unless one of two things happen. Really, the only thing that could happen that would change that would be if, in fact, a recount was ordered or allowed by the United States Supreme Court and Al Gore would then win the recount. At that point, it would be up to the Florida Supreme Court to disqualify the Bush electors and then have one of the executive officers of this state certify the Gore electors. The only other thing that could possibly happen is if the Florida Supreme Court's case was vacated and reversed—the first one that was in the United States Supreme Court—all that would mean is that the certification as of November 14th would stand and that also would be Jeb Bush electors. So it seems to me, Representative Romeo, that unless Al Gore wins a recount, and his electors are certified that the same electors that we're trying to certify here today have already been certified.

**Speaker Feeney:** Representative Romeo, you're recognized for another question.

**Rep. Romeo:** Thank you, Mr. Speaker. To follow up with Representative Frankel, I heard in yesterday's hearings that Justice Kennedy said that the Florida State Legislature had no authority to change the law after the election. How does this relate to the matter in front of us here today?

**Speaker Feeney:** Representative Frankel, you're recognized for an answer.

**Rep. Frankel:** Well, thank you. I heard that same statement by Justice Kennedy to one of the attorneys and Justice Kennedy seemed to make it clear that you cannot change the law or the rules after the date of the election. And I think this relates to the fact that although we have plenary ability we are not all-powerful. We can't just do anything we want. And since we set a process and we set in statute, a code, for an election prior to November 7th, that any action we take today, in fact, we would be holding a new election to go ahead and appoint these electors. And it is my belief based upon what Justice Kennedy said that the Federal Court and the United States Supreme Court would hold anything that we did now to be unlawful.

**Speaker Feeney:** Representative Romeo, you're recognized for another question.

**Rep. Romeo:** Thank you very much, Mr. Speaker. Representative Frankel, I've also heard a great deal of complaining that once election day is over the votes should not be recounted. What is the standard procedure in the state of Florida to be used in the situation of a recount? And who set those standards?

**Speaker Feeney:** Representative Frankel, you're recognized for an answer.

**Rep. Frankel:** Thank you, Representative Romeo. I think the relevant answer to your question here, in this context, would be that it is actually the Florida Legislature in our law books that set the procedure for the recount and also the standards to use the intent of the voter. And that is the issue that is being litigated and is in the United States Supreme Court now. But it was the Florida Legislature that set that process.

**Speaker Feeney:** Thank you, Representative Frankel. Representative Romeo, do you have another question?

**Rep. Romeo:** Yes, Mr. Speaker, this is my last question.

**Speaker Feeney:** You're recognized.

**Rep. Romeo:** Appreciate it, thank you so much. There is a committee in the House that has been set up to hear an election contest of a state legislative race. How is that contest different from presidential contest?

**Speaker Feeney:** Representative Frankel, you're recognized for an answer.

**Rep. Frankel:** Representative Romeo, for a freshman you sure have a lot of good questions. [laughter] [applause] You get four stars today. But that is a very good question. If you look at the laws of this

state and the Rules of this Legislature we actually reserve the right to hear the election contest for state legislators. And, in fact as the Members may remember, we do have a contest coming up that was filed by our former Member, Representative Tullis. And so we hear in this body the election contest of state representatives, but it's specifically written in law we have provided a judicial forum to hear the contest elections for all other candidates, including the President. That is why we have this presidential contest that's been working its way through the courts and now in the United States Supreme Court. So I want to thank you for that good question.

**Speaker Feeney:** Thank you. Representative Frankel, if it's your desire, what we'd like to do now, there is an amendment pending.

Representative Frankel moves that we temporarily pass the amendment.

We'll get back to that in approximately 30 minutes, after the proponents have had an opportunity. We're going to go back to the main resolution, with the consent of the Minority Leader, and we're going to provide approximately 30 minutes to the proponents to be led by Representative Byrd. And we're back on the main resolution. The anticipation is we will get back to the amendment in about 30 minutes so that the opponents of the main resolution can further proceed explaining and arguing for their amendment.

[Further consideration of **Amendment 2** was temporarily postponed under Rule 11.10 and the House returned to consideration of **HCR 1-A**.]

Representative Byrd, you are recognized on the main resolution.

**Rep. Byrd:** Thank you, Mr. Speaker. We would request a 30-minute block of time and I would request to yield to Representative Fasano for 5 minutes.

**Speaker Feeney:** Representative Fasano, you're recognized.

**Rep. Fasano:** Thank you, Mr. Speaker. Members, we stand here today facing the very real possibility that, in the selection of America's next President, Florida's voice may be mute. After almost six weeks of legal challenge after legal challenge, and delay after delay, there is still a lingering doubt as to the validity of our 25 representatives in the electoral college.

It is simply unconscionable that we could leave here today without absolutely and finally guaranteeing that Florida's 15 million people are represented on December 18th.

It is not our option, nor our choice, but our sacred constitutional duty.

And, with your permission, I'd like to read it to you one more time. "Whenever any state has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the Legislature of such State may direct."

Members, with every vote, every bill, and every measure we pass as a body, there is an ultimatum that we must all adhere to, the United States Constitution. It is bold as it stands, deafening as it speaks, and all-encompassing as it governs.

It is the ultimate defender of our nation's people, and a timeless predator of impediments on our free society. It allows a country of individuals to stand together as one, equally protected, equally represented.

It is a document that recognizes no colors, no genders, and no politics. By all accounts, it is the sole pillar of our society.

It is a manifesto of sorts, authored by 38 men who had a vision, ambition, and will to construct the framework of a free, self-governing society yet had the foresight and humility to place in reserve, corrective passages.

Members, I speak of your commitment today. A commitment to represent, as the Constitution calls us to do, all Floridians who exercised their most precious right as an American on November 7th.

But now the ultimate privilege stands the risk of falling prey to courtrooms and litigation. To allow legal briefs and appeals to play substitute for Florida's votes and electors would demonstrate a complete lack of stewardship on our part as elected officials. Yet we are not here to cast blame or find fault, as any such declaration would simply be a step backwards. We must keep in mind that the citizens of Florida put us in office to ensure every step we take as a state is a step forward. In doing so, we must not make a mistake by going in motion just for reaction.

We must act in the will of the people. We must act with courage, foresight, and humility. We must stand above all lines of division, pausing not to find reason to delay but rather to recognize a call to action, to act as the ultimate public servants, hearing only the will of our people and being guided by the conscience of each. We must act not as pieces to a partisan chess game, but rather as statesmen—working not in the interest of a candidate for office, but in compliance with the framework which has thus created the office.

It is not our duty to select the next President of the United States, Members; that is not what we were elected to do. But rather it is our duty, Members, to strictly adhere to all such direction spelled out in the United States Constitution.

Ladies and gentlemen, I submit to you, as elected representatives it is now that we are called upon to uphold the laws of our Union, which are written amongst the words in our Constitution, and, Members, I would ask you to support the resolution offered by Representative Cantens. Thank you, Mr. Speaker. Thank you, Members.

**Speaker Feeny:** Thank you. Representative Fasano yields back the balance of his time to Representative Byrd. Representative Byrd, you are recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. We would yield 12 minutes to Representative Maygarden.

**Speaker Feeny:** Representative Maygarden, for the proponents, you are recognized for 12 minutes.

**Rep. Maygarden:** Thank you, Mr. Speaker, and I appreciate the opportunity. I know that we are going to cast thousands of votes in here in the course of a session, but probably none will ever have the gravity of the one we consider here today.

I promise not to take the 12 minutes. There has been a lot of good things said here already, and I am not a lawyer, Mr. Speaker, in fact, which my parents are probably grateful since November 7th. So I am not going to try to relive the law. But I am a student of human behavior and observation, and I am going to take the liberty, as Representative Goodlette did, to resurrect the life of a person gone past. He brought up Hamilton and Alexander. I want to talk about a young Frenchman who came to our country in the mid-19th century, who was a good observationist. He traveled our back roads, he visited our small hamlets, as well as our cities, and he really absorbed our culture. He recorded some astute observations about the political, social, and economic life here in America. He recorded them in a two-volume treatise entitled *Democracy in America*.

Alexis de Tocqueville wrote, "There is only one country on the face of the earth where the citizens enjoy unlimited freedom of association for political purposes." Young Mr. de Tocqueville recognized that he had really come face-to-face with a very special nation. A place that derived its authority, a place that derived all of its power from the governed—from the people themselves. And I know we are talking a lot about law, but I want us to focus a little bit on human behavior and the people concerned with this issue.

America is a place where people can come together. It is a place where we come together to build better communities and shape our national destiny. We don't rely on kings, or potentates, or royal magistrates, or other such people to conduct our public affairs. We come together as a people, of our own free will, to select our leaders, engage in honest discourse. From time to time we have to build great public works. But we come together to resolve the complex problems of a truly great society

and that is why we are here today. We have come together for the purpose of fulfilling our oath to uphold, and protect, and defend the Constitution of the United States of America. We have come together, I think, to right a wrong and to express our collective distaste for a national political contest that has, somehow, slipped off the track; it has sort of eased into a morass of perplexing legalese, and from time to time some low-lying political rhetoric. And I happen to believe that the 2000 election is spiraling out of control and we really must stop it now.

We have come together to express our heartfelt concern over the manner in which our votes—and let me emphasize here, not just the votes of Floridians, but the votes of Americans, people from coast to coast, from sea to shining sea. I don't know if you have been trying to read your e-mail or not. I was knocking them down at about one every 20 to 30 seconds, there for two weeks. And we are getting it from all over the country. They are deeply concerned about their vote and what their vote means. Not just the people of Palm Beach County or Broward—who are certainly very important to those of us here in the Legislature—but Americans. This is their election and they are afraid that their votes being systematically devalued in favor of a languishing debate over hanging chads and pregnant chads and dimpled chads.

Every time there is an election in this country, unfortunately, ballots are kicked out as invalid or illegal, because the voter may have failed to follow instructions, maybe didn't complete the task, or simply refused to cast a vote for the choices available. I understand, at least I have been told, there are nearly 2 million such votes that have existed since the November 7th count all across America.

There is no way, ladies and gentlemen, I submit to you, humanly possible to discern the clear intent of every voter after the fact. Now I've received an awful lot of mail and sadly most Americans are convinced that we have somehow put common sense to death and substituted, in its place, endless legal arguments and silver-tongued lawyers hell-bent to destroy the American electoral process. I submit to you, ladies and gentlemen, that this, the course we've been on since November 7th, is fatally flawed and extremely dangerous and as Representative Dockery said, "spiraling out of control."

Now, I know you're going to hear some anecdotal evidence from the loyal opposition as to why it is necessary to seek a—and hear me now—"full, fair and accurate count of all the ballots." And today I heard "assault" and I heard "hijack." So, Mr. Speaker, I want to close with a personal anecdotal story from my hometown, one that troubles me greatly.

Last month, I was handed a memo, and I brought a copy of it with me if any of you ever want to see it, from a lawyer by the name of Herron, no doubt a good lawyer, probably a fine person, outlining what it takes to discredit, or at least outlining the procedures to discredit, so-called "overseas ballots."

Now I've got to tell you something, the audacity of such instruction sort of stirred my emotion. You see, Mr. Speaker, most overseas ballots come from young men and women wearing the uniform of the United States military. And as you know, I live in a naval town—Pensacola, the Cradle of Naval Aviation. It is not uncommon to meet and greet combat heroes, former POWs from every world confrontation, and commanding officers from all branches of the military who, at one time or at least on more than one occasion, have jumped into harm's way for the preservation and the extension of freedom.

Now, I couldn't help wondering what they must think of a political strategy that would seek to systemically strip service men and women of their right to vote. Well, I got an answer two Saturdays ago. We held a good old-fashioned rally in front of the old courthouse in Pensacola. As you might expect, all of the local political figures were there. Representative Miller was there, along with Senator Clary. Congressman Joe Scarborough was a featured speaker, and all of us got an opportunity to lament the current crisis. But there were, however, three speakers on the platform who seemed, well they seemed out of place. They were three retired Admirals—old salts of the highest rank—they had joined the rally to express serious concerns about a system that would discard the votes of military men and women overseas.

Now, if you know anything at all about career military, you must know that they don't engage in political protest. Their job is to serve the Commander-in-Chief without regard for political persuasion. But they were deeply troubled to think that a young airman on duty in the Middle East, or a sentry on guard near the DMZ in Korea, or a young sailor standing watch at sea, or perhaps even a survivor of the USS *Cole*, might be denied their suffrage. They elected to speak out on a political matter, a matter of grave importance, for the first and only time in their long careers. And between the three of them it spanned 80 years of military career.

Surely, "a full, fair and accurate count" would include votes cast by American defenders of liberty on guard around the world. Yet, I read in the Sunday edition, I think you have a copy of it on your desk, the Sunday edition, of the Fort Lauderdale *Sun-Sentinel*, that the loyal opposition has, once again, filed another legal challenge requesting the court, requesting the judge to overturn a judge's decree to count some 2400 overseas ballots. So much for "a full, fair and accurate count." I submit to you that all of America counts. All the votes that have spilled out of those machines because they were dimpled or punched in the wrong direction or whatever the reason may be, those became illegal, and we can't just forget those Americans, and we certainly shouldn't forget the Americans who serve us overseas.

Last week, Mr. Speaker, you invited our attention to *Federalist 68*, and Representative Goodlette did the same thing today, by Alexander Hamilton. You pointed out that Hamilton described the selection of electors and the participation of the Legislature as designed "to afford as little opportunity as possible [for] tumult and disorder." Well I read on, Mr. Speaker, it is dangerous to point me in the right direction, and I found something else I thought you might find interesting. It is included in that same essay "we may safely pronounce," Hamilton said, "that the true test of a good government is its aptitude and tendency to produce a good administration." I happen to think we have the greatest government ever devised under the watchful eyes of God Almighty. And I trust that we will adopt House Concurrent Resolution 1-A and get on with the business of establishing a good resolution. Thank you, Mr. Speaker. [applause]

**Speaker Feeney:** Thank you, Representative Maygarden. Representative Byrd, you've got approximately 15 minutes and 46 seconds until we're going to return to the amendment. You're recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. We yield to Senator Diaz-Balart for 8 minutes.

**Speaker Feeney:** Representative Diaz-Balart, you're recognized for 8 minutes.

**Rep. Diaz-Balart:** Thank you, Mr. Speaker. I'm glad that my colleague mentioned common sense. We've heard a lot of people spinning the story in the press outside these Chambers. And what I keep hearing is only part of the story. And, I can't blame both sides, or all the sides, who do that—they all want to make sure that their part of the story comes out. But I think it is important that we understand the entire story.

I think where there is a huge disagreement, Mr. Speaker, between some of us and some of our friends in the minority, is this: is there a chance that Florida has failed to make a decision? And we heard today by my wonderful, bright colleague from south Florida, saying that, no, Florida has not failed to make a choice. I would just want to pose a question. The reason that Florida, probably, has failed to make a choice is twofold. Number one, obviously, that it looks like the Supreme Court of Florida changed the rules after the election. That's pretty clear. The United States Supreme Court showed that it was pretty clear. There is another reason though; which is that we are still in litigation. And I would, pretty much, pose the question not to us here, ask any American in the entire country; no, don't even do that, ask any fourth grader in the entire country, whether the results of this election are a certainty. I have asked some of them. They have told me, "I don't think so." So, again, common sense. Let's bring some common sense.

You know there is not one person here, I can speak for the Democrats and the Republicans on this, that doesn't believe that every vote should count. That is part of the story. Every vote, Mr. Speaker, needs to be counted, equally. You cannot have preferential treatment for votes in this country. You can't decide that one vote is more important than another vote in this country.

My dear friends, we're going to be spending a lot of time the next couple of years on reapportionment. We all know that. And we're going to learn more than we want to learn about the Voting Rights Act. The Voting Rights Act, as you know, passed in '65, and was amended in '82. It was originally to make sure that African-Americans were not disenfranchised in the electoral process. In 1982, it was amended to include minorities of language, such as Hispanics.

You all know how much I love this institution. When I was serving in this institution in 1992, I sued this very own institution, because I thought and I felt that Hispanics and African-Americans were not being treated equally and that it was a violation of the Voting Rights Act in the United States of America. Let me give you a little story of why I bring that up.

Let me explain to you how that relates to, for example, what happened in Dade County, my beloved Miami-Dade County. You'll recall that they started counting the entire county, because that's what Judge King said the law required. And that is what the law requires. And when they were counting the entire county, they all of a sudden realized that they were going to run out of time, I guess. So they stopped counting. But, let me tell you what they had counted when they stopped counting. In a county that is over 50 percent Hispanic. I don't mean to be disrespectful, but it is hard to go to Dade County and not find Hispanics, people like me, people like Cantens, people like Annie Betancourt, it's tough to not find us. We are very proud that it's tough to not find us. But, yet when the canvassing board was counting the votes, they somehow counted 62 percent of the white, non-minority vote. They counted 21 percent of the African-American vote, we're glad for that. But somehow, they were only able to get to 2 percent of the Hispanic vote. And then they realized that was not a fair, partial count, that they were clearly discriminating a protected class under the Voting Rights Act. Let me quote from Judge King. And he said, I quote, I do not disagree that every attempt should be made to do so, to recount for a third time, but not at the expense, sir, and I hope you understand this, because the republic is watching, not at the expense of disenfranchising one voter. That's why they stopped, because they knew that they could not be fair, and they could not protect the votes of the Hispanic community in Miami-Dade County.

You know when the Supreme Court of Florida then decided in their wisdom to take and accept a partial recount of Miami-Dade County that the canvassing board said was illegal because they were not counting Hispanic votes. They clearly were not only in violation of the rules of the statutes of the Equal Protection Clause of the United States Constitution, but also as a Voting Rights Act that I sued this institution in order to protect that those minorities not be disenfranchised. Again, the full story. Yes, every vote counts. The full story though is every vote counts equally.

Mr. Speaker, if we don't pass this resolution we may very well witness the disenfranchising of every single Floridian. Not one single vote may mean anything, if we just sit back here, because even fourth graders know that Florida has got a bit of a problem. Let's admit it folks. We've got a bit of a problem. We've got a thousand lawyers out there making in an hour more than we make in a year. God bless them. I love that. [laughter] And, Mr. Speaker, that would be a great shame, because not only would that be a shame for the American people, for the people of the state of Florida.

Mr. Speaker, we all took an oath of office, to uphold the Constitution of the United States of America. If we do not do that, why are we here? And Mr. Speaker, I would respectfully, respectfully say that we need to support this resolution. We don't have a choice. We cannot sit back and allow not one or a thousand or a hundred thousand—and allow every single voter in the state of Florida to be disenfranchised. The only way that we can guarantee that doesn't happen, and the only way we can be

truthful to the oath of office that we all took, in my humble opinion, is to support Representative Cantens' resolution.

Mr. Speaker, with that I would like to waive the remaining part of my time back to Representative Byrd. [applause]

**Speaker Feeney:** Representative Byrd, Representative Diaz-Balart has yielded you back 14 seconds of his time. [laughter] And you're recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. We yield the rest of our 30-minute block, approximately 5 minutes and 14 seconds, to Representative Argenziano.

**Speaker Feeney:** Representative Argenziano, you're recognized.

**Rep. Argenziano:** Thank you, Mr. Speaker. Members, I am not an attorney, I do not slice baloney for a living, and I am not given to lexical alchemy. I am just a citizen, who, in this time and place, is trying to do the job I was sent here to do. And the way the rules keep changing in this election it reminds me of a chameleon changing to accommodate the circumstances and the situations. I am not referring to the mere interpretations, I am referring to substantive changes, where you and I would have to file a bill to effect such changes.

Some examples: The date of certification was changed. Florida Law provides discretion to the Secretary of State as to acceptance of vote tallies and certification. The court usurped that statutory authority and mandated a new date for certification out of thin air. Statewide recounts were mandated when they weren't even requested. The discretion of the Miami-Dade Canvassing Board was usurped in compelling a manual recount. The state statute requires that the clear intent of the voter be determined.

But, and I know all of you have been through this, after viewing many times on TV two and three members of a canvassing board anguishing, they're straining, holding the ballot up to the light, even using magnifying glasses to determine the intent of the voter, performing all manner of ocular acrobatics, somehow the meaning of the word "clear" has been made "unclear." It can't be clear if they have to go through all that. Maybe who we need is Johnny Carson—remember Johnny Carson—Johnny Carson's Karnak to hold the ballot up to his forehead and psychically determine the intent of the voter.

The bottom line is that the rules keep changing. You can't do that after the fact. And as long as there is legal controversy, as long as that remains, there's a darn good chance that we're going to lose all of Florida's votes. Make no mistake, we certainly do have a constitutional obligation to protect and secure those votes. I have no doubt about that.

This whole election swamp is a result of uncertain votes, uncertain votes, ones we are not sure how the voter intended to vote or if the voter intended to vote at all. We should and must be concerned with those certain votes, the ones where the voters made their selections very clear and made them in accordance with the rules.

I urge my colleagues to vote to secure those clear, intentional votes of the people of the State of Florida and bring some finality to this process that has just ever-changing rules. So I thank you, Mr. Speaker, and I yield my time back to Representative Byrd.

**Speaker Feeney:** Thank you, Representative Argenziano. [applause]

Representative Byrd, you've got about 3 minutes and 40 seconds if you wish to use it.

**Rep. Byrd:** We'd like to reserve that, Mr. Speaker.

**Speaker Feeney:** OK. Representative Frankel moves that the House do now return to consideration of the Frankel amendment. Is that the motion you wish to make, Representative Frankel?

**Rep. Frankel:** Yes, thank you, Mr. Speaker.

**Speaker Feeney:** All those in favor please state so by saying Aye; all those opposed, Nay. [voice vote] We're back on the amendment and I would ask the Clerk to read the Frankel amendment.

[The House returned to consideration of **Amendment 2**, which was read.]

Representative Frankel, you have got approximately 30 minutes, and you are recognized to advocate on behalf of your amendment.

**Rep. Frankel:** Thank you, Mr. Speaker. At this time I would yield to Representative Chris Smith for 8 minutes.

**Speaker Feeney:** Representative Smith, you are recognized for 8 minutes as a proponent of the amendment to the main resolution.

**Rep. Smith:** Thank you, Mr. Speaker. I rise today in support of the strike-all amendment.

But, before I make my comments, I'd like to address a couple of comments that have been made. We've heard about the courts changing the rules, and changing the rules, and how this is so bad, but let's not forget Members, the first thing we did today, the first thing we did when this session started was to change the rules. We have a special circumstance, we changed the rules. We changed the rules on this session. We changed the rules on the speaking order, we changed the rules by what vehicle to use. We changed the rules in order to get the peoples' will heard. Even today, when Representative Frankel had to answer a question, we had a rule. It said your time is up. What did we do? Representative Byrd, in his good heart, stood up and said I waive that rule and, Representative Frankel, you can finish answering your question. Why? Because it was the right thing to do. So as we stand here today and talk about changing rules, changing rules, changing rules, let's not forget we changed rules to be here today.

Now, right now, the Supreme Court is listening to—is deciding on this issue. But here we stand today trying to usurp the responsibility of the courts. We are better than that. We are much better than that.

If we walk through history and look at times when the courts have ruled and bodies have spoken in contravention of the courts, we are better than that. We are better than the Texas Legislature of 1920. Let me tell you what they did in Texas. In Texas they had white-only primaries. The court spoke and said you know what? That is wrong. You cannot disenfranchise people. So the Texas Legislature went in session, and said OK, it is not mandatory you have white-only primaries; but it is permissive to have white-only primaries. The court again said that is wrong, you are disenfranchising people so the Texas Legislature went back in and said OK, political parties are now private clubs so they can have their own election. The Supreme Court went in again and said that is wrong, you cannot disenfranchise people. We are better than Texas. We're better than that.

The Oklahoma Legislature back in the 1920s came up with a set of rules that disenfranchise people. And one of their rules, believe it or not, was literacy tests. The Supreme Court came in and said you know what? That is wrong. They had a godfather clause. That is wrong, you cannot disenfranchise people and what did the Legislature do? It went right back in session and came up with other rules, anything to disenfranchise voters in Oklahoma. We're better than Oklahoma, ladies and gentlemen. We're better than Texas, ladies and gentlemen.

As I look around this Chamber I know we are better, because I see Representative Diaz-Balart, I see Representative Phillip Brutus, I see Representative Betancourt. I see a myriad of people. I see a rainbow of people. We are better than those legislators of past.

We are better than the Mississippi Legislature of 1890, the Alabama Legislature of 1901, that despite court rulings went in and tried to disenfranchise people with all kinds of voting trickery to keep people from voting. They even came up with a eight box rule, that said when you go in to vote you have to put each vote in the right box. What they would do in the minority districts is change around the boxes and don't label the boxes. They went through all kinds of legal trickery to disenfranchise voters. We are better than that.

We should not be here. We should not be doing what we're doing today as long as the Supreme Court, as long as the Supreme Court sits in Washington now deciding, we should not be in session. I should be home,

as a lawyer, billing hours, I am sure my partners are glad to hear that. And we all should be in our districts or doing other works for the people. We're better than those past legislators. If we do not know our history, we're doomed to repeat it.

Let's look at our history of disenfranchisement of people through circumvention and contravention of the Supreme Court. Let's not forget during the discrimination cases, the anti-discrimination cases, the state legislators went in and came up with all kinds of rules. That you had governors calling in National Guard to contravene what the Supreme Court had said, that you had state legislators coming up with all kinds of rules to get around what the courts have said; ladies and gentlemen, we need to wait to see what the courts will say. Representative Diaz-Balart brought up a good point earlier, about the voting in Miami and how they did not count in Hispanic districts. That is absurd. I am from Broward County and I spend a lot of time in Dade County, you cannot get around Hispanic districts in Dade County.

Up in Broward County, most of the ballots thrown out were in African-American precincts, were in my precincts. I had the highest number in Florida of disenfranchised voters' ballots thrown out. If we want to be here today, that's what we should be here about. That's what our committees should be hearing. Our committees need to be talking about polling places changing without telling people where they are. Our committees need to hear about voters not being assisted in the voting booths, our committees need to be here and we need to be here discussing Haitian precincts that did not have ballots in Creole.

If we want to spend time in Tallahassee, if we want to spend the time here, to do the right thing by the people of Florida, to do the right thing by this election, we need to be here discussing things like Representative Diaz-Balart said, we need to be here discussing the disenfranchisement of people of the state of Florida. So I rise in support of this strike-all amendment, because what it does is it leaves the decision up to the courts and then ultimately the people of Florida, not us. I voted November the 7th, I'm through voting for President, and I hope the rest of us are. Thank you, Mr. Speaker. [applause]

**Speaker Feeney:** Thank you, Representative Smith.

Representative Frankel, you're recognized. Representative Smith yields back the balance of his time to you.

**Rep. Frankel:** Thank you, Mr. Speaker. I would yield to Representative Joyner for 3 minutes.

**Speaker Feeney:** Representative Joyner, welcome to the House, you're recognized for 3 minutes.

**Rep. Joyner:** Thank you, Mr. Speaker. I rise today to speak in favor of the amendment.

I rise in praise of our great country. And I rise with a public acknowledgement of my gratitude at being able to serve the citizens of this great state. But more importantly, I rise as Sojourner Truth rose, as a female patriot of color, to tell her audience "what time it is."

Ladies and gentlemen, Sojourner's launch and this opportunity for Arthenia Joyner are centuries apart, yet we still need to be reminded of the time.

It is time to consider the moral responsibility of this august body. It is time to place foremost in our thoughts, the citizens of this great state. It is time to advocate for the lowest and the least.

Each of us can bring to bear the power of our office to this occasion. We can, in fact, threaten, bully, and bluster our way to resolution. I urge you, instead, to don the mantle of compassion and forge your way into the deep waters of conscience.

Our collective action, without decency and integrity, will go down as one of the darkest moments in Florida's history. But our individual commitment to fairness can and will lift us all to the level of statesmen, a goal to which each of us should strive.

History will long remember what we do here today. Our measure of who we are and what we are depends on how we act in this time of

controversy. I, therefore, ask you to rise for every citizen of this great state, regardless of age, gender, or ethnicity, and ensure by whatever means necessary to have every vote count.

It is upon this inalienable right that our country was founded. When Crispus Attucks, a black man, was felled by the first bullet in the American Revolution, he made it possible for us to convene here today.

I beg you to leave clean his legacy. Let us not sully his sacrifice with political partisan efforts. I challenge you to rise and stand tall as servants and protectors of the citizens of Florida.

Lest we forget, there was a time when African-Americans were considered three-fifths of a person as proclaimed by legislative fiat; then by legislative fiat we became a whole person. We must not go back. Let every vote count. Thank you.

**Speaker Feeney:** Thank you, Representative Joyner. Representative Frankel, if you have additional time you're welcome to yield it back at any Members but it will count against the team clock. Representative Frankel, you're recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. I would yield to Representative Gannon for 3 minutes, please.

**Speaker Feeney:** Representative Gannon, welcome to the House and you're recognized.

**Rep. Gannon:** Thank you, Mr. Speaker. Members, I rise to speak in favor of this amendment. On November 2, 1920, Charlotte Woodard stepped into a poll to cast her vote for the very first time at the age of 81. In 1848, at the age of 19, she attended the Seneca Falls Women's Rights Convention, an event that would spark a movement, not unlike the one our founders started with the Declaration of Independence.

These women and men gathered in New York to declare that a nation of the people should be true to its fundamental principle. The long road that combined the efforts of the nation's most treasured figures, Elizabeth Cady Stanton, Sojourner Truth, Frederick Douglass, and Susan B. Anthony are just a few who weathered imprisonment and hardship so that America could realize its promise. By the time victory came, Charlotte Woodard would be the only living alumni to partake from the fruit of their labor, one vote from the many voices that rippled through the text of history.

Our history is filled with intense struggle over voting. It is a right that has come at a high price, but liberty rarely comes easily. And today, I focus on the battle that allows me, as an elected official, the battle that allowed me to vote on November 7th, in case we forget the basic principle that has brought us to this point.

In a speech before the Seneca Falls Convention, Clara Barton pleaded with the American people, "Brothers, when you were weak, and I was strong, I toiled for you. Now you are strong, and I ask your aid. I ask the ballot for myself and my sex. As I stood by you, I pray you stand by me and mine." It is the plea similar to those issued by some of our citizens in Florida over the past few weeks. However strong those voices gathered, the opposition was no less strident and claimed that the suffrage movement would lessen the influence of the intelligence and true, and increase the influence of the ignorant and vicious. The word ignorance has rung through the nation for a month now meant to diminish the value of our constituents.

Just as Charlotte Woodard displays the meaning of a single vote cast at a poll. I am also reminded of the power a vote can hold in this Legislature. In 1919, 35 of the necessary 36 states had ratified the 19th Amendment. The battle came down to Nashville, Tennessee, and all sides. . . .

**Speaker Feeney:** Representative Gannon, if we can, let's see if we can get Representative Frankel to yield you an additional 30 seconds or whatever her desire is.

**Rep. Frankel:** Mr. Speaker, yield 30 seconds.

**Speaker Feeney:** Representative Gannon, you're recognized for 30 additional seconds.

**Rep. Gannon:** Mr. Speaker. It was a cause that had seen many setbacks and disappointments. The Civil War and World War I had taken place and at both times the leader of our country asked the suffrage movement to halt their activities.

Today, crisis is warned of or even threatened in order to bring this debate to an end. Yet what crisis will follow if we choose to ignore the votes of the people? Are we the product of those who struggled or those who struggled against? Every vote should count, not for any political purpose but rather a moral one. Each vote bears the weight of our history on its back and is made sacred by the sacrifice it required. That cannot be ignored.

**Speaker Feeney:** Thank you, Representative Gannon. Representative Frankel, you are recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. I yield to Representative Betancourt for 2 minutes.

**Speaker Feeney:** Representative Betancourt, you're recognized for 2 minutes.

Representative Betancourt, this won't count against your time. I wanted to thank you, personally, and all the other members of the Joint Select Committee and the Select Committee. You did a marvelous job and the House is proud of the job that all of you did.

So, Representative Betancourt, you are back on your 2 minutes.

**Rep. Betancourt:** Thank you, Mr. Speaker, and thank you for allowing me to serve on the Select Committee. Members, I rise today to speak in favor of the amendment and I also want to share a personal account with you all. In 1972, I became a naturalized American. I immediately registered to vote and I was no longer a second-class citizen. I could fully participate in this experiment we call democracy. I have cast a vote in every single election. I represent a lot of people just like me, people who came to this country and embraced the freedom that America represents.

Our form of government protects the rights of individuals to express themselves. There is no voice more powerful than the vote of a citizen. The right to vote is the right to participate. It is also the right to speak, but more importantly, the right to be heard. I deeply believe that every vote should count, and that is why I became involved, for years, with the League of Women Voters, an organization where I served as president. And we volunteered often with the Department of Elections in being unbiased observers on election night. I am here today to ensure that every vote counts.

This process, in my opinion, is moving right along. The Florida Legislature should be out of this disputed presidential election. In my opinion, this is the wrong way to go. I believe the Legislature takes any action today, it cuts the peoples' role in the process of electing the President. And we would show that we have lost faith in the principles. Members, this weekend I had the opportunity to visit our nation's capital . . .

**Speaker Feeney:** Representative Betancourt, your 2 minutes is up. Representative Frankel, Representative Betancourt's 2 minutes is up; she may desire some additional time.

**Rep. Frankel:** Thirty seconds.

**Speaker Feeney:** Representative Frankel yields 30 seconds. Representative Betancourt, you're recognized.

**Rep. Betancourt:** Thank you, Mr. Speaker. I just want to ask together that we as Floridians restore integrity in the electoral process. God knows we have a monumental task ahead of us. And although the unspeakable word of fraud has not come up, I'm sure it will come up, particularly when it comes to absentee ballots. Together we must work very hard, Members, to ensure that every vote counts. Thank you, Mr. Speaker.

**Speaker Feeney:** Thank you, Representative Betancourt.

Representative Frankel, you are recognized and by my clock you've got about 12 minutes left until we get back to the main resolution. You are recognized, Representative Frankel.

**Rep. Frankel:** Thank you, Mr. Speaker. I yield to Representative Richardson for 1 minute.

**Speaker Feeney:** Representative Richardson, thank you for inviting Pastor Green to be with us today and you are recognized.

**Rep. Richardson:** Thank you, Mr. Speaker. Mr. Speaker, I rise to speak in favor of the Frankel amendment. Mr. Speaker, I represent a district that is heavily populated by African-American voters. And traditionally African-Americans have been disengaged from the electoral process. They have believed that if they voted, their vote wouldn't count, or their vote didn't matter. And through the Herculean efforts of many individuals and organizations during this election cycle, African-Americans were convinced that the issues were so great and that the stakes were so high for our community that it was imperative that we turn out to vote and vote in record numbers, which we did. Now African-Americans are watching as their votes are not counted in record numbers in precincts that are populated by African-American voters. Those votes are being thrown out. They are being accused of not being intelligent enough to vote.

**Speaker Feeney:** Representative Richardson, thank you. Representative Frankel, I have a suggestion and if we can stop the clock. Because you have a lot of Members wishing to speak, and you have Members that have prepared for a minute or two, but things sometimes take longer—maybe if you will yield some additional time and whatever is left we will yield back to you, you will not lose it. That way the Chair doesn't have to interrupt Members who are speaking, and with that, Representative Richardson requests an additional minute, 30 seconds. Thirty seconds, Representative Frankel yields an additional 30 seconds.

**Rep. Frankel:** Thank you. Yes.

**Rep. Richardson:** Thank you, Mr. Speaker, I would suggest to you, ladies and gentlemen of the House of Representatives today, that if we take this action we will again tell the voters of the state of Florida, particularly those in African-American precincts, that neither do your votes count nor do they matter, in selecting who your President will be. The Legislature will usurp that authority from you. And, Mr. Speaker, I would suggest that that is not the path that this Legislature wants to take, today. So I would encourage each of you to support the Frankel amendment. Thank you very much.

**Speaker Feeney:** Thank you, Representative. Representative Frankel, you are recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. We yield to Representative Sobel for 3 minutes.

**Speaker Feeney:** Representative Sobel, you are recognized for 3 minutes.

**Rep. Sobel:** Thank you, Mr. Speaker. Colleagues, good afternoon. I rise to support the strike-all amendment to the Concurrent Resolution 1-A.

I also rise on this momentous day in the history of Florida because partisan politics has replaced the will of the people. Prior to this election, we heard over and over again how people count, how all our issues were people driven, how the will of the people was important. After the election not the people of this great state or nation are paramount, but it is machines, machines that are being touted as the ultimate authority.

My grandparents came to this great country on a crowded freighter, cramped into tight ship quarters from Tsarist Russia, because they believed this was the country where their voices would be heard, that their votes would be counted. If they lived in Florida today, their votes would not be counted because some people believe machines count more than people.

My ninety-year-old father- and mother-in-law, who live in Broward County, went to the polls and wanted their votes to be counted. Did they



push the stylus through the hole so that their chads fell out? They don't know. But with a hand recount, that should not be thrown out by the courts, they can be assured that their votes will be counted and count.

There were no founding mothers when creating the Constitution. In 1919, women fought for and won the right to vote, because women believed how important it was to vote and be counted. Women make up more than 50 percent of our population and their votes should be counted. Women of Florida will be denied their right to vote if we don't manually count their votes.

And what about our African-American, our Haitian, our Hispanic and Asian brothers and sisters? All minorities who went to vote, some for the first time, in the greatest democracy in the history of the world, who would like to have their votes counted, we all know that they will be disenfranchised unless we count their ballots by hand, not just by machines.

As you know, I am from Broward County, representing people who overwhelmingly voted for Al Gore and Joe Lieberman. My constituents had their votes counted by hand, not just by machines. In Broward, we addressed the inadequacies of a machine count. No doubt we need to address the urgent demand for new, modern voting machinery, not only in Broward County, but in all other counties in Florida that use this antiquated, flawed system of voting. But for now, with the archaic punch card ballot machinery we have in place here in Florida, we need a manual recount. What does this historic event look like to the rest of the world—I'll speed it up—where the Florida Legislature has taken upon itself. . . .

**Speaker Feeney:** Representative Sobel, Representative Frankel yields you an additional 30 seconds.

**Rep. Sobel:** What kind of democracy are we living in, if the will of the people will be thwarted by partisan politics and a rush to judgment? We need to exercise restraint and patience and let democracy reign. Why should my vote count here today, when the peoples' votes are not being counted in Florida? Thank you, and God bless America.

**Speaker Feeney:** Thank you. Representative Sobel yields back the balance of her time. Representative Frankel, you're recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. I yield to Representative Rich, for 3 minutes.

**Speaker Feeney:** Representative Rich, you're recognized for 3 minutes.

**Rep. Rich:** Thank you, Mr. Speaker. Members, I speak in favor of the strike-all amendment. On November 7th, as we all know, 6 million Floridians went to the polls to cast their votes for those who would represent them at all levels of government. In doing this they expressed the paramount right in our democracy, to vote and have your vote counted. House District 97, the district I now represent, has, I have been told, the largest number of voters, registered voters, in the state—over 121,000. The Supervisor of Elections in Broward County placed over 8,000 of those voters, in my own precinct, in Weston. On election day I watched the voters in my precinct come back two and three times to cast their vote. All day long I watched voters wait in lines that were an hour to an hour and a half long because they wished to express their precious right to vote. I watched my excited 7-year-old grandson pass out literature to voters in those lines for 4 1/2 hours, asking them to vote for his grandmother. I watched voters stream to another precinct in my district, this one filled with senior citizens, who take their right to vote very seriously. This Lauderhill precinct continually receives awards for the highest percentage of voting in Broward County. In the end 53,410 voters in District 97 voted for Vice President Gore, and 29,262 voted for Governor Bush. What do I now say to my grandson and to all these voters? The Florida Legislature wants to disenfranchise you? They want to appoint their own slate of electors? That flies in the face of all those voters who took their duty seriously and braved long lines to cast their votes. It is arrogant, presumptuous, and many believe unlawful for the Florida Legislature to take this election into their own hands. I believe it is a reckless move to usurp the role of our courts and ignore the will of the people.

Long ago this country decided that the judiciary was the right place to resolve questions about the law. In the election before us we have laws to govern this process. I urge this Legislature to let the contest of the presidential election be played out in the courts. Let us take no action to interfere with the lawful, on-going election process created by the Florida Legislature prior to the election of November 7th. Let us all respect the rule of law and then, let us all get on with the important business of the people of the state of Florida for which we were all elected. Thank you, Mr. Speaker.

**Speaker Feeney:** Representative Rich, thank you very much. You yield back the balance of your time to Representative Frankel.

**Rep. Frankel:** Thank you, Mr. Speaker, I yield to Representative Bendross-Mindingall.

**Speaker Feeney:** Representative Frankel yields to Representative Bendross-Mindingall, who is recognized. Welcome.

**Rep. Bendross-Mindingall:** Thank you, Mr. Speaker. Mr. Speaker and my colleagues, I stand this morning to support the strike-all amendment.

In 1863, a tall straggly man stood very tall on principle and articulated softly on faith that all men are created equal. There are some who don't. During the course of my campaigning I went to my constituents. Some of them were standing in line as they usually do on weekends to purchase food items. Some of them were under the trees making certain that all is well in their neighborhood. Some were catching jitneys and buses. I represent a large number of very poor people. I talked with them and they said "we are not voting." And I asked the question, "why?" "Because it does not matter, it will not count." Now as I stand here do I go back and tell those people you were right? Or do we say to them you were wrong and follow the law, and count every vote and make sure that every vote counts? Please allow the spirit of democracy to move forward, this is the compass that should be our guiding force and these are the principles for which I stand. Count every vote, let every vote count. Thank you, Mr. Speaker.

**Speaker Feeney:** Thank you, Representative. Representative Frankel, you have about a minute and a half left on your 30 minutes, and you're recognized. If you need additional time at this point, I believe Representative Byrd will probably yield, but you're recognized.

**Rep. Frankel:** Thank you, I will yield to Representative Harper for a minute then, for the minute and a half.

**Speaker Feeney:** Representative Harper, you are recognized for 1 minute, as a proponent to the amendment.

**Rep. Harper:** Thank you, Mr. Speaker. I rise in support of the strike-all amendment. Members, history is replete with injustices and disenfranchisement of voters. Today, we make history again. As lawmakers, it behooves us not to allow Florida's history to be tainted by disenfranchisement of voters.

Constituents throughout Florida are outraged at the difficulties they experienced in executing their vote. In Riviera Beach voters were turned away from the polls because their names were not on the rolls. In Boca Raton voters had problems with styluses which prevented them from voting due to the accumulation of chads. In some instances voters panicked and broke styluses. Voters were told that they could not vote because they were convicted felons; and when in fact, they were not, and were improperly removed from the voter rolls. Haitian-Americans did not receive language voter ballot interpretation assistance. Ballots were not in Creole. Voter polls were overpopulated with police presence intimidating voters.

**Speaker Feeney:** Representative Frankel, do you want to yield 30 seconds? Representative Harper, you are recognized an additional 30 seconds.

**Rep. Harper:** Members, Mr. Speaker, the list goes on and on.

In conclusion, Dr. Martin Luther King, Jr. said, "a threat of injustice anywhere is a threat to justice everywhere." Ladies and gentlemen of the House, to vote or not to vote, that is the question.

**Speaker Feeney:** Thank you. The Chair on this new rule, the Chair would like to apologize to the Members—this isn't on anybody's time—that it's not my intention to interrupt. But in order to make sure that the floor leaders, Representatives Frankel and Byrd, have control of their clocks, it's important that I keep tight control over each individual's speech's clock. And we will have to interrupt you. If you're in the middle of lavishing praise on the Speaker, I'll yield to you some of my time, [laughter] but otherwise we'll keep tight control.

Representative Frankel, would you like to move that we temporarily postpone the amendment and yield 30 minutes to Representative Byrd? Representative Frankel moves. All those in favor, state by saying Aye; all those opposed, Nay. [voice vote]

[Further consideration of **Amendment 2** was temporarily postponed and the House returned to consideration of **HCR 1-A**.]

Representative Byrd, you are recognized. We are back on the main resolution and you have 30 minutes.

**Rep. Byrd:** Thank you, Mr. Speaker. We'd recognize Representative Crow for 5 minutes.

**Speaker Feeney:** Representative Crow, you are recognized.

**Rep. Crow:** Thank you, Mr. Speaker. I rise in support of the concurrent resolution. And I'd like to restrict my comments today, Members, to talking about the United States Supreme Court and the proposition that we should wait to do something 'til they act. And I think that that's the wrong thing to do and the reason that I think it's wrong is that we have to remember that's only one case. OK?

With regard to the voting system in Florida there are over 40 lawsuits filed. Some of them are *pro se*, meaning people filed them individually but the vast majority of those cases are filed by attorneys.

Now, of course, in Florida attorneys must have a good faith basis for challenging the electoral rules. And as such those cases will have to be litigated to fruition, that means motion stages, discovery, trials, appeals. Of course, in America we're used to not defining civil litigation by terms of days or weeks but by months and years.

And so I would submit to you that, to not take an action is going to have a situation where a cloud is cast over our slate of electors. Any one of these cases could cast that cloud. Now, we also need to understand that no statute of limitations is run. There is no limit on more cases that can be filed, so therefore there is need for finality. You also have to realize that the courts have a right to take up cases *sua sponte*, we've seen that with regard to this dispute, and we may have more of that. So that is an unknown factor that could rise its head again. Of course, this is a case of first impression and even legal experts disagree on the rules that should be adopted to have finality with regard to this process. But one thing is clear, per the United States Constitution and the existing case law that exists back into the 1800s which would be considered very strong abiding case law by lawyers. If it's in place for a number of years it's considered a defining factor. And that Constitution and case law clearly says, that the state Legislature, in this case Florida, is the final arbiter of the slate of electors.

Now are we usurping any other branch of government? Certainly not, we're just taking our rightful role. And to not take an action will disenfranchise every Florida voter that thought they went out and cast a vote in November. So I believe, Mr. Speaker, the prudent thing is for the Legislature to take its legal, proper, constitutional role to ensure that no voter is disenfranchised and vote in favor of the concurrent resolution. I yield the balance of my time to Representative Byrd.

#### REPRESENTATIVE MAYGARDEN IN THE CHAIR

**The Chair:** Representative Byrd.

**Rep. Byrd:** Thank you, Mr. Speaker. We would yield 5 minutes to Representative Kyle.

**The Chair:** Representative Kyle, you're recognized.

**Rep. Kyle:** Thank you, Mr. Speaker. I think it's important that we all understand our role as legislators in the election of the President of the United States. We're not here today as some people may allege on behalf of the Bush campaign. We are not here today as some people may allege to ensure victory for the Bush campaign. We are here today to ensure that 6 million Floridians who voted in this election and participated will have their voice heard on December 18th.

The U.S. Constitution is very clear that we are to ensure that our voters are represented on December 18th in the electoral college. It's not should we act or may we act; we must act. Under Article II, Section 1 of the Constitution, and I quote, it says, "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in Congress. . . ."

Now this has also been addressed in the *McPherson v. Blacker* case, 146 U.S. 1. In that case as well, the Supreme Court held, quite clearly, that we have the authority and the sole authority to make sure that this happens. And I quote from that case, "This power is conferred upon the Legislatures of the states by the constitution of the United States, and cannot be taken from them or modified. . . ." And it goes on to say, ". . . there is no doubt of the right of the Legislature to resume the power at any time, for it can neither be taken away nor abdicated."

Federal law is also very clear on this issue, on when we need to intervene. There's two times when we need to intervene. It can be either, or: 1) that if there is no finality to the election contest, and 2) if the rules have changed since the date of the election, November 7th. We have both of those here today. There has been no finality with the ongoing litigation and there won't be in any foreseeable future by December 12th, today. As well as the rules have changed. The Supreme Court even changed their own rules when they came back and addressed it a second time. They've changed several times. So we have both situations and we have a duty to act. And when we do act the United States Code is quite clear on what we should do. Under Title 3, Section 2, of the U.S. Code, it provides that, "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law. . . ." by the December 12th control date "the electors may be appointed on a subsequent day in such a manner as the Legislature of such State may direct."

Now I think the law is very clear when you read it and if we don't do what we are going to do today, then we all will have violated our oaths of office that we all took on this very floor of this great body. I think it's clear also from the intent of our founders, a quote from James Madison that was cited earlier by Representative Goodlette, that the intention of our founders was that we have this absolute power if we have a problem to come in and to do this. As an attorney, I took an oath of office. As a prosecutor, I've taken an oath. And as a Representative, I've taken an oath on this body, all to uphold the laws and rules of the Constitution of the U.S. and the Florida laws and Constitution. Don't vote against the Constitution today. Uphold the Constitution. Vote for the resolution and pass it. I want to be able to look into my son's eyes when he is older and tell him that we did the right thing today and we upheld the Constitution. Thank you.

**The Chair:** Thank you, Representative Kyle. He yields the balance of his time to Representative Byrd. Representative Byrd.

**Rep. Byrd:** Thank you, Mr. Speaker. We would yield 5 minutes to Representative Lacasa.

**The Chair:** Representative Lacasa, you are recognized.

**Rep. Lacasa:** Thank you, Mr. Speaker, and thanks to the gentleman from Plant City for yielding.

Members, I'll summarize our situation in the following manner: As of the 7th of November, candidate George W. Bush has been the certified victor of the Florida 2000 Presidential Election. However, it is unlikely that the numerous challenges filed by the Gore campaign in the state and federal courts will be resolved before the December 18th date, the date set under federal law for the designation of our electors. As a means of ensuring that our state will be counted in the electoral college, the

Constitution of the United States gives this Legislature the power to appoint electors, but which electors?

I suppose that partisanship at a time like this would strike some of my colleagues as inappropriate in this collegial body. Indeed, as a prelude to the special session, the Minority Leader stated last Friday, quote: "I know we will rise above partisanship and work for all the citizens of Florida." How does my esteemed colleague from West Palm Beach propose we reconcile our respective loyalties to each of the candidates with our need to appoint a slate of electors for only one candidate?

Partisan politics is democracy in action. The absence of partisanship suggests the absence of debate, and the absence of debate, my friends, is a symptom of tyranny. Why shouldn't we rely on party affiliation to guide us in these uncertain times? The November 7th election was a multi-party celebration of our American liberty. If the final resolution of that election is to be found here, in the House and Senate halls, then let us be loyal to the voters who elected us by letting their voices be heard.

The citizens that voted for us relied, among other things, on our Republican and Democratic party affiliations, our respective political ideals and core beliefs. Many of us embraced our party affiliation then, and they embraced us for it. Rather than hiding from my partisanship, I will use it like a beacon to guide me in this vote.

The skeptics have argued that the majority is attempting by this action to ensure the outcome of the election for one candidate. I believe these critics are too consumed by their fervor to capture the White House to realize that the only insurance we seek is that Florida's citizens be represented in the electoral college.

Today, I am acting in the best interests of my beloved State of Florida; the state that gave safe harbor to my family as they fled a one-party tyranny in Cuba. This son of Florida looks forward to a strong working relationship with the Bush White House. I believe that having won every round in this contest to date, the voice of the people will have been heard by the adoption of this measure.

In the best interests of our citizens, our state and our country, I shall support this resolution. Thank you. [applause]

#### THE SPEAKER IN THE CHAIR

**Speaker Feeney:** Thank you. Representative Lacasa yields back the balance of his time to Representative Byrd. Representative Byrd, you are recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. We would yield 5 minutes to Representative Kilmer.

**Speaker Feeney:** Representative Kilmer you are recognized for 5 minutes.

**Rep. Kilmer:** Thank you, Mr. Speaker. Members, our colleagues in the back row would have us believe that due to the fact that there have been partial recounts in selective counties, in one portion of the state, that the current results of the presidential election are inaccurate. However, Amendment 14 of the U.S. Constitution guarantees "equal protection" to the citizens of Florida. The use of arbitrary, standardless, and selective manual recounts to determine the results of a presidential election clearly violates the Equal Protection Clause of the 14th Amendment.

Counting recounts only in selective counties also violates the Equal Protection Clause of the U.S. Constitution. Florida Statutes provide only limited opportunity, such as damaged and defective ballots, to conduct recounts. When they are permitted in statute, the recount must include all ballots affected by the relevant defect. To include votes that were identified in a partial recount of a county clearly violates the standards set in Florida Statutes prior to the election. Under the current counting process, not law, but process, votes can be counted or rejected on an extremely wide range of standards—full perforations, various degrees of partial perforations, some degree of indentations or dimpling of areas intended to be perforated, counting only consistent dimpling, and get this, they even counted dimples if the voters voted for the candidates of the same party in other races.

All of these differences, in some cases, conflicting standards were being used in the manual recounts. In fact, a resident of Wakulla County can vote, can mark his ballot exactly the same as a resident of Miami-Dade County and one have their vote counted and the other be rejected. This is wrong. We have heard allegations that since these ballots are public information under the Florida Sunshine Law, they will be counted in the future and that this may cast a shadow of illegitimacy to the presidency. I believe the citizens of Florida, and the entire country, will recognize that these groups and organizations have personal opinions and biases and that they will make their counts subjective.

It's hard to argue that another recount by a private group or citizen will be any more accurate than the ones already performed. The original counts and recounts were conducted by machines that have no bias. The selective manual recounts were supervised by local officials under the scrutiny of national media. The idea that a private recount would be more accurate than any of the previous counts is questionable at best.

Unfortunately, changes that have been made in the Florida Law by the Florida Supreme Court to allow manual recounts in selected counties has tainted the current slate of electors. The Florida Legislature has a duty to the citizens of Florida to protect our voice in the electoral college. We must select an untainted slate of electors under the laws of the state of Florida that existed prior to the election.

Members, this is our duty. It is our constitutional responsibility and we have no choice. Six million voters cannot have their votes disenfranchised. We must do the right thing and we must do it for the right reasons.

Thank you, Mr. Speaker, and I yield my time to Representative Byrd.

**Speaker Feeney:** Thank you, Representative Kilmer. Representative Byrd, she yields back the balance of her time and you're recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. We'd like to yield 5 minutes to Representative Wallace.

**Speaker Feeney:** Thank you. Representative Wallace, you're recognized.

**Rep. Wallace:** Thank you, Mr. Speaker. Members, when I first ran for this House in 1994 I had never heard of undervotes, hanging chads, canvassing boards, or automatic recounts. As it turned out, I won the election first by 19 votes and then by 24 votes out of 7,152 that were cast. And I thought that was a close election. And I thought that up until this presidential election. It turns out I had a landslide back in '94.

Are Florida voters different than voters from around the nation? Are Florida voting systems less accurate than any around the nation? The answer to both those questions is no. Any state with such a fantastically close vote would be having identical problems. And there would be similar dynamics wherever the vote was this close. Indeed, Oregon and New Mexico are having the same elements of this contest. There is nothing wrong with Florida voters.

The close vote and the pivotal nature of our 25 electoral votes makes Florida the fulcrum that can tip the balance one way or the other. And fate has made Florida's inability to make a wide margin decision the center of this drama, 537 votes out of more than 5,963,000 that were cast. Who could imagine an election so close that one precinct could decide so much import for the nation and the world. But Americans put our faith in the electoral process. We hold ourselves out to the world as a bastion of democracy, and we tell them, this is how you should do it. Does one squeaker of a presidential race, and all the jokes about Florida, take away from that? I don't think so. We have just had tougher questions to answer.

When there was 1,784 vote margin after the first machine count, this comprised .0003 percent of the total vote. That's 3/100ths of 1 percent was the margin. And there were still 175,000 undervotes or almost 2.8 percent. Now this would make anyone naturally curious, why are there so many unvoted ballots? Should they be reinspected? But look at some of the other states: Ohio had 4.5 percent undervote; Massachusetts, 1.1

percent; New Hampshire, 2 percent; Oregon, which has had a close race, had 2.1 percent; New Mexico had 3 percent. Indeed nationwide there was 2.5 million uncounted ballots or undervotes, that was about 2.4 percent. Undervotes are a common phenomenon that we only learn about when close races come upon us. I know that that was my case in 1994. In 2000, my race was not that close but in Hillsborough there was a 7.5 percent undervote in my race and in Pinellas a 7.6 percent undervote. The area of the state that has the greatest affinity for Al Gore had the most curiosity about that undervote: Palm Beach County, 6.3 percent; Broward, 2.2 percent; Miami-Dade, 4.4 percent. And those undervotes bore the greatest scrutiny and were checked and rechecked. Those 3 counties produced a margin of lead for Al Gore by over 355,000 votes and after all the magnifying glass inspections there was about an 1,100 vote gain. But the result did still not change the outcome. I know this, when you have a machine count you can have machine error and when you have a manual count you can have human error and you have also introduced human desire as an element. Is a manual count more accurate? I'm not sure. But undervote is a political reality and our undervote is in line with the rest of the nation. In fact, probably Florida has less undervote than many states because of the hot contest that we had in Florida.

One thing is for sure in all this, every Floridian and every American ought to understand full well the importance of their vote, they should remember this lesson for the rest of their lives. Your vote can change the course of human events. What faith Americans have had in the integrity of people and equipment in our elections; this unbelievably close, statistically improbable count has stressed our system. It's tested our faith. And we can now only judge by the information that has presented itself to us in those little void spaces in card stock. The will of the people has been so quantified. But, I also believe that Americans are problem-solvers, and we will learn more about our elections. . . .

**Speaker Feeney:** Representative Wallace, we engineers and friends of engineers have to run things on time, and your 5 minutes is out. Representative Byrd, do you wish to yield an additional 30 seconds or minute?

**Rep. Byrd:** A full minute, Mr. Speaker.

**Speaker Feeney:** Representative Wallace, Representative Byrd yields an additional minute.

**Rep. Wallace:** Get a recount on that, Mr. Speaker? [laughter] I need 2 minutes.

**Speaker Feeney:** Representative Wallace, I understand that Representative Byrd yields 2 minutes.

**Rep. Wallace:** Thank you. The executive branch in this state held an election and called it statewide for George Bush. The judicial branch had made rulings here and there and had been unable to conclude the matter. By the dictates of the U.S. Constitution, the responsibility to determine the outcome now rests with the Florida Legislature and we must resolve the issue. The orderly processes of our nation demand it and like so many things in life we do not have unlimited time. But, I am certain that the original count showed George Bush the winner in a very close race. And I'm certain that statewide recounts reasserted George Bush the winner. And I'm also certain the manual recounts in some of those most pro-Gore areas have failed to change the fact that George Bush won. And if we did count the whole state undervote by hand, I'm certain that it would only add votes to George Bush's victory. My conclusion is this. George Bush won Florida four times and it has come down to this premise, do you believe in majority rule and can you accept someone as a winner even if they win only by one vote?

Members, if you have any doubt as to who won this election, then I suggest you try another approach and vote the way your district did. And I went to confirm what District 47 did in this race and I found that George Bush won by 4,100 votes or 53 percent. And that made my decision much easier. Mr. Speaker and Members, I urge you to vote your conscience and believe the results and vote for the slate of electors that will vote for George Bush for Florida. Thank you, Mr. Speaker. [applause]

**Speaker Feeney:** Thank you, Representative Wallace. Representative Byrd, you are recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. We yield 5 minutes to Representative Detert.

**Speaker Feeney:** Representative Detert, you are recognized.

**Rep. Detert:** Thank you, Mr. Speaker. The U.S. Constitution is very clear; it says that we must act. It is not a question of should we act or can we act; it is not our opinion or choice. It is our duty as sworn elected officials to make sure Florida's voters are represented on December 18th. This is not an insurance policy for George Bush. This is an insurance policy to make sure that the voices of 6 million Florida voters are heard in the selection of the 43rd President of the United States. We need finality.

Winston Churchill once said: People who are not prepared to do unpopular things and defy clamor of the multitude are not fit to be ministers in times of difficulty. Secretary of State Katherine Harris, has done exactly this. She bit the bullet and performed her duties as required by law without considering the political ramifications or public opinion polls. And this is exactly what we must do, today.

Section 102.112 of the Florida Statutes, provides that the returns must be filed by 5:00 p.m. on the 7th day following the primary and general election. Further, "[i]f the returns are not received by the department by the time specified, such returns may be ignored and the results on file at that time may be certified by the department." This section contemplates unforeseen circumstances not specifically envisioned by the Legislature at the time of enactment. Such unforeseen circumstances might include a natural disaster. Certainly we live here in Florida and we have had to cover unforeseen circumstances such as hurricanes. This statute does not cover close elections. The statute plainly states when this process must end.

There's been much criticism of Secretary of State Katherine Harris, who happens to come from my community. And there's been a question of whether or not she should recuse herself. I've certainly heard this argument, and know you have too, since she campaigned for Governor George Bush. I think this is a ludicrous argument. If you work in politics, as we all do, it's impossible not to be supportive of one presidential candidate or another. If we do not make the decision today and this decision should be bumped up to the Congress, I have never heard one person say that Vice President Al Gore should recuse himself in a tie-breaker vote in the Senate. I have not heard one person say that Senator Lieberman should recuse himself and certainly no one has more of a vested interest than those two gentlemen have.

As a female legislator I'm proud of the fact that sitting here today we have 31 women on the floor of the House of Representatives. I think that's great. It's still only one-fourth of the Legislature, but it's still good for those of us who, on both sides of the aisle, spent decades encouraging women to run for office. Secretary Harris is our Secretary of State and our only female cabinet member. I'm proud of our 31 House Members. I'm proud of Secretary of State Katherine Harris and the job we've done. But I think as women legislators we want to be judged on our integrity, not our eye shadow, our competence, not our clothing, the hard work that we do, not the way we do our hair. I think Secretary Harris did her job. I think she performed her duties according to the Florida State Statutes and I feel that we must do the same.

I think we've gone past election day, through Thanksgiving, and we are now nearly to Christmas. This has been a historic voyage and certainly a remarkable civics lesson for all of us and for the rest of the country as well. The public has shown great patience and a heightened interest in the political process. And I think we've all learned from this experience, but it's now time to stop. I represent the citizens of Sarasota County. All of our counties have become famous nationwide—mine is Sarasota. My citizens voted for George Bush and like Representative Wallace I feel confident in supporting this resolution because of that. But the public is ready to move on. And I'd like to finish up by making one comment to the freshman legislators.

**Speaker Feeney:** You're going to need 30 seconds to do that. Representative Byrd yields 30 seconds.

**Rep. Detert:** I can do that in 30 seconds. Freshmen, this is the second time you'll ever have voted as House Members. The first time was for the important duty of picking the Speaker. Democrats generally voted for Minority Leader Frankel; Republicans generally voted for Speaker Feeney. After that vote in a magnanimous gesture of unity, Representative Frankel conceded and threw all of her support to the Speaker so that we could, after this vote, come together as Representatives. We need to take the vote today. We again need to come together. We need to get on with the business of Florida and that also includes campaign reform. Thank you.

**Speaker Feeney:** Thank you, Representative Detert. I can assure you Representative Frankel is not ready to concede yet, but she may or may not make it unanimous before the day is over. Representative Byrd, you are recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. We yield 4 minutes to Representative Flanagan.

**Speaker Feeney:** Representative Flanagan, you're recognized.

**Rep. Flanagan:** Thank you, Mr. Speaker, Members. I speak in support of the resolution. As the most recent Chairman of the House Committee on Election Reform, I've taken a special interest in the issues surrounding the election of our 43rd President of the United States. One of the most distressing aspects of this situation has been the allegations that Florida's election system is somehow fundamentally unfair.

Republicans and Democrats alike have worked hard on the Election Reform Committee, and in the Florida Legislature—for many years in fact—to make sure our system is fair and enfranchises as many people as possible. We have always striven to strike the balance between making it as easy as possible to vote and eliminating fraud and abuse. We all realize that a perfect system is unattainable. But I believe we have created an extremely fair system, a system that is blind to race, creed or social status and treats every vote equally. A system that, under normal circumstances, works very well.

Of course, these circumstances are far from normal and our system has been put under great pressure, under the microscope of national attention, exposing every flaw and blemish, and yes, every dimple.

It's important to remember, however, that under more normal circumstances and without the heavy-handed influence of the Florida Supreme Court, our election system is fundamentally sound and would have operated properly. It is also important to remember that there have been no allegations of widespread fraud or criminal conduct. And the Florida's Supervisors of Elections and the Canvassing Boards have done an incredible job under extreme circumstances. The problems we are facing are not a result of some fatal flaw in our laws or our Constitution. The problems we are facing are largely a result of the endless and continuing legal wrangling perpetuated in response to the closeness of this election, as well as the actions of numerous courts.

Some say that we should just let the judges and the lawyers decide this issue. However, the Gore lawyers have consistently said they will fight until the bitter end. On this, we can probably take them at their word. That, combined with the multitude of unresolved court cases, leaves the door open for the possibility that Florida's electors will be called into question. It also makes it even more incumbent upon this Legislature to proactively act to fulfill its constitutional duty by ensuring that all of the voices of the 6 million voters are heard in the selection of the 43rd President of the United States.

We've had almost six weeks of legal wrangling, with no end in sight, and any state's elections system would be hard-pressed to hold up under such pressure. Ours, however, has performed admirably.

Again, let me say that our system is fair—not perfect—and while there are obviously a few changes to be made, we should all be proud of how Florida has performed in the national spotlight, Mr. Speaker, and the nation should be thankful that this unforeseeable, unimaginable situation occurred here.

Mr. Speaker, Members, thank you. And I yield back the balance of my time.

**Speaker Feeney:** Thank you, Representative Flanagan. Representative Byrd, you're recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. We yield 4 minutes to Representative Rubio.

**Speaker Feeney:** Representative Rubio, you're recognized.

**Rep. Rubio:** Thank you, Mr. Speaker and Members. I want to address a point real quick, Mr. Speaker, that's been said a few times since this process began, and my good friend, Representative Gelber, just said a few moments ago. And that's that we already have a certified slate of electors, and that is correct. What, unfortunately, they leave out is that that certified slate of electors is unfortunately tainted by two subsequent Supreme Court rulings that place it into highly questionable status.

Obviously, the first ruling, was the one that the Florida Supreme Court unilaterally extended the deadline for vote certification by twelve days. And in the second decision, the Florida Supreme Court, in a four-three decision, overturned the circuit court's determination to dismiss Gore's request for selective recounts.

Now as we've already heard from Representative Byrd and Representative Goodlette, Article 2, Section 1 of the U.S. Constitution expressly delegates to us, the state Legislature, the power to determine how a state's presidential electors are selected. Additionally, the Florida Supreme Court ruling violates a constitutional tenet that says you can't change the rules of the election after that election has passed.

For these two reasons we have a highly questionable slate of electors, not because of the result, but because of the process by which it was arrived at, because the Supreme Court has interfered with it, obviously overextending the limits of their bounds and of their powers. And therefore, we need to address that in this body here today—by today, December 12th—which is the date that the Constitution sets as the so-called safe harbor day.

Now, just three weeks ago today, around this very time, the 120 Members of this body raised their right hands and took an oath of office, and that oath of office was to uphold the Constitution of this state and this country, not to support George Bush, not to support Al Gore, or the Republican or Democratic party, but, to uphold the Constitution. And that is what we are here to do. We are going to consider a lot of important issues in this Chamber. As they have been in the past, they will be again in the future. But I can guarantee every Member of this body that, never, will we ever, consider an issue more solemn and more sacred to this democracy, than the one that we consider here today.

For those of us, like me, who serve here hoping that one day this process will give us the opportunity to contribute to the greatness of this nation, that one day, we will have the opportunity to have our piece of this great history. My friends, that day is today. Thank you.

**Speaker Feeney:** Thank you. Representative Byrd, you're recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. We yield 4 minutes to Representative Sorensen.

**Speaker Feeney:** Representative Sorensen, you're recognized.

**Rep. Sorensen:** Thank you, Mr. Speaker and thank you, Mr. Byrd.

I will just simply try and make a couple of points that I think have been left out. We are not here today to select a Gore slate, a Bush slate. We are here for one simple, clear purpose, which is to protect the vote of all, all Floridians.

It is important that we recognize the Florida vote is maybe in jeopardy. The scenario in the last 30 days was absolutely unbelievable to each and every one of us. Everyone in this room has had an up, a down, and probably multiplied by five or ten. The truest possible scenario with 30 lawsuits out there pending right now.

Let me draw another scenario for you. A circuit court judge who has the power to do so, turns to Katherine Harris, and says: I order you not to certify, it's not going to happen. You must withhold that. That's possible within the power of the circuit court. At that point if we walk out of this Chamber and have not, in effect, put the foundations under this, we do not have electors. I want you to just stop and think about that for a second. We have—the trial courts do not have that potential to order this body to do that. So what we do here is we stand to protect those rights. And that is what I'm suggesting that we do. Our actions will guarantee the voice of Florida Legislators and the people we represent, mostly the people we represent.

If the U.S. Supreme Court, in fact, turns around today, tomorrow, or next week and orders a recount, the reality is the court has the potential to direct the Secretary of State to certify those results also.

And believe it or not, those great men of two hundred years ago stood with rather long hair and tied with ribbons in many cases, and sat in dim daylight and candlelight at home, foresaw what's happening here today. They also foresaw that if we took this vote, and a dual slate became a reality, that in fact, under that situation, they provided a remedy, also. If in fact we have a recount, and if Mr. Gore wins the recount, I doubt very seriously if the two slates went up to Washington that our Congress would do anything other than certify the winner of the actual recount. So, I would say to you, ladies and gentlemen, please join with me, support this resolution. The steps are spelled out in the Constitution, this is just one step along the way. I would say one more thing or two, possibly. Breathe easy, fulfill your duty, do your constitutional duty.

In closing comment, I would say, no one in this Chamber has an exclusive right on minority. I would tell you that my father was an immigrant to this country, from Denmark. He taught me three things: he said learn to speak good American, not English, but good American; he said get a good education and follow the law. So, I too am a minority. In fact, I as a Dane, I may be the smallest minority, and I want you to listen to me. Thank you very much, Mr. Speaker. [applause]

**Speaker Feeney:** Your father would be proud, Representative Sorensen. You are three for three, and you especially speak good American. [laughter]

Representative Byrd, you are recognized.

**Rep. Byrd:** Mr. Speaker, we would reserve the remainder of our time.

**Speaker Feeney:** Representative Byrd reserves the remainder of his time. Representative Frankel moves that the House do now return to the consideration of the Frankel amendment. And if I may have the Clerk read the amendment, back on consideration of the Frankel amendment.

[The House returned to consideration of **Amendment 2**, which was read.]

OK, Members, I believe we are going to have debate now on behalf of the proponents of the Frankel amendment and at the end of that debate, it would be the desire of the Minority Leader that we would take a vote on the amendment. Representative Frankel, you are recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. I yield the 5 minutes to Representative Ryan.

**Speaker Feeney:** Representative Ryan, you are recognized for 5 minutes as a proponent of the amendment.

**Rep. Ryan:** Thank you, Mr. Speaker. I've listened very carefully to the debate and a thought recurs in my mind—what are you looking for? And so I ask you Members, "What are you looking for?" If you want to follow the laws of the state of Florida, and you want to have the electors appointed in accordance with Florida law, then we need go no further than look at Florida Statute 103.011. We have in place Florida law that states that the presidential candidate that receives the greater number of votes shall be the candidate that receives all of the electoral votes of

the state of Florida. And it also further says that the Secretary of State shall certify those results, and they shall be sent to Washington, D.C. That's all contained within Florida Statutes. That having been said, there is not a necessity that we turn to a federal statute when we have a controlling state statute on this point.

There has been some reference to—in fact, there's been a great deal of reference to—a certain provision in the Federal Code, 3 U.S. Code, Section 2. And that says that if the state fails to make a choice then the Legislature may make a choice. In this case, the Secretary of State has made a choice; she has certified the results. Governor Jeb Bush has signed a Certificate of Ascertainment and he has sent that certificate to the Archives in Washington, D.C.

We have made a choice. And when you look at statutes—and you will look at many of them over your career—you're going to look at state statutes, and one of the first rules is that you should look at the clear meaning of the words within the statute. And I think the words are pretty clear, if the state has failed to make a choice then we could make a choice. What it doesn't say, is if the election result is in doubt, if the election is inconclusive, if lawsuits are pending, then we have the right to make the choice. That's not what the law says. We're duty bound to follow the law and thankfully both Republicans and Democrats on this floor have stated and made their allegiance to follow the law.

We have plenty of election laws in place that settle disputes. We have election laws that direct for an automatic recount if the vote is within one-half of 1 percent. We have an election law that states that a candidate has an absolute right to request a manual recount. We have an election law that gives canvassing boards the right to review ballots and to make a manual recount. Now we have given canvassing boards that right. If we are upset with that right, if we think that it is being done improperly, then it's not our position to come before this body and decide what the canvassing boards are to do—this is a duty of the courts. We have a very important checks and balances. We have separation of powers. And it is not for us to make the decision on whether or not the canvassing boards are properly counting disputed ballots.

Some of us may not like the laws that are now in place, but we are duty bound to adhere to those laws. I've also heard some argument about judicial activism and the fact that the courts have rewritten the laws rather than to adhere to our existing laws. That's a subject for debate, whether or not laws have been interpreted or these laws have actually been rewritten. But it is not a question that if there is a wrong, you cannot engage in two wrongs—two wrongs don't make a right. And, if in fact, a court has gone too far in making a determination, that does not give us the authority to then go beyond our authorization to enter a resolution which is unlawful. The foundation of our democracy is based upon the premise that all power is derived from the people. The people have an absolute and sacred right to vote and allow those votes to be counted.

The Legislature is not empowered to substitute its will for the will of the people. That must be respected. Our existing state law must be honored, even though the election is very close. We're all now ready to embark upon a decision. It's a defining moment in our careers. Are we going to vote based upon what our existing law is or are we going to try to put together a theory, to cobble together statutes to try to come up with the result that we want? The ends don't justify the means if we have to ignore our rule of law in order to reach those ends. And so I ask you all to support the amendment that says that we shall not take action on this ongoing. . . .

**Speaker Feeney:** Thank you, Representative Ryan. Almost perfect timing. Representative Frankel.

**Rep. Frankel:** Thank you, Mr. Speaker. I yield 1 minute to Representative Fields.

**Speaker Feeney:** Representative Fields, you're recognized for 1 minute.

**Rep. Fields:** Thank you, Mr. Speaker. Today I rise to speak in favor of the amendment.

A great man from Jacksonville at the turn of the century by the name of James Weldon Johnson, an educator, a statesman, and the first secretary of the National NAACP, wrote what is now known as the Black National Anthem. And he said: "Lift ev'ry voice and sing. Till earth and heaven ring. Ring with the harmonies of Liberty. . ." And I rise today for that liberty, for the disenfranchised 22,000 discarded voters in my district. I rise for the 40,000-plus discarded voters and undercounts in the state of Florida. I rise for my late, great grandmother who could not vote in the 1920s, for my grandfather in the 1960s, who had to pay a poll tax to vote, and, for my 13-year-old son, who I wish when he becomes 21 would not go through the stages and the changes that we are going through today.

**Speaker Feeney:** Thank you, Representative. Representative Frankel, you are recognized.

**Rep. Frankel:** Mr. Speaker, I yield to Representative Greenstein for 3 minutes.

**Speaker Feeney:** Representative Greenstein, you're recognized for 3 minutes.

**Rep. Greenstein:** Thank you, Mr. Speaker. Ladies and gentlemen, I rise just a couple of quick moments to tell you, we do have a duty, we did swear an oath to the United States Constitution. But the amazing thing that I've found so far, is for all the thousands and thousands of attorneys out there giving their opinion, we've come down to two. And it comes from constitutional specialists, you have yours, we have ours. We're both defending the Constitution but where interpretation is a little bit different. So, when someone stands on the high ground of the United States Constitution, remember, that document was written over 200 years ago. And it is a very fluid document. It is a document that gives a lot of credence to change, a lot of credence to where we are today—some in the front, some in the back but giving us the right to be in here. So when you're saying that you have an oath to defend the Constitution, that's right, but don't think that either one of the opinions are absolutely the truth. Sometimes we're driven by outside forces.

I have to tell you I'm pretty impressed, Representative Maygarden. My mother wanted me to be an attorney, too, and I didn't become one. And I assure you I make more legal opinion in one day than some attorneys might want to.

But freshmen, let me turn you to the most important piece of paper you'll see here. It's an analysis, and on the current bill that's in front of us, you have an analysis, but one of the things that is left out of the amendment that you're not hearing is the substantive analysis. I truly think that this has an important structure of less government, because we shouldn't be making this decision 'til the Supreme Court makes a ruling. Individual freedom, because you have the right to vote; personal responsibility, it is also your right to vote; and family empowerment, ladies and gentlemen, don't disempower anybody. And I, like Jerry Maygarden, think every vote should count, no matter where they come from. And I truly, as a veteran, and a disabled veteran, think every vote, and last Friday showed that every vote was going to be counted. Ladies and gentlemen, it is important that we support the strike-all amendment because it allows for the ability of us to give a little bit push back here and wait and see what the Supreme Court is going to do, either today or tomorrow. I pray and hope you all can see it in your heart to vote for the strike-all. Thank you, Mr. Speaker.

**Speaker Feeney:** Thank you, Representative Greenstein. Representative Frankel, you are recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. I yield 1 minute to Representative Bullard.

**Speaker Feeney:** Representative Bullard, is the former Representative Bullard here today with us? Well, will you tell her we all said hello? You're recognized.

**Rep. Bullard:** Thank you, Mr. Speaker. I rise today to speak in favor of the amendment. I stand here today as a newly elected legislator, but most important, as a voter. The right to vote, especially with the African-American, was earned by bloodshed and death. Yes, many

suffered for this right. And on this occasion we have an obligation as lawmakers to protect the right of the voter. Do we not believe that justice will not prevail in one of the most important decisions rendered in the United States, the election of our commander in chief? One man, one vote, is the everlasting legacy left by our forefathers.

We have an obligation as Members of this great House to mend the rift that plagues our nation. We stand at the crossroads of history. Let our decision be the right one and just. We can do this by supporting the strike-all amendment: electing the President the way it was intended, by letting every vote count. Thank you, Mr. Speaker.

**Speaker Feeney:** Thank you, Representative Bullard. Representative Frankel, you are recognized.

**Rep. Frankel:** Thank you, Mr. Speaker, I yield 3 minutes to Representative Cusack.

**Speaker Feeney:** Representative Cusack, welcome and you're recognized. Representative Cusack, is your microphone. . . ?

**Rep. Cusack:** It is on now. Thank you, Mr. Speaker.

**Speaker Feeney:** Start Representative Cusack's clock as of now.

**Rep. Cusack:** Thank you, Mr. Speaker. I stand here to speak in support of the strike-all amendment.

On November 7th in the year 2000, I had the opportunity to be a part of four generations, my mother, my daughter, my granddaughter, and myself, to cast the vote for me to become a part of this august body. As the Representative from House District 26, it is my duty to protect and defend the will of the people. That includes all of the votes that were cast for President on November 7, regardless of party affiliation or political belief.

We should not disenfranchise the voters of this state. I am honored to live in a country that allows all of us the opportunity to vote and have that vote counted. We need to step back, take a deep breath, and wait for the courts to rule.

This is a sad day in our nation's history, in our state's history, also. We must be very careful, to the manner in which we handle the authority that the citizens of this great state have placed in our hands. As legislators, we should not, under any circumstances, be here today. Our being here appears to be for the sole purpose of avoiding the rights of the citizens of this great state. We have a set of laws in place to determine the outcome of close elections and a process for contested elections. The matter of appointing Florida's electors should be allowed to proceed through our judicial system, in accordance with the separation of powers that is outlined in our state and federal constitutions.

This is a democracy. Every vote counts in a democracy. The power of democracies rests with the people. As legislators, we must respect the will of the people, not like unto that of a dictatorship. It is not a matter of who wins. What does matter is that we respect the will of the people and follow the rule of the law. Thank you, Mr. Speaker. [applause]

**Speaker Feeney:** Thank you, Representative Cusack. Representative Frankel, Representative Cusack yields back the balance of her time and you're recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. I yield to Representative McGriff for 1 minute.

**Speaker Feeney:** Representative McGriff, you are recognized.

**Rep. McGriff:** Mr. Speaker, a point of privilege. You said if we said nice things about the Chair. . . I would like to. . .

**Speaker Feeney:** You've got two years ahead of you, Representative McGriff, [laughter] we'll give you all the time you need.

**Rep. McGriff:** But as you know we're a part of history and I would like to congratulate our leadership, Representative Frankel, Representative Wiles, the Majority Leader Fasano, Representative

Byrd, and you, as our Speaker. These are tough times. America is looking at us. Florida is looking at us and the world is looking at us. Thank you, very much. I'm ready to start. [applause]

**Speaker Feeney:** That's well said, Representative McGriff. Either side would be proud to have that one on their record. Representative Frankel, you're recognized.

**Rep. McGriff:** That was not my comment. [laughter]

**Speaker Feeney:** Oh, now you have a minute. I hope you don't undo the great things you just did, Representative McGriff. [laughter]

**Rep. McGriff:** I won't, I promise.

**Speaker Feeney:** Representative McGriff has 1 minute restored.

**Rep. McGriff:** Mr. Speaker, I support the electors already sent by Katherine Harris and by Governor Jeb Bush. I think the best thing to say is a short speech that government should be of laws rather than of men. Thank you.

**Speaker Feeney:** Thank you very much. Representative Frankel, you are recognized.

**Rep. Frankel:** Thank you, Mr. Speaker, I feel like this is a football game. Do I have to get more time back on the clock?

**Speaker Feeney:** Representative Frankel, we're not going to move the field goals up or back, or the time either way. You have an hour and 7 minutes. I've got you scheduled in your last two sections to debate against the resolution about 57 minutes that you had tentatively scheduled. So if you've got a couple of people you'd like to talk at this point, you're recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. At this time I would yield to Representative Slosberg for 2 minutes.

**Speaker Feeney:** Representative Slosberg, we've got to turn your mike on so we can all hear you.

**Rep. Slosberg:** Thank you, Mr. Speaker. I rise today to speak in favor of the amendment. I am here representing the great people of Boca Raton and Delray Beach, Florida. Thanks for sending me here, guys. I love you. Anyway, I just want to share a little note from one of my constituents. Her name is Rose Glushakoff from Century Village in Boca Raton. She says, "You must take care of your people. We are putting all of our hopes in you. You have a lot to conquer, but being the mensch that you are it's just another hurdle for you." Rose, I'm sorry. You sent me here for lower cost prescription drugs. I'm sorry because of the fact it seems like I'm here voting for President. Rose, I'm sorry on another account. Basically, what happened to senior citizens is the government is chipping away at your income and now you know what's happening, Rose? They're trying to chip away at your votes. Rose, the only comfort that I can give you and the citizens I represent in District 89 are a few words. Basically, it's not over until the fat lady sings and nobody has seen the fat lady yet.

**Speaker Feeney:** Thank you, Representative Slosberg. Representative Frankel, do you have rebuttal or. . . ? [laughter] You are recognized. [laughter]

Let's stop the clock until the House can compose itself. Representative Frankel, you are recognized.

**Rep. Frankel:** Mr. Speaker, you do not want to hear me sing, I can assure you, unless Representative Fasano would join me. Mr. Speaker, I will waive 1 and 1/2 minutes to Representative Jennings.

**Speaker Feeney:** Representative Jennings, you're recognized for 1 minute.

**Rep. Jennings:** Mr. Speaker, I rise to support the amendment. Mr. Speaker, as a five-generation Floridian, I stand here as a product of the promise of America. Representing a majority district in the words of the late Robert F. Kennedy, some men see things as they are, and ask why? But, I dream of things that never were and ask, why not? My forefathers

and mothers could never have imagined that I would even have the opportunity to stand among men and women of great esteem in this historic institution we call the House of Representatives to weigh in on this election of our President and the future of our great democracy.

As I reflect on our unparalleled history, even in our representative democracy, our foundation is one man, one woman, one vote. The Peoples' House, as we affectionately call it, was established at the national level so that the rights of the citizens in smaller populated areas, like my home of Gainesville/Ocala, would also always be represented and never not in question as compared to the other counterparts of more rural and urban areas like Jacksonville, Miami, Panama City, Palatka, and even Imperial Polk, and those words would not be eroded.

I remember during our first orientation, that Mr. Clerk informed us of the historic nature of this great freshman class and that we sat as a quorum in the Florida House. All of us, Republicans and Democrats alike, were excited about making alliances to set the agenda for Florida in the new millennium. I was even more emboldened, Mr. Speaker, by your comments of us working together during the Organization Session. But in the recent days of the impending special session I have seen the environment of the House grow dark and somber where once Members in a bipartisan. . .

**Speaker Feeney:** Representative, let's—Representative Frankel, would you like to yield a minute? An additional minute.

**Rep. Jennings:** But in the recent days of the impending special session I have seen the environment of the House grow dark and somber where once Members in a bipartisan fashion spoke to each other with a jovial exuberance. And, they expected to see a collegial session and now hesitate to glance to each other because they expect to draw ire. We must today begin to remove the cloud of the uncertainty and not go quietly into that dark night. We must remember our role in a tri-party uniquely American system of government. We make the laws and the judicial branch interprets them. We made them and let's allow them to be interpreted. Even when we are uncomfortable with the results we go on to fight another day, never questioning the legitimacy of our courts' authority. From Dred Scott to Plessy to Brown to Roe, from Chief Justice John Marshall to Justice Thurgood Marshall, the courts have always been the supreme arbiter of the rights of all the citizens. Let us have faith in them that the Florida's 6 million votes cast will continue to be represented in the electoral college as they are today, but most of all let us have faith in the One that I call God, who has shown us that though it is always darkest before the dawn, but joy does come in the morning.

**Speaker Feeney:** Thank you, Representative.

Representative Frankel, I understand that you'd like to close on your amendment before the vote. And before you take some time to close I'd like the proponents' time to begin and the opponents' time to the main resolution to stop. And I'd like Representative Byrd, who yields himself 5 minutes, to close in opposition to the Frankel amendment. And then Representative Frankel will be recognized to close on her amendment.

Representative Byrd, and this time will be counted against proponents of the main resolution.

**Rep. Byrd:** Thank you, Mr. Speaker. I rise in opposition to the Frankel amendment. Members, I am happy that the amendment is on the board. You can purely read that the amendment says that the Florida Legislature shall take no action, that the Legislature shall take no action. And that we shall merely congratulate the next President of the United States.

I didn't come to Tallahassee to be a "do-nothing." I didn't come here to abdicate my constitutional responsibility. In the 1850s in our nation there was a political party called—the Know-Nothing political party—and when they were asked a question they said we don't know nothing. And they didn't do nothing. And they didn't last long. And it was over by 1855.

There's a yearning in our country, in America. There's a yearning in the state of Florida. There's a yearning for finality. I received a letter



this week, a scratchy handwritten letter, from Woodland Hills, California; I've never been there. "Saw you tonight on T.V. and just wanted to let you know you have the support of millions of us across the country who applaud the anticipated action of the Florida Legislature. God bless and do your duty."

I want to be a member of the "do-something" party. I want to be a member of a Legislature that does everything. I want to be a member of a Legislature that does all we can do to do our duty, to protect, support, and defend the Constitution and the government of the United States of America. This is a day of decision. I'll talk to you a little later about the prayer we have for heroes in our church. But today is a day of action, Members. Mr. Speaker, I rise in opposition to any motion to take no action. Thank you. [applause]

**Speaker Feeney:** Thank you, Representative Byrd. The balance of your time is to be reserved to the proponents of the main resolution.

Representative Frankel, would you like to yield yourself up to 10 minutes?

**Rep. Frankel:** Yes, Sir.

**Speaker Feeney:** You're recognized to close on the Frankel amendment.

**Rep. Frankel:** Thank you, Mr. Speaker. Here's what we know. We know that the federal law and the U.S. Constitution gave this state of Florida the authorization to have an election, which we did on November 7th, 2000. And we know that 6 million Floridians went to the polls. And we know that at that time George Bush was the apparent winner. And that under Florida law, that we wrote, that this Legislature wrote, Al Gore filed a protest and that under Florida law he was allowed to have a manual recount of the votes. And we also know that on November 26th there was a certification of the electors to George Bush and that's now sitting in the National Archives. And we also know that under Florida law—you can look in a book just like this—we authorize Al Gore, or any candidate in that situation, to file a protest. And we also know, and you can read it right here, folks, right in the law books, that we said, the arbiter of that contest would be in the courts, not the Legislature, it would be in the courts. I know we all know that.

So I can tell you first of all that it hurts my heart that we're here in this terribly, terribly partisan situation where, I tell you this is the first time in all my career that I have found that we had something on the table that we can find no compromise. Think about that, we can find no compromise. But it also hurts me to hear, in this very Chamber, criticizing our own laws. We criticize that someone asks for a recount, it's right here. We criticize that someone protested an election, it's right here. We criticize the talk about chads and dimples and so forth. Who set the standard, who set the standards that these canvassing boards and judges are trying to assess? Right here, folks. Try to discern the intent of the voter, right here in this law book, folks. It hurts me that we're criticizing ourselves. And it hurts me to hear people on the outside calling us, saying that we are strong-arming the voters, we're thieves because we're stealing their voting rights, that we're undemocratic, that we're acting as the political arm of a presidential candidate. What we're doing here today, no other Legislature in the history of this country, where there has been a lawful election has ever done. This is unprecedented. This is extraordinary. This is unfair, this is unnecessary. And, I'm sorry to say, I believe, that it is unlawful. We do not have a right to be doing this. I ask you, are we protecting our electors or are we protecting certain electors of a certain candidate? It appears, I believe, that we are running around, right around our voters.

Now, I will tell you this, many times in this past month I have wanted to put my head out the window, I remember—you all saw the movie *Network*, well I have wanted to put my head out the window and yell, "can't we just count the votes?" We've seen carpetbag protesters and every legal ploy possible to stop the counting of votes. And you know what? Maybe we're not going to get these votes counted until after the election. And I will tell you this, if the United States Supreme Court decides today we won't have a recount, I will be very disappointed, but I can accept it. I will live with it. But I cannot accept what we're doing

here today, because I know what we are doing here today is dangerous and we invite every state Legislature, if they don't like the way an election went in their state, to do the same thing. And think about what this would do for the stability of our electoral process.

Folks, by the end of the day a George Bush may become President, maybe not, we don't know yet. But that should not be up to us, that should be up to the voters of this state. We all had our vote on November 7th, we get one vote. If the rule of law is going to mean anything, we cannot simply discard laws for inconvenience, just because we don't like them, just because maybe we're seeing they're going in a direction where we don't turn out to be the winner. I say this with a very heavy heart, because I don't believe anybody here would want to violate the very laws that we make.

And Mr. Speaker, I do say this really with the spirit of friendship. I know we've had some kidding around back here but I really believe this is a very good amendment, folks. All it says is that we are going to live by the laws that we wrote. We have an election process and no matter how impatient we get, or no matter how anxious we get that maybe the candidate of our choice will not win, we cannot put ourselves above the law. And with that, Mr. Speaker, I respectfully request that everybody here vote for this very good amendment. It says to us that we will take no action to interfere with a lawful ongoing election process. And with that, Mr. Speaker, I say, let's go home.

**Speaker Feeney:** We're going home but probably not just yet, Representative Frankel. Thank you for your moving close.

Representative Frankel, would you like to move the absence of a quorum so we can make sure that 120 Members checked in this morning? Make sure we give everybody a minute to get to their desk to vote on the Frankel amendment. Representative Frankel, having closed, Representative Frankel moves the absence of a quorum. All Members will push their green button. This is not a vote. [laughter] Greenstein, you can do whatever you want. The rest of you, if you are in your seat, please press your green button. The Clerk will unlock the machine and the Members will record their presence. Have all members voted? If all Members are present, you can go ahead and announce it formally. The Clerk will lock the machine and announce the presence of a quorum.

[A quorum was present.] [Session Vote Sequence: 3]

And so, Representative Frankel having closed on the Frankel amendment, the Clerk will unlock the machine and all Members in favor of the Frankel amendment will vote Aye; all Members opposed to the Frankel amendment will vote No. Have all Members voted? Have all Members voted? The Clerk will lock the machine and announce the vote.

**Reading Clerk:** 41 Yeas, 79 Nays, Mr. Speaker. [Session Vote Sequence: 4]

**Speaker Feeney:** The amendment is defeated.

[Amendment 2 failed of adoption and the question recurred on the adoption of HCR 1-A.]

Representative Byrd, I think at this point we are back on the main resolution, and, Representative Byrd, I have you down for 52 minutes and change remaining, and I'll yield 35 minutes to you—35 minutes to the proponents of the main resolution.

**Rep. Byrd:** Thank you, Mr. Speaker. I would yield 4 minutes to Representative Murman, Mr. Speaker.

**Speaker Feeney:** Representative Murman, you are recognized.

**Rep. Murman:** Thank you, Mr. Speaker. Members, you know since 1887, we have not had a presidential race contested. This is a very emotional issue for all of us here today and for many of the constituents here in Florida. There have been disagreements on both sides. And I know, back at home when we brought this up, my constituents are tired. They're also very confused; it's been chaotic. They want finality to this. But I think turning, that is the challenge, and we need to turn that challenge into an opportunity. We can do our duty as a Legislature and uphold the Constitution of which we took an oath to do. And then our

second is we can pull together, get back to work, and start doing the business for the people here in the state of Florida.

This has been a great classroom experience, not just for us—this is our classroom today—but also for our children, our future generations here in Florida. Almost every classroom is looking at what we're doing today. They're studying it. I think if you call back home, you'll find out. They are looking at a lot of facts here, a lot of astonishing things have happened. Florida's Supreme Court for instance, they've ignored the U.S. Supreme Court, they've overturned circuit courts, they've ignored the Legislature; three very historic things. Our state has been divided into two corners. And also our precious military, again looking at them, they're having to fight hard again to make sure that their votes are counting. But this, and that we're changing the rules, we're counting first and then changing the rules later. That lesson right there is something that we need to look at. We cannot teach our future generations that it's OK to do whatever you want, we'll change the laws, we'll change the rules later. We cannot let that happen, we need to let our future generations know that there are principles that we need to live by and it's right or it's wrong.

Speaker, you've done a great job, you've been a strong principled leader, and I really admire you for the work you've done. You've not been swayed by anyone and you've done your obligation to do what's right for all the Floridians here in Florida.

In summary, a justice for the Florida Supreme Court said, are we going to just reach out from some inspiration and put it down on paper? That inspiration I believe must be our duty as constitutional officers. It's not the Florida Supreme Court, they do not have the power to divine what is right and fashion the law to fit its will. We have that power, I want to be a part of Representative Byrd's group, the "do-something" caucus. We need to do something, that is our right and our obligation, and I thank you for the opportunity. [applause]

**Speaker Feeney:** Thank you, Speaker Murman. Representative Byrd.

**Rep. Byrd:** Thank you, Mr. Speaker. We would yield 4 minutes to Representative Littlefield.

**Speaker Feeney:** Representative Littlefield, you're recognized for 4 minutes for the proponents.

**Rep. Littlefield:** Thank you, Mr. Speaker. I'm sure that all of us could point to events in our lives that has had such a profound effect on us that it has influenced the way that we have lived from that time on. I was reminded of one of those turning points in my life last week—and as I was looking out my window on the 11th floor of the Capitol, that looks out over the Old Capitol down the Apalachee Parkway—if I looked straight down I looked into the plaza and on this particular day it was full of people. And I could hear their amplified chants. I could see several large placards that had been printed with a message of simply, "Shame on You." And that message of "Shame on You" was directed to us as legislators for calling a special session. It was that word "shame" that took me back to an incident in my early life. I was a preteen playing Little League baseball. I loved the game and our team was having a winning season this particular year; we were down to the last two games. If we won both of those games we would be involved in a third game, it would be the championship. And for various reasons, with just two games remaining, we only had nine players. Parents moving, injuries, whatever the reasons, we were just barely able to field a team. And even with those conditions we won those two games and found ourselves in the big game. A special game to be played under the lights on the high school field, it was a big deal for somebody our age. And for reasons that I cannot remember now I was late for that game. Twenty minutes late. And when I got there the coach and the manager were putting equipment back in the bags. There were little groups of parents and players standing around shaking their heads and when I arrived seemingly they all bombarded me at the same time, "Where have you been? Why are you late? We lost the game because of you." They lost the game because of me? "We never even played a game, what do you mean?" "We lost by default because we only had eight players." It was the first time that I had ever heard that phrase "lose by default." I felt

shame. I was ashamed. We had lost that game by default because of me. I did not show up on time. Lost by default; shame on me. And when I saw those placards and those chants of "Shame on You," I thought to myself that the only shame in all of this would be the shame of having to say to Florida's 15 million residents and Florida's 6 million voters, "lose by default." Not being a part of the electoral process; lose by showing up too late. Ladies and gentlemen, we have a responsibility to make sure that the state of Florida shows up and not lose by default. Thank you, Mr. Speaker. [applause]

**Speaker Feeney:** Thank you. Representative Byrd, you are recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. We yield 4 minutes to Representative Bense.

**Speaker Feeney:** Representative Bense, as a proponent. You're recognized.

**Rep. Bense:** Thank you, Mr. Speaker. Members, I keep getting back to Article 2, Section 1, of the U.S. Constitution, which is where Speaker Feeney brought us last week—it's where we began. And I'll repeat it, "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. . . ." Members, today we embark on a journey. It's a new journey. It's going to be an exciting journey. Two years ago when I was first elected to office I never dreamed I would be casting a vote of this significance, ever, but it's the right vote. It has to be done. We can't be part of what Representative Byrd called the do-nothing group. We have to do something. And two years ago, and in this past session, when I took the oath of office I promised to uphold and defend the Constitution of the state of Florida and the United States of America and I intend to do that this afternoon.

We've heard great speeches from both sides of the aisle, impassioned speeches from both sides of the aisle, but it's time to make a decision. It's getting close. The people of America are ready for a decision. I think it's incumbent upon us to help make that decision. In the early 1800s, speaking to a sharply divided Congress in the United States Senate, Senator Daniel Webster urged his colleagues to focus on the greater prize and I quote, he said, "Let our object be our country, our whole country, and nothing but our country." Members, remember this wise admonition before you cast your vote. Your country demands it of you. I'm in support of this fine resolution. Thank you, Mr. Speaker. [applause]

**Speaker Feeney:** Thank you, Representative Bense. Representative Byrd, you're recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. We yield 4 minutes to Representative Miller.

**Speaker Feeney:** As a proponent of the resolution, Representative Miller, you have 4 minutes.

**Rep. Miller:** Thank you, Mr. Speaker. Like my colleague, Representative Jennings, I rise as a fifth-generation Floridian. As we all campaigned for our offices, the one thing I am sure of today, none of us expected to be taking a vote like this. In fact, I've heard many of my colleagues saying that we should not be here at all.

Please understand that there are those in Florida, particularly constituents back home in my district—that when I walked into a coffee shop or I was gassing my pickup or went to the feed store—they wanted to know why I was at home and not in Tallahassee taking care of the things that we needed to do here, in regards to this election.

I echo the comments of my colleague, Representative Maygarden, in regards to the rally that was held in Pensacola a couple of weeks ago. Three thousand people stood on the courthouse steps because of one particular issue and that was the overseas absentee ballot issue. No one, probably, will ever know how every voter intended to vote in this election. But we do know that thousands of overseas absentee ballots were rejected for technical reasons. This includes ballots that were

legally, legally rejected, or illegally rejected under clear requirements of federal law, as found by a U.S. District Court for the northern district of Florida in the Pensacola division, on last Friday.

Judge Collier and the court found that the Florida canvassing boards wrongfully rejected those federal write-in ballots from overseas and our military and civilians based on a lack of record that such voters had made timely application for state absentee ballots. The court also found that the oath taken by the voter, stating that the voter had timely applied for a state absentee ballot was the "best evidence" that this requirement had been met and that was the method of verification provided for by federal law.

Hundreds of ballots were rejected because they were not dated and because military post offices left off postmarks off of approximately one-third of these ballots.

It's apparent that thousands of ballots were thrown out, not because they did not record a vote, but because of technical issues and not because of voter errors. And we're not talking about dimples or pregnant chads here, but properly executed ballots that were never counted, not even one time.

Members, we have a charge to keep. I Corinthians, 4:2 says, "Now it is required that those who have been given a trust must prove faithful."

Like most of you, I have received thousands of e-mails, letters and phone calls on this issue. One e-mail in particular came from Mike Doyle, serving in the United States Navy. And he wrote, "Please do the right thing. Please make your decision wisely. I do not know if I am stepping out of line, but please pray before you make your decision. I was never much on praying, but in this case we need all of the help we can get. I am stationed on board the USS *Bunker Hill* and I have faith in our elected officials."

Members, the eyes of the world are watching what we do here today, just as the eyes of the world watched the framers of our U.S. Constitution as they prepared the document that is the base of all our laws. They tried to address every possible occurrence. They even addressed events such as our most recent presidential election. Clearly, we should be here today. Each of us has sworn an oath to uphold the Constitution of the United States of America and of the State of Florida. We have a duty to perform and we will perform it well. We have a responsibility to do and we will uphold it. Members, we have a charge to keep. [applause]

**Speaker Feeney:** Thank you, Representative Miller. Representative Byrd, you are recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. We yield 4 minutes to Representative Harrington.

**Speaker Feeney:** Representative Harrington, you're recognized.

**Rep. Harrington:** Thank you, Mr. Speaker. One of the many hypothetical situations floating around involves the possibility of having two slates of electors presented to Congress on behalf of the State of Florida.

That is actually more than a hypothetical, or a remote possibility. It's a strong probability, in fact, it's the only proper result that can come from this special session. A critical point is that we have at least one slate of electors, regardless of to whom they are pledged, that can withstand the scrutiny of the United States Congress.

Currently, there is a certified slate of electors in the National Archives. However, that slate is vulnerable to a congressional challenge and they may be declared invalid.

When Congress decides whether or not to accept a slate of electors, there is a two-pronged test, which if passed, demands that the electors be accepted. The first prong is whether or not the election was conclusive and that all contests and challenges have been resolved. The second prong is whether or not the electors were selected under the laws in effect at the time prior to the election.

Florida's slate of electors, as it is now certified, fails this test because the lawsuit landslide continues and the Florida Supreme Court revised the law by exceeding the deadline.

Therefore, if the current slate of Bush electors is upheld and presented to Congress, or even if a court decides that the Bush electors should be replaced by Gore electors, there is a very real danger that either slate will be rejected and Florida will not be represented in the electoral college.

That is why the Florida Legislature must act now to appoint a set of electors which will pass that congressional test. We must ratify the set of electors that would have been chosen under the laws that were in effect on election day. By following the Florida law, we see that George W. Bush won Florida's popular vote as it would have been certified by the November 14th deadline.

In order to insulate the Florida electors from a potential challenge, we must support this resolution and we must appoint 25 electors so that Florida will have a valid, untainted set of electors available to Congress on December the 18th, and that 15 million Floridians will have their voices heard in selection of the 43rd President of the United States.

Thank you, Mr. Speaker. God bless Florida and these United States. [applause]

**Speaker Feeney:** Thank you. Representative Harrington yields back the balance of his time to Representative Byrd.

**Rep. Byrd:** Thank you, Mr. Speaker. We yield 4 minutes to Representative Lynn.

**Speaker Feeney:** Representative Lynn, you are recognized for 4 minutes as a proponent.

**Rep. Lynn:** Thank you, Mr. Speaker. As you all probably know this is an especially difficult moment in time for me because I come from a district which has certainly indicated that it is more Democratic than Republican. And so my being here as a Republican means that they have faith in me as a human being. It goes far beyond any partisanship.

I've listened to lawyers and it's amazing to me that Democratic lawyers seem to always interpret things one way while Republican lawyers seem to interpret things another way. And I wonder sometimes if I shouldn't go back to law school and decide for myself what it is I really interpret or how I interpret. I've listened to the judges and now I find that even these wonderful, honorable judges do not all agree. And then I listen to my colleagues and I find that even with our wonderful freshmen we have very persuasive people. And then I've had many partisan attacks and I have to say, Representative Frankel, there are other times when we have found that we could not compromise. However, I would say that this is probably one of the most important times. You are right on that.

I do not like partisan attacks. I have never run and never operated in a way that was partisan. I sometimes probably disappoint my party. I sometimes probably shock my Democratic friends. But right now, I have heard from people all over this state, all over this nation, far beyond just my own district. And we have all been elected here as State Representatives, State Representatives; that means we represent the entire state. Now, I'm in a position when I have to finally say it's kind of lonely right here and now. And I think every one of us is feeling that because while we have our colleagues and our friends and so forth, we have to answer to God and ourselves at this time.

I've listened to people talk about certified electors—that they're certified, so why do you do it again? And I frankly do not understand if we do it this time, what's going to happen that's so bad if they're already there? And so I really wonder about that. Why is it so horribly bad? Why do you see it that way? And then I hear about safe harbor and I've heard such double talk this morning about safe harbor that I wonder if people truly understand, at least some people, what that means. And then I've looked at the Florida Supreme Court and seen the United States Supreme Court stay their action. And that concerns me. And then I've heard that—oh, you've got to count all the votes and minorities and

women aren't getting counted and so forth. Well I must tell you if you are aware of what has been happening throughout this nation not every single vote is counted because there are flawed ballots and that's what is the truth. And for the first time we are finding that out and it is very disturbing and we're going to fix that. But I will tell you that the bottom line is either we allow Florida—

**Speaker Feeney:** Representative Lynn, if you will. Representative Byrd, would you yield an additional minute? You're recognized.

**Rep. Lynn:** Thank you, Mr. Speaker. The bottom line is that we either vote to include Florida in the electoral process in the selection of a President. We are there not to vote for "Gore" or for "Bush." We are there to make sure that Florida gets its electoral votes in, whichever happens to be certified. I want the people of Florida to be included in that process and the vote today is whether you want Florida to be included in that process or you want Florida's vote not to count at all. That's what this vote is all about, the only thing it's about. You must live with your conscience. I am voting for this resolution. I will hope you'll join me. [applause]

**Speaker Feeney:** Thank you, Representative Lynn. Representative Byrd, you're recognized.

**Rep. Byrd:** We yield 2 minutes to Representative Kendrick.

**Speaker Feeney:** Representative Kendrick, as a proponent you are recognized for 2 minutes.

**Rep. Kendrick:** Thank you, Mr. Speaker. Thank you, minority and majority party for allowing me to speak this afternoon. Representative Lynn, I too find myself in that same situation. I come from a district that is 74 percent Democrat, but yet, voted for Bush. So I can realize and recognize and appreciate your position as well.

Within a few hours or a few minutes now, most of us will cast a vote in which we will long remember. Matter of fact, this entire House will never forget this challenge.

We have heard both sides, we all have our opinions, we all have constituents that have supported us and opposed us. The evidence of this wound that this election will leave will not heal quickly.

We all take this very serious and understand this very important issue. We all know the importance of having our votes represented in Washington. I ask that we put aside our partisan politics, that we put aside our personal feelings, and that we call on that faith that we have. Now we must call on our own faith that we do the right thing at this time for the people that we represent.

Let's start that healing process today and let's start by sending this resolution, of the next ballot of electors, to the Senate side. Thank you, Mr. Speaker. [applause]

**Speaker Feeney:** Thank you. Representative Kendrick yields back the balance of his time. Representative Byrd, you're recognized.

**Rep. Byrd:** Thank you, Mr. Speaker. Our remaining time is?

**Speaker Feeney:** You have a total of 28 minutes. We're going to reserve the last 10 minutes to the proponents. We're going to reserve 10 minutes before that to the opponents of the resolution. So you have 18 minutes to play with, Representative Byrd, if you need them all.

**Rep. Byrd:** Thank you, Mr. Speaker. I yield 10 minutes to Representative Cantens.

**Speaker Feeney:** Representative Cantens, you're recognized for 10 minutes.

**Rep. Cantens:** Thank you, Mr. Speaker. Mr. Speaker and Members, what an awesome responsibility that we have been entrusted with by the founding fathers of this great nation. I want to thank you, Mr. Speaker, for the opportunity to have served on this committee over the past few weeks and congratulate all of our colleagues that served on that committee. There have been many long days and many short nights in preparation for this resolution.

We've heard about the United States Constitution and how it delegates the power to choose the manner of choosing electors directly to us, the Legislatures of each and every state. We've heard that the United States Supreme Court, back in 1892, the *McPherson v. Blacker* case stated that that power is absolutely and wholly with the Legislature of the several states. And it further states that there is no doubt of the right of the Legislature to resume the power at any time for it can neither be taken away nor abdicated. We heard these same words just a week ago when the United States Supreme Court cited to this very same case. We also have Federal Statutes that provide us further guidance as we travel through these unchartered waters. For we've heard about Title 3 of the United States Code, Section 2. And it states, and I'll quote, "Whenever any State has held an election for the purpose of choosing electors. . ." and obviously we have here in the state of Florida. And the next phrase is the most important part and the crucial part of this section, "and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the Legislature of such State may direct." Members, House Concurrent Resolution 1-A establishes a legislative finding that the election on November 7th failed to make a choice.

There's a reason for that language in that section, I think it's been alluded to earlier, we certainly do not want Legislatures across this country to overrule the will of the people. If this Legislature and this concurrent resolution was being proposed today because we did not agree with the certified slate because we are of an opposing view or an opposing party, that's exactly what that language is intended for—to prevent those kinds of situations. We have the contrary here. We have a certified slate of electors that are pledged to George W. Bush.

So how do we define that phrase, "failed to make a choice?" Well, we must look at the criteria that Congress itself will use when it comes time for them to make a determination as to whether or not our choice and our slate is conclusive. And that's found in Section 5, of Title 3, of the United States Code. We really have two requirements that Congress will look to: has it been made pursuant to laws that were enacted prior to the day fixed by law, prior to November the 7th, in a manner prescribed by the Legislature? We've heard about the laws in the election code in existence on election day. And the second requirement is that the final determination of any controversy or contest be made six days prior to the time of the meeting, that is today. Under both of these requirements, Congress can reasonably find that our electors should not be counted, thus our election has failed. We've heard about changes in the law, about certification dates. We've heard about changes in standards and criteria to be used for manual recounts, heard about changes in canvassing board decisions as to when manual recounts should be done. And you add to this the numerous allegations of uncounted ballots, overvotes, undervotes, dimpled chads, pregnant chads, possibly thousands of felons having voted illegally in this past election, military, overseas ballots, nursing home irregularities. In light of all this can anyone truly say that the November 7th election made a choice that was pursuant to our laws, a choice that is clear and definitive, but most importantly a choice that will not raise objections in Congress? A choice that Congress must accept? Clearly the answer is no. Ask yourself this question, if you were about to buy a home and the owner of that home wants to transfer title to you and give you a warranty deed but tells you I will give you this warranty deed and you give me the money but just so you know, there are a bunch of lawsuits out there trying to figure out who really owns the property, are you willing to pay the money for that home? Because that's exactly where we are at today. We have a certified slate that has a cloud over it. Ask yourself—the bottom line, worst case scenario that we could possibly find ourselves in—if Congress rejects the certified slate, any certified slate, what would you rather have, what would you prefer, what would you want to go back and tell your constituents happened: that Florida didn't count and Florida's 25 electoral votes were not counted when the electoral college met? Or, that we, the Florida Legislature, chose those 25 electors by adopting this resolution? Members, I urge you to support House Concurrent Resolution 1-A to ensure that we are counted. Thank you. [applause]

**Speaker Feeney:** Thank you, Representative Cantens.

Representative Byrd, you have 21 minutes left. The opponents have 55 minutes left. Do you think that you will need all 21 of your minutes?

**Rep. Byrd:** We will reserve that, all we need is the 10 minutes to close.

**Speaker Feeney:** Wonderful. Representative Frankel, you're recognized. We are now on the main resolution. Do you think that you'll need all of your 55 minutes?

**Rep. Frankel:** Yes, Sir. Mr. Speaker, we are ready to go.

**Speaker Feeney:** You're recognized.

**Rep. Frankel:** Thank you. At this time, Mr. Speaker. I would yield to Representative Gottlieb for 5 minutes.

**Speaker Feeney:** Representative Gottlieb, again thank you for serving on the Joint Select Committee and the Select Committee, you're recognized for 5 minutes.

**Rep. Gottlieb:** Thank you, Mr. Speaker, I was honored to serve. And if the Secretary of State felt that there was a cloud on the title or the certification she should not have signed it and the Governor shouldn't have signed it because that's when it was important, but now we do have a certification.

I'm convinced the people don't want conclusivity, or safe harbor, because basically I think only professors really know what those things are. The only thing I've heard from people is they want this done and they want it done now. The only problem is they don't want it over like this. They don't want politicians in the state Legislature deciding who's going to be their next President. It just doesn't make common sense, adding more lawyers and politicians, even adding the media to the mix, that doesn't bring a closure fast. In fact, all the words I've heard, that only makes things last longer.

This action is illegal. This action sets a dangerous precedent. And this action violates the basic tenets of our American democracy where our power comes from the people. I've heard my Republican colleagues say that we need to protect Florida's place in the electoral college, that we need to have a bulletproof slate of electors. According to the testimony I heard from respected constitutional scholars, we don't have a bulletproof slate of electors today. We aren't going to have a bulletproof slate of electors tomorrow. We are not going to have a bulletproof slate of electors if we do what we're going to do today. In fact, what we're doing in this Chamber, based on the testimony of scholars who really understand this, we're just going to make matters worse.

Prior to the election, this Legislature established the manner in which our state would choose its electors. We call it an election. The Congress chose the date we pick the electors and this year that was November 7th. In essence, what the majority is asking us to do is have a new election day where only the choice of a hundred and sixty politicians matter. Any attempt to pick new electors by the Legislature would be in violation of the federal law that says that electors must be chosen on the same day across the country. Fellow Members, simply put election day has passed; it is over. All that's left is to count the votes and determine the true winner and award the candidate our electoral votes. My colleagues on the other side say that this Legislature can do whatever it wants when it comes to choosing a presidential elector, because we have plenary power. Anything we want. What does that mean? Well, that means if we felt like it, we could always void the choice of the voters and have the Legislature elect the President. Don't worry, I'm from the government. I am here to help. Big Brother will take care of everything.

A Republican Legislature equals a Republican President. And a Democratic Legislature equals a Democratic President. The people would end up voting for their legislator who chooses their electors who chooses their President. You've heard about six degrees of separation; well this is six degrees of picking a President. Why don't we do that? Because it's undemocratic, it's un-American, and it's just plain wrong. There can be nothing more flawed than the process that this Legislature is considering. This action smacks of old-style party boss politics. The only thing missing is a smoke-filled room. Every time politicians go into

a room and come out with the next President the people are outraged. It happened after Hayes-Tilden and it can also happen after Gore-Bush. Let's shoot straight.

The special session is about accomplishing one goal and one goal only, to ensure the election for George W. Bush as the next President of the United States. This isn't about protecting Florida's electors. This is brass knuckles partisan politics at its very worst. I know that we'll be able to work together later, but that is what this is about. It's about who gets the best seat at the inauguration, who gets the spoils in the cabinet position.

**Speaker Feeney:** Representative Gottlieb, your time has run out. Representative Frankel, do you wish to extend Representative Gottlieb a minute, 30 seconds?

**Rep. Frankel:** Yes.

**Speaker Feeney:** You have a minute, Representative Gottlieb.

**Rep. Gottlieb:** Thank you, Mr. Chair, Mrs. Chair, Speaker. And who gets control of our nuclear weapons, just to end that thought.

For me this issue is more important than Bush or Gore. This is about how we elect Presidents from now on. This is about respecting the will of the voters and defending our democracy. In my district there are teachers with families struggling to make ends meet. There are firefighters working overtime to protect our families and communities. There are retired couples who work hard over a lifetime and voted in every election since Truman and never dreamed that the Florida Legislature would take their vote away.

The beauty of America is that all our votes are equal on election day, not one of our votes in this Chamber is more important than the vote of that teacher, firefighter, or retired couple.

Mr. Speaker, Members, let's not take their vote away. Thank you. [applause]

**Speaker Feeney:** Thank you, Representative Gottlieb. Representative Frankel, you are recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. I yield to Representative Henriquez 4 minutes.

**Speaker Feeney:** Representative Henriquez, you are recognized.

**Rep. Henriquez:** Thank you, Mr. Speaker. Members, I rise to speak against this House resolution. I believe that it is a fundamentally flawed effort which creates a dangerous precedent that will have absolutely the opposite effect than that intended. But more importantly, I believe it violates the spirit of many of the principles that all of us have been sworn to uphold.

To me, this is a question of fundamental fairness and faith. Where I come from, the one with the most votes wins. Each of us knows if we examine our conscience that there are thousands of votes that have been left out of our certifications.

I wish I could believe that our purpose were as lofty as has been portrayed today. Unfortunately, I have this feeling that it is purely a political exercise. And we as a Legislature have given in to political expediency and our own individual bias for a certain desired result.

We have had our say. On November 7th, presumably each of us entered a voting booth and cast our vote for a presidential candidate. On that day, as in all days, we were the same as every other citizen. I'll never forget my first election day. As I stood outside the polling place holding a sign, I watched people, real people, stream in and out all day. And I realized that all the fundraising and walking of neighborhoods and debates and speeches, all that for 12 hours, the age-old assertion, "that all people are created equal" magically came to life in front of my own eyes. Whether they were old or young, male or female, black or white, rich or poor, each person had as much influence on the outcome as the strongest special interest or the deepest pocket lobbying firm. The election was truly in the hands of the voter.

How can we, as a body, cast another vote for President when so many people have had their vote go unrecognized? Members, examine your conscience. We must fight to validate every possible vote. To argue that we should not attempt to count all the possible votes simply because the time is up and—respectfully for my very good friend, Representative Littlefield, a good coach would have waited 10 minutes and won the game on the field—or that we, or simply because we have a flawed statute, is a disservice to our democracy.

Next, I'm disturbed greatly by the lack of faith, on each side, that has been exhibited during this process. Our system is built on faith, not simply religious faith, but faith in the ability of people to make that most fundamental of all decisions: to choose their representation. Faith that our elected officials, the canvassing board, citizen volunteers and others can carry out their duties in a fair and reasonable manner.

I'm mystified that we have suggested today and in the past few weeks that literacy tests, in exchange for voting rights, should again be part of our lexicon or that in some way our electorate is responsible for this mess. Today we have even sort of hinted around the fact that some of us in this room are unpatriotic. That's rhetoric unbecoming our position as legislators.

I ran for this office to better the lives of individual citizens of this state. And hopefully, if possible, to leave this institution better than it was when I arrived, but under no circumstances, to harm any of my constituents or this great body. And I'm afraid that we are in danger of doing both today with this effort.

Much has been made of the power we possess in this case. However, might does not make right and just because we have the power to act does not mean that we have to act. Sometimes the best course of action is no action. And discretion in this case is the better part of valor.

This resolution neither increases the likelihood of one or the other candidates winning or decreases the chance of a constitutional train wreck. In fact—

**Speaker Feeney:** Representative Frankel, would you yield an additional minute to Representative Henriquez? You are recognized.

**Rep. Henriquez:** In fact, I believe in quite the opposite. We are a nation ruled by laws, not men. Members of the highest court in this land are currently deciding this matter and we all know that's where it belongs. We should let this process play out, accept the results and get on with the issues our constituents sent us here to work on.

Members, the world is watching and our intentions will be evaluated for many years to come. Let your conscience be your guide. But in any event, when this is over, we should put this election saga behind it and all its negative aspects. Dare I say, perhaps we should put it in a lock box [laughter] and bury it in our distant memories. We owe, at least, that much to the citizens of the state of Florida. Thank you very much. [applause]

**Speaker Feeney:** Thank you, Representative Henriquez. He yields back the balance of his time. Representative Frankel, you're recognized. Representative Frankel.

**Rep. Frankel:** Thank you, Mr. Speaker. I yield 3 minutes to Representative Brutus.

**Speaker Feeney:** Representative Brutus, welcome and you're recognized.

**Rep. Brutus:** Thank you, Mr. Speaker. I rise today, Mr. Speaker, to oppose the concurrent resolution. As the first Haitian-American to sit in this Legislature I know all too well the meaning of voter disenfranchisement. I've seen it. I've lived it. And I take great comfort to know that my Cuban-American colleagues also know the meaning of voter disenfranchisement. They too have seen it. They too have lived it. And until their country is liberated from communist dictatorship, they will continue to hear the cry of their brothers in Cuba wanting to be free.

A large group of my constituents have been scarred by election violence in their own country. Some 10 years ago many people were

gunned down with ballots in their hands as they attempted to exercise their right to vote in Haiti. Mr. Speaker, that was voter disenfranchisement. Just a few weeks ago, before the presidential election in Haiti, seven bombs exploded in the capital city of Port-au-Prince and a seven-year-old boy was killed in the violence. That was an electoral crisis; we don't have an electoral crisis here, Mr. Speaker, we simply have a disagreement.

I believe we should let the process work, just like it is written in our laws. A large number of my constituents have put their lives at risk by crossing dangerous seas to escape political tyranny. All they wanted was to come to a country where they could be free, free to choose their leaders. Those who made it went through the rigorous process of becoming legal residents. They waited years to become U.S. citizens. Then they registered to vote as Americans. On election day these people stood proudly and gratefully in line, some for several hours, to cast their first ballots for the Presidency of the United States. Mr. Speaker, it would be impossible for me to go back to my district and tell my constituents that we, the Florida Legislature, took away their right to have their votes count. Many of my constituents thought that by coming to this great democracy, by working hard, playing by the rules, they would get their right to exercise the right to vote. Our action today can be seen as a *coup d'etat* against them.

Members, I beg of you to at least understand our position, to at least understand how hurt we would feel to realize that our votes have been cast away in the wind. I know most of you have already made up your mind, but remember history will judge us by what we do today. And history will not be kind to this Legislature should we proceed on this unfortunate course. As each of you cast your vote, I hope you will ponder this very important question of what this country and the right to vote means to people who had to flee dictatorship in search of a better life, like my family and those families of our esteemed Cuban-American legislators had to do in search of freedom and democracy. In closing. . .

**Speaker Feeney:** Representative Frankel, will you yield 30 seconds to the Representative? Thirty seconds.

**Rep. Brutus:** Thank you, Mr. Speaker. In closing, I do hope you will not put partisan politics above the rule of law and our peoples' voice. The concurrent resolution will not bring us any closer to resolving this situation. Indeed, I think it'll push us closer to a real constitutional crisis. I urge you, I beg you to please think very hard, think about what you're about to do and let the U.S. Supreme Court decide this matter. Thank you very much. [applause]

**Speaker Feeney:** Thank you, Representative Brutus. Representative Frankel, I have you for a little under 39 minutes left, including your 10 minutes to close before Representative Byrd is recognized. You're recognized, Representative Frankel.

**Rep. Frankel:** Thank you, Mr. Speaker. I would now yield to Representative Wishner for 2 minutes.

**Speaker Feeney:** Representative Wishner, welcome to the House and you're recognized.

**Rep. Wishner:** Thank you, Mr. Speaker, I appreciate that. Mr. Speaker and Members of this distinguished body, I am proud and honored to serve with all of you. We've met each other in the last 30 to 45 days and we've had some good talks. And we've talked about the issues that are important to the people of Florida. And I look forward to working with each and every one of you in a bipartisan way to make sure the dreams and the things that are needed to benefit our people of Florida are taking place.

The voters in my district have asked for only one thing, and one thing only, allow the votes to be counted. I've always thought that when you count the votes you get things right. The process was in place and was proceeding until the lawsuits were filed that stopped the counting. By the Florida Legislature passing this resolution we would be taking over the election process. We have all been elected by our respective districts to represent all of the people of Florida.

The electoral list has been put in place and by now the members have been certified and if we pass this it's going to cause some

disenfranchisement of those lists. I have not received any notification, if anyone has I'd love to see it, from the Federal Elections Commission saying that the certified slate is in jeopardy.

We must also be concerned when people in position of power feel that the judicial branch of government has no place in a country of laws. Our unanimous vote should be to direct the 45,000 votes to be counted, including our military votes from overseas. Floridians and Americans alike will judge our action if this resolution is passed to be a rush to judgment, and unnecessary, and wrong. I urge my fellow legislators to vote no on this resolution and let's just count the votes. Thank you, Mr. Speaker. [applause]

**Speaker Feeney:** Very well timed. Representative Frankel, you are recognized.

**Rep. Frankel:** Mr. Speaker, I waive 4 minutes to Representative Heyman.

**Speaker Feeney:** Representative Heyman, you're recognized for 4 minutes.

**Rep. Heyman:** Thank you, Mr. Speaker. I rise today to speak against this resolution. Our role as Florida legislators is to eliminate dangerous weaknesses that compromise the electoral process, not assert our position of power to achieve our partisan wants nor showcase the Legislature's lack of patience with the courts and lack of respect to the process. Lack of patience with and control of the judicial branch goes more to the call of this special session than a resolution proposed to ensure Florida's electors not merely reiterating 25 electors to George W. Bush. The concurrent resolution language rejects the voting process of our people while the special session rejects the judicial process for redress. Both are likely to prolong the legal challenges and further compromise public confidence. How ironic that the legislative cure to a counting crisis will create now what is a nonexistent constitutional crisis.

The outcome of this election, because of alleged injustices, is to be determined by law interpreted by our courts. Nowhere in Florida Statute or U.S. Constitution does language suggest nor support partisan performance of a legislative body to preempt the judiciary nor replace 6 million qualified casted Florida votes with a majority of Florida legislators and their vote. The guiding principles of Florida's election process has been language put forth by the Florida Legislature in Florida Statute. Interpreting the law is the responsibility of our court system as set forth in our Constitution and Florida Statute, including specific outcome language and addressing alleged injustices of statutory provisions.

The Florida Constitution and our oath of office do not support intervening to force results of an election through lack of patience ultimately ignoring or dismissing court findings. There's no language in our Constitution for the Florida Legislature to redesign the responsibilities and role of the Florida Supreme Court. Our responsibility in this body is to assure election integrity, not further instability to the process. As a legislative body we wrote the Florida Election Code and governing law that was in place on November 7. We should not short circuit the process. This legislative leadership and executive office has previously demonstrated their dissatisfaction with the judiciary, their desire to usurp their authority and reduce the power of our courts, ignore separation of powers and undermine the role of our courts to interpret law. This should not continue with the action in this resolution. Florida voters did not delegate their vote to the Florida Legislature and the judiciary did not abdicate their responsibility to the Legislature. Our situation is unprecedented. Colleagues, our actions today should not be unconstitutional. Vote against this resolution. Thank you. [applause]

**Speaker Feeney:** Thank you, Representative Heyman. Representative Frankel, you are recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. I yield 2 minutes to Representative Peterman.

**Speaker Feeney:** Representative Peterman, welcome to the House and you're recognized.

**Rep. Peterman:** Thank you, Mr. Speaker. I rise today to speak against the resolution. First of all, I'd like to give honor to God on this day. Before the foundation of the world God preordained this day. He knew that men and women within these special Chambers would be given a choice today. I pray this day that our choice is within the will of God.

As a freshman legislator, I believe that the will of the people must always prevail. If people within our various legislative districts voted for a certain candidate, then the votes in those districts must become the ultimate voice of the people. For now, in my district, District 55 has yielded over 25,000 votes for Gore and over 7,000 for Bush. I'm proud of that victory. However, we should ensure that we listen to the demands of the under counted. Count every vote and let the process decide this election. To do otherwise would not be of the people and for the people, but rather let's forget the people.

As an African-American, it seems that we have been forgotten once again during this presidential process. But I won't forget the blood, sweat, and tears of those who have gone on before us. I cannot forget those people who died for the right to vote. Therefore, this special session is unacceptable to me and a recount is the only solution. So I say to my colleagues today, I won't give an inch. I will concede nothing. I will fight until the end for those who are living and those who are yet to come.

**Speaker Feeney:** Representative Frankel, can you yield 30 seconds for Representative Peterman?

**Rep. Peterman:** I'm done.

**Speaker Feeney:** Thank you, Representative Peterman. [applause] Representative Frankel, you're recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. At this time I would yield 2 minutes to Representative Ausley.

**Speaker Feeney:** Representative Ausley, you're recognized as an opponent to the main resolution.

**Rep. Ausley:** Thank you, Mr. Speaker.

I'm honored to be a newly elected Member of the Florida House of Representatives representing Tallahassee which is my home and our state capital. And I'm also proud that six generations of my family have called Tallahassee home, including my grandfather who served across the hall in the Florida Senate. As a native of Tallahassee, I have been privileged to grow up in and around these institutions that support our democracy, instilling in me a great respect for public service and our system of representative government. This system of democracy has served our country well for more than 200 years. And the very foundation of our democracy rests upon the separation of powers, three branches of government that operate independently of one another. Although, it is not unexpected that these branches might disagree, it is dangerous when one branch of government does not respect another.

It is our independent judiciary that sets us apart from the rest of the world. And when we start to cast doubts upon this branch we threaten our entire system of democracy. As we embark into uncharted territory today, I urge my colleagues to tread cautiously and to think carefully about the actions we propose. We must not be perceived as overriding the will of the people or undermining the independence of the judiciary.

We're standing here today because we were elected to represent the will of the people, not to substitute our will for theirs. For that reason, I stand to speak against the resolution and I urge all of my colleagues. Thank you. [applause]

**Speaker Feeney:** Thank you, Representative. Representative Frankel, you are recognized.

**Rep. Frankel:** Mr. Speaker, I yield 4 minutes to Representative Wiles.

**Speaker Feeney:** Representative Wiles, you are recognized for 4 minutes as an opponent.

**Rep. Wiles:** Thank you, Mr. Speaker and Members. The issue of appointing electors by the Legislature appears simple on the surface. But the course of action this body contemplates goes to the very core of our Constitution and the election laws which have set our great country apart from all others.

None of the issues that we face today fit neatly in the kind of short sound bites that you and I and many other Americans have frequently heard in newscasts or read in the newspapers. The arguments are complex and the outcomes are unclear. The steps we are about to take will not bring this matter to a prompt conclusion or bring any form of certainty to the outcome of the presidential election. Rather, this House resolution is surely to cause additional confusion and litigation and most certainly establish new precedents that our country will use in future presidential elections.

By declaring that the November 7th election failed to identify a popular vote choice for President, the resolution casts constitutional and legal doubt on the Governor's earlier and Florida's only certification of electors and would likely give rise to unpredictable congressional action. Many constitutional scholars warn that creating an additional set of electors, by this Legislature, could disenfranchise all 6 million Florida voters who took time to exercise their right. Further, our action will serve only to further politicize this issue at a time when we need to begin bridging our growing partisan gaps rather than further dividing our state and our nation. We should focus on the election process, not on partisan politics. We must be diligent to avoid establishing a precedent that could dramatically alter our system of electing our President. With so much at stake, I believe our founding fathers and the great statesmen of the past would advise caution and great care as we journey across this uncharted portion of our U.S. Constitution. That prudence should govern our action here today.

But my opposition to this resolution is not limited to these specific reasons. John Locke, the political theorist and author of the *Second Treatise on Government* once said, the Legislature or supreme authority cannot assume to itself the power to rule by extemporary arbitrary decrees, but it is bound to dispense justice and decide the rights of the subject by promulgated standing laws and authorized judges. We are not here in an attempt to usurp one branch of government in favor of another. We're not here to give our opinion on the judiciary regardless of our personal thoughts on their actions, because, quite frankly, that is not our job. Our job is to represent our constituents and to be trustees of this great state. We are elected to create public policy, not to interpret it or to judge it. Ladies and gentlemen, sometimes political expediency runs contrary to defending the cause of democracy. None of us here ever thought or dreamed that this Legislature that we are in would be the corner on which our democracy would turn. Today we have a responsibility that is just greater than representing our constituents. Our actions will have a lasting effect on our government and the generations of Americans and Floridians who follow us. Unfortunately, none of us knows what that effect will be. Mr. Speaker and fellow Members, today is our test. Prudence must be our guide and, ultimately, history will be our judge. Thank you. [applause]

**Speaker Feeney:** Thank you, Representative Wiles. Representative Frankel, you are recognized.

**Rep. Frankel:** Mr. Speaker, I yield 3 minutes to Representative Lee.

**Speaker Feeney:** Representative Lee, you're recognized for 3 minutes.

**Rep. Lee:** Thank you, Mr. Speaker. And to my colleagues, I rise, but before I move into my comments, I must say, I reluctantly rise. Initially, I did not want to speak when I was told everyone would have an opportunity, because, like so many of the voters, you really feel, does my vote really count, seventy-seven, forty-three? But if you preach something, you should do it. So here I am.

I rise to cast a vote against Concurrent Resolution 1-A that has been presented by the majority party. Certainly, there has been a very frustrating period for me—certainly as a legislator, voter, and more

particularly a lay person—like the other 6 million or more people that cast their votes on November the 7th. And I believe that that same frustration holds true for my colleagues on the other side of the aisle.

My dissatisfaction is definitely the result of the unresolved problems of this election that exist and continue to exist. And what are these problems? Number one, the resolution that is before us today, as I see it, it is not needed; because, a certificate of ascertainment of the electors, that was certified by the Elections Canvassing Commission, was communicated by the Governor of Florida to the Archivist of the United States, pursuant Title 3, United States Code, Section 6. I believe to say that there was no finality brought about as it relates to our electoral process is an erroneous statement for any of us to make, whether you are a Democrat or a Republican.

If this slate is now submitted, does the Governor send this document, once again to the National Archives or does it go through an amendatory process? Meaning, will the Canvassing Commission reconvene itself and vote, or can the Governor solely amend it himself by the stroke of a pen? This question has not been answered.

Is this an amendment of the statute? And if so, isn't it true, in order to amend the statute we have to pass the statute? Is this resolution, is this a resolution amending the statute? So, it seems to me, since the National Archives has already received a certificate of our electors, it has a legal obligation to pass on the certified electors. And the only way that the already certified electors can be rejected is by the act of Congress. Therefore, I have no other alternative but to vote no.

Now, I cannot consciously cast another vote in the affirmative, when in fact, so many of my constituents'—in Duval County—votes have not been counted. Specifically in the predominant African-American precincts and very quickly, I would just like to show you a pattern.

**Speaker Feeney:** Representative Frankel, would you like to yield another minute to Representative Lee?

**Rep. Lee:** And I will close. There are several precincts in Duval County where a pattern was shown. For instance, 7G, 21 percent undervoted, 134 percent overvoted; 8G, 11 percent undervoted, 163 percent overvoted. That is just an example of some African-American precincts. And I could go on and on to show you exactly what has occurred.

I close by saying one thing, there are only two votes we should be casting today: voting to allow those whose votes were not counted to be counted—and certainly that's before the Supreme Court now—and, number two, voting for voter reform. Thank you. [applause]

**Speaker Feeney:** Thank you. Representative Frankel, you're recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. I yield to Representative Kosmas for 6 minutes.

**Speaker Feeney:** Representative Kosmas you're recognized for, was that 5 minutes, Representative Frankel? You're recognized for 5 minutes.

**Rep. Kosmas:** Six she said.

**Speaker Feeney:** Six minutes.

**Rep. Kosmas:** It's Kosmas, Mr. Speaker, Kosmas.

**Speaker Feeney:** I apologize.

**Rep. Kosmas:** Thank you, and I hope, Mr. Speaker, that you appreciate this exercise that we provided for you to get to know every one of our freshman speakers in one day.

Mr. Speaker, and Members, I would like to say, that the reasoned and passionate debate that we have heard today provides the backdrop for probably the most crucial decision any of us as legislators may be ever asked to make.

The most critical and dangerous issue at hand, in my view, is not who ultimately will occupy the White House for the next four years, but



rather the effect of the Legislature's unnecessary and unlawful seizure of power not granted to it in the U.S. Constitution. One can reasonably argue, and I suspect you all would agree with me, that Florida's election equipment is, in many instances, outdated. Or, you can argue that the standards established in our law are vague, albeit they ultimately and finally do defer to the intent of the voter. But, while Florida's laws are our creation, the notion that we have the power to contravene federal law—that is to change the manner of selecting electors after an election has taken place by popular vote—is misleading to the point that it borders on arrogance and has the potential to lead to corruption, the very thing the U.S. Constitution and our statutes are designed to prevent. Not only is it unlawful to change the manner or law after an election has occurred; but we attempt to do so by a concurrent resolution, which, by our own Rules and by legal definition is not a mechanism which carries with it the weight to effect a change in Florida law. We take this action in direct violation of our own House Rules, establishing a new and dangerous precedent. These precedents, as you know, provide the basis for interpretation of future actions. Our misuse of these, in establishing this precedent, is a very dangerous thing. The concurrent resolution, as I said, is relegated for uses that do not have the effect of changing law, but in addition do not require the concurrence of the executive.

If we take the power, or assume that we have the power to change the law without the concurrence of the executive, then where lies the balance of power between our branches of government which has provided the stability on which we all rely, and have relied, and has stood us in good stead for 200 years? Do we feel the power relegated to us to be so absolute that we begin by violating our own Rules? Do we feel the power relegated to us is so absolute that we ignore the Florida law, in place prior to the election, thereby potentially ignoring the will and the votes of our constituents? Do we feel the power relegated to us is so absolute that we avoid the checks and balances of the executive branch? Do we feel the power relegated to us is so absolute that we preempt the judicial process taking place as we speak? Does this notion of power lead us to become the first state in the nation to arrogantly interpret plenary power by ignoring its constitutional reservations—namely in this instance, the federal requirement that state law be established prior to the election date and prescribing that the popular vote is the manner for selecting electors? Do we feel that the power relegated to us is so absolute that we are willing to act and thereby set the stage for a real constitutional crisis? What prevents, then, any state from enacting a similar resolution after the fact of a popular vote and to include the words that we have before us in this resolution on page 3, line 24, "That the Florida Legislature finds that the election for electors for President and Vice President of the United States of America held on November 7, 2000, ultimately failed to make a choice of such electors?" What would preclude any state then, from enacting a resolution, after the fact, and declaring for itself the power to determine who the electors for that state would be? Could any Legislature assume that power, find that an election has failed by merely politically divining, fashioning, or creating a failure or even in the instance of a legitimate contest, then, craft the power for itself to change the outcome of the popular vote within its state? If you look at this year's election for example, there are nine states which have Democrats elected in the Legislature; those nine states certified to the National Archives their electors on behalf of Governor Bush. Imagine that these legislative bodies determine their power to be so absolute as to grant themselves the authority to select or appoint the state's electors at any time it is convenient for them to do so. Our actions create a recipe for disaster and a real constitutional crisis.

**Speaker Feeney:** Representative Frankel, would you like to yield 30 seconds to Representative Kosmas?

**Rep. Frankel:** Yes, Yes, I'm sorry.

**Speaker Feeney:** You're recognized, Representative Kosmas.

**Rep. Kosmas:** Thank you. "Such a precedent, once set," in the words of Professor Ackerman, would "gravely undermine the legitimacy of the presidential office on a permanent basis and severely damage the entire constitutional structure." On those words, I urge you to consider

this consequence and I speak in opposition to the amendment. Thank you.

**Speaker Feeney:** Thank you. Representative Frankel, you're recognized.

**Rep. Frankel:** Thank you, Mr. Speaker, I yield to Representative Bucher for 1 minute please.

**Speaker Feeney:** You're recognized, Representative.

**Rep. Bucher:** Thank you, Mr. Speaker. I rise today to speak against this resolution and also to voice my opposition to the vehicle of a concurrent resolution being used, in an unprecedented manner, to change our statutes of law so as to facilitate a particular timetable. The language in this resolution serves not only to rob the 6 million Floridians who came to the polls to have their voices heard, but it also circumvents the voices of millions throughout the country who faithfully came to the polls on election day, as this unlawful resolution may decide who will be our next President rather than the votes and the voices of the people. Thank you, Mr. Speaker.

**Speaker Feeney:** Thank you, Representative. Representative Frankel, you are recognized and you have a total of 11 minutes and 20 seconds left.

**Rep. Frankel:** Thank you, Mr. Speaker. I'm going to yield to Representative Weissman for 3 minutes.

**Speaker Feeney:** Representative Weissman, welcome to the House and you're recognized for 2 minutes.

**Rep. Weissman:** Thank you, Mr. Speaker. Members, I rise in opposition to the concurrent resolution. History shows us that the action that the Florida Legislature is poised to take is misguided and unlawful. Nearly 140 years ago, the Florida Legislature convened in special session to decide the immediate fate of the then 65-year-old Union. At that time, history demanded that our legislative forebearers navigate between partisan politics and statesmanship. A vote for or against the Union required each Member to look deeply into his soul and to decide what was best, not only for the America of that day, but indeed for the America of an uncharted distant future. Today, what is at issue before this body is of no less historic import, for we have placed before us the question of how the President of the United States, the most powerful individual on the face of this planet, shall be chosen. In essence, to support this resolution, we become the most powerful voting bloc in American history. It is a sobering and daunting prospect and it is simply wrong. That is not the intent of what the law of our land says. Without question, we will remember this vote 'til the end of our days and we will be judged by the decision we make. I challenge each of us to see beyond today, tomorrow, or next year and to grasp the deep significance that our voices and votes may have for generations yet to come. Let us not be like corporate executives who consider only the next quarterly report, but rather leaders whose sole concern is the long-term health of the entire enterprise. In a democracy, the voters don't give an advisory opinion, they give the only opinion.

**Speaker Feeney:** Thank you, Representative Weissman, do you desire additional time? Thank you, Representative Weissman. Representative Frankel, you're recognized.

**Rep. Frankel:** Mr. Speaker, I would yield 2 minutes to Representative Lerner.

**Speaker Feeney:** Representative Lerner, you're recognized for 2 minutes.

**Rep. Lerner:** Thank you, Mr. Speaker. Members, I rise to speak against House Concurrent Resolution 1-A which seeks to subvert, disqualify, and nullify the 6 million votes cast by Florida's voters. That includes the 19,632 votes cast for Vice President Al Gore, and the 14,185 votes cast for George Bush in District 119. I stand against the systemic injustices suffered by thousands of voters—both absentee and in person—examples of which we heard for several hours during the Select Committee hearings, yet this body seems resolved to ignore. I stand against the impatience and intolerance for the rule of law exhibited by

those who have called for this special session and against the arrogance of power asserted by those who believe we can, therefore we must override the popular vote. I stand against the hypocrisy of those who are traditional, strict constructionists when interpreting the U.S. Constitution, case law, and the U.S. Code, yet have for these purposes only given extremely liberal interpretations to the Constitution, the U.S. Code, and case law, just to achieve the desired results. I stand convinced by the testimony and the opinions of constitutional scholars, that Floridians who voted on November 7th made a choice which resulted in a successful election and that our power to impact that decision ended 50 feet outside the election booths on that day. I take no honor in having to cast my first vote in this special session, for I believe that our actions today only contribute to the chaos.

**Speaker Feeney:** Thank you, Representative Lerner. Representative Frankel, you are recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. I would yield a minute and a half to Representative Holloway.

**Speaker Feeney:** Representative Holloway, welcome and you are recognized for a minute and a half.

**Rep. Holloway:** Thank you, Mr. Speaker, Members. I rise today to speak against the resolution. I am reminded of the words of the "Negro National Anthem" which states in the second verse that "we have come, over a way that with tears has been watered, we have come, treading our paths through the blood of the slaughtered." "Yet with a steady beat, have not our weary feet come to this place for which our fathers sighed?"

I rise today, more importantly, to give a voice to my constituents and their frustration with what is happening here. I represent a lot of people who aren't credited with great power or wealth. They work hard and struggle and yet they hold a deep belief in our democracy. Once every four years they make time to gather at schoolhouses and churches to cast their votes for the President of the United States—many churches that were bombed in the '50s and '60s and burned just in the '90s here in our state.

We have a principle in this nation that the polling booth harbors the seed of equality. Regardless of sex, status, religion, or race, their ballot carries equal significance to any other.

**Speaker Feeney:** Representative Holloway, would you request an additional 30 seconds? Representative Frankel, will you yield 30 seconds for Representative Holloway? You are recognized.

**Rep. Holloway:** Yet, either through intent or indifference the case cannot be made for this election. The evidence is clear in this regard from Milton to Marathon from Palatka to Pahokee. The percentage of minority community votes thrown out is disproportionate to a level that boggles the mind and tarnishes the legitimacy of this result. We cannot afford to turn a blind eye to the facts while simultaneously turning our backs to our founding principles. Every vote must count, lest we set a dangerous precedent.

**Speaker Feeney:** Thank you, Representative Holloway. Representative Frankel, you've got 3 minutes and 55 seconds and you're recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. I would yield that 2 minutes to Representative Meadows.

**Speaker Feeney:** Representative Meadows. Senator, Representative, welcome to the House. You're recognized.

**Rep. Meadows:** Thank you very much, Mr. Speaker and fellow Members. I rise today because I'm reminded of excitement in the eyes of the people who are registered to vote in my district, at the malls, the churches, club meetings, homeowners meetings, this year. Many of those individuals were Haitians, Hispanics, Jamaicans, and from other Caribbean nations. These people registered as Republicans, NPA's and Democrats. Some were excited because they had waited years to become citizens, individuals who would now be able to vote without fearing bodily harm.

I stand here today, Mr. Speaker and Members, because I hate to see these peoples' votes taken away from them. They want their votes to count and so do I. Not only were they excited about registering to vote, rather because: they came out to many of the elections, and the municipal elections this spring, primaries, the run-offs, and in November. These people use walkers, crutches, wheelchairs, and any means necessary to get to the polls and exercise their right to vote. Those who couldn't drive called and asked for rides to the polls. These people who even braved heavy rains to come out to exercise their rights to vote, they want their votes to be counted and so do I.

I'd like to close by using a statement from one of my constituents who at the rally recently, they said first affirmative action, now my vote, what will they take from me next? This will not stop me, it will only make me stronger. Maybe we need to amend the pledge of allegiance where it says "freedom and justice for all" two additional words "some day."

Thank you, Mr. Speaker. And I urge you to vote against this resolution.

**Speaker Feeney:** Thank you, Representative. [applause]

Representative Frankel, you're recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. I yield the balance of the time to Mr. Seiler.

**Speaker Feeney:** You're recognized. You've got 1 minute and 33 seconds.

**Rep. Seiler:** Thank you, Mr. Speaker. I rise today to speak against the resolution. And in the short time I have remaining I just want to touch on one last legal point that, I think has been overlooked here today. The determination of a controversy as to the appointment of electors we have been directed to look to the U.S. Code, Title 3, Section 5 which states that the state of Florida must provide by laws any determination of controversy or contest concerning the appointment of our electors. Article VI, Section 1 of our Constitution states that the "Registration and elections shall . . . be regulated by law. . . ." And I think that is one important fact that we have overlooked throughout this process since last Friday, and Monday, and today, and this that we are passing is not a law. After leaving here last Friday I went to *Black's Law Dictionary* and looked up what a resolution is, it is merely: "A formal expression of the opinion or will of an official body or a public assembly. . . ." And, in the case of *Baker v. City of Milwaukee* such is not a law but merely a form in which a legislative body expresses an opinion. So, before we vote on this resolution, I think we need to realize that we are not passing a law, we are merely expressing an opinion as a body, and, as such, I am going to vote against this resolution. Thank you, Mr. Speaker.

**Speaker Feeney:** Thank you, Representative. Representative Frankel, the opponents are pretty much out of time unless you can say a heck of a lot in 3 seconds. Actually, I've just used your 3 seconds. I wonder if Leader Frankel would be willing to take a short 5 minute recess, maybe she and I can confer about the timetable for the next 45 minutes or an hour. And maybe we can conclude our business for the day. Representative Frankel, if you have an opportunity we can discuss the timetable up here and the Members will stand in informal recess and I don't expect to be more than 5 or 10 minutes so at the call of the Chair. If you'll stay close and get a drink and refresh we'll be back in a few minutes.

[The House stood in informal recess at 3:03 p.m., and reconvened at 3:18 p.m.]

The House will come to order and the Members will take their seats.

Before I recognize Representative Frankel for a motion, Representative Byrd, would you advise the Chair as to how much of your remaining time you think that you'll be inclined to use?

**Rep. Byrd:** Mr. Speaker, it is our intention to use 10 minutes.

**Speaker Feeney:** Thank you. Representative Frankel, do you have a question of the Chair?

**Rep. Frankel:** Mr. Speaker, I would request 5 more minutes for our side here so that I can make a close.

**Speaker Feeney:** Let's put that in the form of a motion. Representative Frankel moves that the opponents of the resolution be given an additional 5 minutes.

Ladies and gentlemen, we have a Special Rule; it takes two-thirds to waive that rule. I would suggest that the debate has been remarkable in many respects and I'll comment on that after the vote. But Members can vote how they please, but I'm going to vote in favor of the motion, if it helps. [laughter] Representative Frankel having moved that the rules be waived and the opponents to the resolution be granted an additional 5 minutes. All those in favor say Aye, all those opposed, Nay. [voice vote] Well done. Representative Frankel we'll put 5 minutes back on the board and you're recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. Well, Members, I won't say it's been a great day in the state of Florida, but it certainly has been historic. You know we heard many moving stories today, about how people crossed treacherous seas, to escape tyranny, or to fight for democracy, how men and women have marched and fought and struggled to get that very precious right we call the vote. So it saddens me today to say that I believe that what we are about to do is unjust, it's unnecessary, it's illegal.

It's unjust because what happens, colleagues, if Al Gore gets his recount and he wins this vote, how would that be fair, for us to be sending up electors pledged to George Bush? It's unnecessary because if Al Gore does not get his recount, he does not win the election, then why do we need two slates of Bush electors? And it's illegal because this election has come and gone and we have no more lawful authority to call another election here for 160 state representatives.

And I want to also say that I believe this action is neither conclusive and it's dangerous. It's not conclusive, because I can assure you that this will bring on one more lawsuit in one more federal court challenging this action. And actually we're going to be extending what we say we are trying to stop. It's very interesting to me that in our very resolution we state that our election has ultimately failed, that on November 7th we ultimately failed to make a choice. Why would we do that and why would we void our own electors?

And as I have said before this is very dangerous, because what is to stop other legislators at other times to move forward in a similar fashion when they don't like the results of a popular vote and then they substitute their will for the will of their citizens. And this is the ultimate partisan act. Because it's a guarantee win for only one candidate.

Once again I remind you folks that as we sit here today there are nine justices in the highest court who are sitting in judgment of our election contest. And I say to you we need to respect their judgment and respect the rule of law and respect the right of all our citizens to have their votes counted.

And, Mr. Speaker, I thank you for your courtesy and I urge the Members here to vote against this resolution. Thank you, Mr. Speaker.

**Speaker Feeney:** Representative, thank you, and thank all the opponents for the way they conducted themselves today. Representative Byrd, you're recognized for 10 minutes to close on the resolution that's before the House.

**Rep. Byrd:** Thank you, Mr. Speaker. We're now at a point where we have to stand up and be counted. This past week and the week before, actually, when I was on the Joint Select Committee, I carried a picture in my pocket. It was a picture of my 20-year-old daughter, who is in the United States Navy. And she has her camos on, her M-16 rifle, helmet, in front of a tank. I didn't know they were that big, but it's she's that small, maybe. But, she's ready, willing, and able to, when the day of decision comes, to do what she can do, to do her duty to support, defend, and protect the Constitution and government of the United States of America.

And the members of the Joint Select Committee—we had some testimony from young 19 and 20-year-olds that provided me a little bit

of my daughter—they were very much of another political philosophy and very much ready to talk about how their rights had been trampled upon and how they were political activists and—one of them in particular, reminded me of my daughter. I was thinking the whole time she was testifying that my daughter would gladly do her duties to protect the right of this young girl to come here and seek redress with her government.

And we've heard a lot of stories about what would Alexander Hamilton do and what would Madison do and I can't help but tell you one more. Thomas Jefferson and John Adams were bitter, bitter political rivals; they fought like dogs and cats. Adams was a Federalist, believed in a strong federal government; Jefferson was a Jeffersonian Republican. But nonetheless they were close friends and they wrote each other until the day they died, back and forth. About forty years after the Revolution, Adams approached Jefferson about perhaps collaborating on a book or probably a series of books that would be the history of the American Revolution. And Jefferson wrote Adams back in 1815 and said this, he said, "Dear Sir: On the subject of the history of the American Revolution, you ask who shall write it? Who can write it? And who will ever be able to write it? Nobody." And I believe that Jefferson was right. And I am convinced that no one will ever write the final chapter of the American Revolution or the American experience.

And so those guys that sat around tables and wrote those documents with candlelight are just like you and me. They were just like all of us here today. And we have a chance today to write another chapter in the history of the American experience.

Some people would say that we have a constitutional crisis, most notably, the Chief Justice of our Supreme Court. Others would say that we are simply experiencing the healthy tension between the various branches of government. I think each of us has to decide in our own heart where we are in that spectrum.

And so it goes, I think that Jefferson and Adams were not the only heroes. I think that everyone in this room is a hero—not those that just served on the committee, not those just in the front—that includes everyone in the room; all 120 of us are heroes. And I think that when I look back forty years from now and Doug Wiles approaches me to write a book of history of the political history of Florida, I'll tell him that we can't write it, Doug, because we have a great country and we can't write the final chapter.

In our church, Jerry, we have a prayer for heroic service and where we pray that prayer—I always thought it was for military, for military heroism. But I'll tell you this, every time now when I read this prayer, I'll think about each one of you in this room; what good friends you are, what patriots you are, what heroes you are.

And I'll just leave you with this, "A Prayer for Heroic Service."

O God, O Judge of nations, we remember before You with grateful hearts the men and women of our country who on the day of decision ventured much for the liberties we now enjoy.

Mr. Speaker, it's an honor to serve you and it is an honor to protect and defend the Constitution of the United States of America. [applause]

**Speaker Feeney:** Representative Byrd having closed, I believe Representative Frankel would move the absence of a quorum. Every Member will please record their presence. The Clerk will unlock the machine and the Members will record their presence.

The Clerk will lock the machine and announce the presence of a quorum.

[A quorum was present.] [Session Vote Sequence: 5]

A quorum being present, Representative Byrd having closed on the resolution, the Clerk will unlock the machine and all Members will vote Yea if you favor the resolution, Nay in opposition to the resolution.

Have all Members voted? Have all Members voted? The Clerk will lock the machine and announce the results.

**The Clerk:** 79 Yeas, 41 Nays, Mr. Speaker. [Session Vote Sequence: 6]

**Speaker Feeney:** And so by your vote the resolution passes. [applause]

[HCR 1-A was adopted, as amended, and under the rule immediately certified to the Senate.]

Ladies and gentlemen, it's been a long day and we've got just one or two more short items of business to conduct and I wanted to give the House a little bit of advice about what may be next. I should suggest to you we've never done this before so like most people all I can do is give you my best guesstimate. I would suggest to you that I would hope that the United States Supreme Court may render moot what we did today. I think a lot of people hope for that. I hope the Florida Senate does not render moot what we did today, but I hope the United States Supreme Court does.

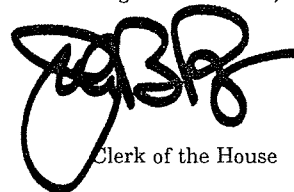
And secondly, I'd like to tell you briefly just how proud I am of every Member of the House. Lincoln said in his famous Gettysburg Address, as I recollect, that the world would little note nor long remember what we said here today but they would forever remember what we did here today. In fact it is pretty much the opposite; most people don't remember they were there to dedicate a cemetery. And every great American patriot remembers what Lincoln said at the Gettysburg Address. I'm not sure that much of America will remember what we said here today, but I think they will remember that 120 of us, in a very respectful way, tried to discern what our duty was, and 120 proud and patriotic Members of the Florida House did their duty. And I am proud of all of you, whether you were for the resolution or against the resolution. I think that each

of us did our duty as we understood it. And I want to tell you that I think if the founders were here, and I am known as being a big admirer of our founders, I think they would have been very proud of the way that government was conducted in the sunshine and the peoples' business was conducted in the Florida Legislature today. This might be the most important issue that any of us ever vote on in our lives. The philosophical divisions in the Chamber were deep and they were serious. And the beliefs held were both profound and strong on both sides. But the Members did not allow the seriousness of the matter to ever lead to personal animosity. These issues were addressed with eloquence on all sides. Many of these, in some cases, were maiden speeches from our new Members. But all of the speeches, in my view, were conducted with remarkable civility, lack of redundancy, and great intellect and I am proud of each and every one of you whether you took to the floor or not to express your views.

I think all of us should be proud of the way the proceedings were conducted today. Representative Frankel, Representative Byrd, first time we've conducted a Special Rule like this. I think it went tremendously well and I'm very grateful for the way each of you, and every member of the teams for both the proponents and the opponents, conducted themselves. Obviously, we made some history here today. I think we did so by having a great debate about the Constitution, about the law of the United States, about the law of the state of Florida, about the rule of law, and about our duty. And I am grateful to each of you that participated. And I would leave you with one last thought: if we can accomplish the next two years, on issues for the most part far less consequential than this, what we accomplished here today—we're going to have a great two years. Thank you very much. [applause]

#### CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages numbered 1 through 60, inclusive, are and constitute a complete, true, and correct journal and record of the proceedings of the House of Representatives of the State of Florida at a Special Session of the 80th House since Statehood in 1845, convened under the Constitution, held December 8 through December 12, 2000.



Clerk of the House

Tallahassee, Florida  
December 12, 2000.

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to the

**JOURNAL OF THE HOUSE OF REPRESENTATIVES**

**Special Session “A”**

**December 8 through December 12, 2000**

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## Bills Sponsored in “A” Session

[Source: Legislative Information Services Division, Office of Legislative Services]

BYRD, JOHNNIE B., JR.—62nd District

Sponsored: 1-A, 3-A

Councils: Procedural & Redistricting Council, Chair

Committees: Electoral Certification Accuracy & Fairness, Select,  
Chair; Rules, Ethics & Elections

CANTENS, GASTON I.—114th District

Sponsored: 1-A

Councils: Procedural & Redistricting Council

Committees: Electoral Certification Accuracy & Fairness, Select;  
Rules, Ethics & Elections

DIAZ-BALART, MARIO—112th District

Sponsored: 1-A

Councils: Procedural & Redistricting Council, Vice Chair

Committees: Electoral Certification Accuracy & Fairness, Select;  
Rules, Ethics & Elections

FARKAS, FRANK—52nd District

Cosponsored: 1-A

FASANO, MIKE—45th District

Cosponsored: 1-A

GARDINER, ANDY—40th District

Cosponsored: 1-A

GOODLETTE, J. DUDLEY—76th District

Sponsored: 1-A

Councils: Procedural & Redistricting Council

Committees: Rules, Ethics & Elections, Chair; Electoral  
Certification Accuracy & Fairness, Select

HART, CHRIS IV—57th District

Cosponsored: 1-A

JOHNSON, RANDY—41st District

Cosponsored: 1-A

KYLE, BRUCE—73rd District

Cosponsored: 1-A

MAYGARDEN, JERRY LOUIS—2nd District

Cosponsored: 1-A

MILLER, JEFFERSON B.—1st District

Cosponsored: 1-A

RUBIO, MARCO—111th District

Cosponsored: 1-A

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## Vetoed Bills

Dates shown are dates when the Governor vetoed bills and sent these directly to the Secretary of State for subsequent transmittal to the house of origin.

Where no disposition is shown, veto message was not taken up by the House.

No.	Subject	Sponsors and Page Numbers	Date Vetoed	Disposition
<b>2000 Regular Session Vetoed House Bills</b>				
CS/CS/HB 113	Driver's License Suspension/DUI Test . . . . .	Judiciary; Transportation; Wise 5 . . . . .	6/6/00	Referred to the Procedural & Redistricting Council
HB 2145	Appropriations (specific appropriation veto) . . . . .	General Appropriations; Pruitt and others 6-15 . . . . .	5/30/00	Referred to the Procedural & Redistricting Council
HB 2179	School District Revenue . . . . .	Lacasa 5-6 . . . . .	5/30/00	Referred to the Procedural & Redistricting Council
<b>2000 Regular Session Vetoed Senate Bills</b>				
SB 114	Small County Surtax . . . . .	Kirkpatrick and others . . . . .	6/14/00	
CS/CS/SB 714	DEP/Southern Waste Info Exchange . . . . .	Commerce and Economic Opportunities; Natural Resources; Forman . . . . .	6/14/00	
CS/CS/SB 862	Innovative Transportation Financing (specific appropriation veto) . . . . .	Fiscal Policy; Transportation; Transportation; Clary . . . . .	6/9/00	
SB 990	Students/High School Grading . . . . .	Education . . . . .	6/21/00	
CS/SB 1230	Eminent Domain/Municipalities . . . . .	Comprehensive Planning, Local and Military Affairs; Silver . . . . .	6/7/00	
CS/SB 1412	Public Swimming and Bathing Places (specific appropriation veto) . . . . .	Health, Aging and Long-Term Care; Childers; Latvala . . . . .	6/16/00	
CS/SB 1604	Community-based Development Organization Act (specific appropriation veto) . . . . .	Fiscal Resources; Sullivan and others . . . . .	6/21/00	
CS/SB 2050	Workforce Innovation Act of 2000 (specific appropriation veto) . . . . .	Fiscal Policy; King and others . . . . .	5/30/00	
CS/SB 2368	Traffic Control . . . . .	Transportation; King . . . . .	6/16/00	

## Subject Index of House and Senate Bills, Resolutions, and Memorials

[Source: Legislative Information Services Division, Office of Legislative Services]

This index embraces all measures introduced in both the House and Senate. The house of origin is identified by the letter preceding each bill: H-House, S-Senate. Senate bills shown in this index include those never received by the House, and their inclusion here is only for the convenience of the user interested in all the legislation introduced in the Legislature on a particular subject.

(**Boldfaced bill numbers passed both houses; boldfaced one-house resolutions were adopted. Chapter number added if entry remains in final version of bill. Some entries shown may have been deleted from final version.**)

—E—	—V—
<p><b>ELECTIONS</b> Presidential electors, S2-A, H1-A</p> <p style="text-align: center;">—L—</p> <p><b>LEGISLATURE</b> House of Representatives, adjournment for more than 72 consecutive hours, H3-A</p> <p style="text-align: center;">—R—</p> <p><b>RESOLUTIONS</b> <b>Concurrent Resolutions</b> Elections, S2-A, H1-A House of Representatives, adjournment for more than 72 consecutive hours, H3-A Elections, S2-A, <b>S4-A</b>, H1-A House of Representatives, adjournment for more than 72 consecutive hours, H3-A</p>	<p><b>VETOED BILLS-2000 REGULAR SESSION</b> Appropriations Bill 2000, line-item vetoes, H2145(2000-166) Community-based development organizations, line-item veto of appropriation, S1604(2000-351) County discretionary sales surtaxes, S114 Driver's license suspension, H113 Education, S990 Eminent domain, S1230 Healthy Beaches study, line-item veto of appropriation, S1412(2000-309) School impact fees, H2179 Solid and hazardous waste management, S714 Traffic control, S2368 Transportation financing, line-item veto of appropriations, S862(2000-257) Workforce Innovation Act of 2000, line-item veto of appropriations, S2050(2000-165)</p>

## Bills, Resolutions, and Memorials by Number, Subject, Sponsor, and Disposition

To obtain the number of a bill, see the subject matter index preceding this index.  
Page numbers in boldfaced print indicate location of roll call votes on disposition.

Abbreviations:

DCS Died on Senate Calendar

DSC Died in Senate committee

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HCR

1-A Electors/Appointments (Cantens) 2, 4-5, 16-**21**, **22-60**  
DCS

HCR

3-A House of Representatives/Adjournment (Byrd) 17, 22  
DSC

# Journals

of the

# Florida

# House of Representatives



## One Hundred Third

## Regular Session

since Statehood in 1845

March 6 through May 4, 2001

[Including a record of transmittal of Acts subsequent to *sine die* adjournment]



# The Journal OF THE House of Representatives

Number 1

Tuesday, March 6, 2001

Journal of the House of Representatives for the 103rd Regular Session since Statehood in 1845, convened under the Constitution of 1968, begun and held at the Capitol in the City of Tallahassee in the State of Florida on Tuesday, March 6, 2001, being the day fixed by the Constitution for the purpose.

This being the day fixed by the Constitution for the convening of the Legislature, the Members of the House of Representatives met in the Chamber at 9:50 a.m. for the beginning of the 103rd Regular Session and were called to order by the Honorable Tom Feeney, Speaker.

## Prayer

The following prayer was offered by the Reverend James Jennings of First United Methodist Church of Sarasota, upon invitation of Rep. Clarke:

God of our beginnings and our endings, God of the Passover, Easter, God of the pilgrims to Mecca, Alpha and Omega of the whole universe, bless this assembly with Your mercy and Your grace. We give You thanks for this day of new beginnings. But, O God, as we begin this day, our hearts are heavy for the shooting at Santana High School in California. And we ask that You would comfort those grieving families as well as show mercy upon the perpetrator, for You are the God of all newness. You are the one who makes all things new, even a new heaven and a new earth.

Bless, O God, both new and returning Representatives who are gathered here this morning. Crown their heads with abundant wisdom and knowledge and understanding. We pray that You will set newness in their hearts, new hopes, new visions of their opportunities. Grant insight to this assembly to the many, many possibilities that lie in their corporate power and influence to order the quality of life of the people of this state.

O God, we pray for the kind of state where children's welfare will be valued above industrialists'; where teachers of the young are treasured above financiers; where parks and playgrounds and care for the elderly are given the same priorities as roads and transportation.

Free us, O God, from lethargy, from paradigm paralysis that binds us like ropes and stir us to action. Inspire all of us to love mercy, to act justly, and to live in humility with one another. Help us, O God, to find ways to become unified, despite our diversity, that the slogan on our currency *e pluribus unum* may become a reality.

And we ask it in the name of Jesus the Christ, and every heart present say, Amen.

The following Members were recorded present:

Session Vote Sequence: 1

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

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

A quorum was present.

## Pledge

The Members pledged allegiance to the Flag, led by Howard Buck, Vice President and Legislative Chairman, Chapter 58, Retired Enlisted Association and Executive Board Member of the Hillsborough County Veterans Council; Michael J. White, State Commander of the Veterans of Foreign Wars; Clayton E. Russell, District 2 Commander of the Veterans of Foreign Wars; William R. Kirsop, State Adjutant/Quartermaster of the Veterans of Foreign Wars; Omer Smith, State Commander of the American Legion; Jere Moore, Florida Council of Chapters for the Retired Officers Association; Billy Cypress, Color Guard Member and Seminole Tribe of Florida Inc.; Timmy Johns, Color Guard Member and Seminole Tribe of Florida Inc.; Dick Giese, State Department Commander Disabled American Veterans; Charley Price,

Vietnam Veterans of America; Tony Carlidge, Vietnam Veterans of Florida Inc. State Coalition; Ken Gainey, Vietnam Veterans of Florida Inc. State Coalition; Mary Pitts, Vietnam Veterans of Florida Inc. State Coalition; John E. Schmidt, Jr., Air Force Association; Chuck Sterchele, President, Central Florida Veterans Association; Earnest Black, Disabled American Veterans; Curtis Craig, Disabled American Veterans; and Morris Shelkofsky, Disabled American Veterans.

### House Physician

The Speaker introduced Dr. Stefan Kiedrowski of Tallahassee, who served in the Clinic today upon invitation of Rep. Ausley.

### Correction of the *Journal*

The *Journal* of December 12, 2000, Special Session "A," was corrected and approved as corrected.

### Presentation of Former Republican Leaders

The Speaker presented the following former Republican Leaders who were present today at his invitation: the Honorable William C. Cramer, the Honorable Jim K. Tillman, the Honorable S. Curtis "Curt" Kiser, the Honorable Ronald R. "Ron" Richmond, the Honorable R. Dale Patchett, and the Honorable Sandra Barringer Mortham.

Rep. Bense introduced the former Republican Leader and former U.S. Congressman, William C. Cramer.

### Presentation of Former Speakers

The Speaker presented the following former Speakers who were present today at his invitation: the Honorable Doyle E. Conner, the Honorable Donald L. Tucker, the Honorable Ralph Haben, Jr., the Honorable H. Lee Moffitt, the Honorable James Harold Thompson, the Honorable T. K. Wetherell, and the Honorable John Thrasher. Subsequently, the Speaker presented the Honorable Daniel Webster.

### Presentation of Guests

The Speaker introduced Republican Party Chairman, Al Cardenas, the Mayor from the City of Jacksonville, Mayor Delaney, Judge Belvin Perry, Judge Bob Evans, twin nieces, Sarah and Suzanne, his father, Tom Feeney, and wife Ellen Feeney.

### Motion

On motion by Rep. Byrd, the privilege of the floor was granted to Reverend John Meadows, father of Rep. Meadows. Reverend John Meadows was 100 years old yesterday, March 5. He lives with his son, Rep. Meadows, in Lauderhill. He has raised three children and four grandchildren. He plans to celebrate his seventy-first pastoral anniversary of the Mt. Zion Missionary Baptist Church, of Fort Pierce, in July.

### Communications

Governor Jeb Bush advised that he desired to address the Legislature in Joint Session today.

### Certificate of Judicial Manpower

The following Certificate of Judicial Manpower was received:

No. SC01-331

In Re: CERTIFICATION OF NEED FOR  
ADDITIONAL JUDGES

[February 23, 2001]

WELLS, C.J.

Article V, section 9 of the Florida Constitution vests the Supreme Court of Florida with the responsibility for determining the need for increasing or decreasing the number of judges in the state courts. Pursuant to this authority, we have considered judgeship requests

submitted by the lower courts, examined data concerning case filings and dispositions, and analyzed various judicial workload indicators. Based on our review, we conclude that there is a need for forty-four new judges in the trial courts and that there is no necessity for a change in the number of judges in the district courts of appeal.

The basic functions of the court—peacefully resolving disputes, upholding and interpreting the law, and protecting rights and liberties—are constitutional duties owed to the people of Florida under article V of the Florida Constitution. Adequate judges and additional court resources are essential in order for the courts to fulfill their essential functions. If there are not sufficient judges, supplemental resources, and court services to keep pace with the workload, it is the people seeking redress through the courts who are harmed because they are deprived of an opportunity to have their cases carefully decided in a timely manner.

The certification process is the mechanism that our constitution establishes for the systematic, uniform assessment of the judgeship needs of Florida's courts. Section 9 of article V requires the Supreme Court to submit findings and recommendations to the Legislature regarding the need for increasing or decreasing the number of judges and for redefining the jurisdictional boundaries of the appellate and circuit courts. The Legislature may accept or reject the certification recommendations in whole or in part. Certification is not a statement of what the Supreme Court wants; it is an analytical report of what the county, circuit, and district courts need in order to efficiently and effectively dispose of the cases brought before them. This determination of need is made absent fiscal concerns, which is within the purview of the Legislature.

### *District Courts of Appeal*

Florida Rule of Judicial Administration 2.035(b)(2) sets forth the criteria for certifying the need for additional judges in the district courts of appeal. Based on these criteria, we do not certify the need for any additional district court judges or the necessity for a reduction in the current number of judicial positions. The number of judges in the district courts of appeal has remained constant since 1993, except for one additional judgeship that was added to the Fifth District Court of Appeal in 1999. The district courts did not request any additional judges this year.

Our data indicates that although our intermediate appellate courts are operating at close to capacity, they have continued to function effectively through the adoption of innovative case processing methods, strong staff support and law clerk assistance, and diligent case management. The creative use of technology has also significantly enhanced their efforts to operate efficiently. We support the conscientious commitment of our district judges to improve court operations, and we urge the Legislature to continue to provide funding for the district courts so that they can perform at an optimum level.

### *Trial Courts*

The quantitatively based criteria for certifying the need for judicial positions in the trial courts, which provided the foundation for the certification process until last year, are articulated in Florida Rule of Judicial Administration 2.035(1). These criteria were modified in response to a request from the Florida Legislature in proviso language of the 1998 General Appropriations Act that we employ a certification methodology which relies on case weights and calculations of available judge time to determine the need for additional trial judges. Pursuant to this request, we conducted an extensive development project to design and implement a weighted caseload system with the assistance of the National Center for State Courts and the active participation and advice of the Office of Program Policy Analysis and Government Accountability. The report of the Delphi Policy Committee was issued on February 1, 1999, and on February 29, 2000, we certified the need for forty-three additional trial judges based on calculations using the new Delphi method. See In re Certification of the Need for Additional Judges, 755 So. 2d 79 (Fla. 2000). That certification was not funded.

This year, the Court again relies on the results of the Delphi-based caseload weighting system and hereby certifies the need for forty-four

additional trial court judgeships. Thirty of these are circuit court judgeships from fourteen judicial circuits, and fourteen are county court judgeships from eleven counties. The judgeships are allocated in the chart below.

Circuit Court	Judgeships Requested	Judgeships Certified	County Court	Judgeships Requested	Judgeships Certified
First	1	1	Okaloosa	1	1
Second	2	1			
Third	1	0	Columbia	1	0
Fourth	2	2	Duval	2	2
Fifth	3	2	Lake	1	0
			Marion	1	0
Sixth	2	2	Pasco	1	1
			Pinellas	1	1
Seventh	2	1			
Eighth	0	0			
Ninth	5	3	Orange	2	1
Tenth	3	2	Polk	1	1
Eleventh	3	3	Dade	1	0
Twelfth	0	0	Sarasota	1	1
Thirteenth	2	2	Hillsborough	2	2
Fourteenth	0	0			
Fifteenth	3	2	Palm Beach	2	0
Sixteenth	0	0			
Seventeenth	5	5	Broward	2	2
Eighteenth	4	2	Brevard	2	1
Nineteenth	0	0			
Twentieth	2	2	Collier	1	0
			Lee	1	1
Totals	40	30	Totals	23	14

The forty-four judgeships were calculated based upon the guidance enumerated in last year's opinion. We have applied the Delphi "reasonable caseload" standard developed by the Delphi Policy Committee in all case types except for dissolution, drug, eviction, and civil traffic infraction cases. In our view, these four case types still warrant additional study to merit the increase in case weights recommended by the Delphi Policy Committee. We also adjusted for differing jury trial rates in each circuit and county court. This adjustment was based upon readily available data and more accurately reflects the actual time spent in trial on average by Florida's trial court judges. As in the past, we considered the use and availability of county judges who routinely assist in handling important and time-sensitive circuit court matters. Finally, we have not certified more judgeships than were requested by each circuit court.

We continue to have confidence in the Delphi methodology<sup>1</sup> suggested by the Florida Legislature as a means of improving the certification process. As we explained in last year's certification opinion, the Delphi system assigns weights in minutes to different case types based on an assessment of the average amount of judicial time required for each type of case. This case weighting system differs from the certification method used prior to the 2000 legislative session, which did not distinguish between case types even though the amount of judicial time and resources required to dispose of different kinds of cases varies significantly. The primary benefit of case weighting is that it measures the differential requirements of judicial workload in different types of cases. As a result, we find that the current certification methodology using the case weighting system offers a more accurate and fair means of determining the courts' judicial requirements.

It is important to note that these case weights include the existing mix of supplemental resources in the trial courts, including senior judges, general masters and hearing officers, trial court staff attorneys, alternative dispute resolution, and case management support. These resources are vital to the continued operating effectiveness of Florida's trial courts. Failure to maintain supplemental resources at existing levels or to transfer appropriate resources to state funding from the counties under article V, section 14, as revised in 1998 (revision 7), mandates will result in an increased need for additional judges.

The Court has always been cautious in its approach to certifying the need for additional judges. This year is no exception. The aforementioned adjustments, which we adopted last year with the institution of Delphi methodology, are conservative and result in far fewer additional judgeships certified than a strict statistical application of the Delphi results might warrant. We have been conservative in our certification this year because of several factors. First, this is only the second year of applying Delphi methodology, and it is the first year it has been applied from the beginning of the annual certification process. As a result, we do not yet have an historical perspective from which to monitor the accuracy of our forecasts. In short, we believe that a new methodology warrants conservative application. Also, significant short-term increases and decreases were noted in select case types with higher weights such as capital cases and serious violent crimes. Presumably these can have a disparate impact on judicial need over the short term that will not be reflected in a long-term trend. For these reasons, significant short-term increases in judicial workloads were discounted at this time. Finally, almost half of these significant changes from last year were noted in juvenile dependency cases, a division being studied by the Children's Court Improvement Committee, where significant resources are being allocated, and where pilot projects have been initiated to address workload needs. These issues are being studied further, but until results are available, we choose to err on the side of caution and certify fewer judgeships than the raw numbers warrant.

Although forty-four trial court judgeships are a substantially higher number than in many previous years, it is a one-time adjustment that is the result of the transition from a caseload-based system to a workload-based system using Delphi methodology. Over the past twenty years, since the inception of the original caseload-based system, anecdotal evidence and experience have suggested that judicial workload continues to increase. This assumption was validated by the Delphi-based case weighting analysis. Judicial time that must be spent on each case differs depending on case type and frequently increases as the law becomes substantively and procedurally more complex. Consequently, an accurate measure of judicial workload must include an assessment of judge time required in individual cases and must differentiate between types of cases.

The caseload-based system used prior to last year did not address these factors; however, the case-weighting system that is the basis of our 2000-01 certification opinion does. The forty-four judgeships certified in this opinion mirror last year's certification of forty-three judgeships. If the 2000-01 certification had been funded, it is likely that the trial courts would not have required the judges we certify this year.

As suggested above, changes in the law continue to have workload implications for the courts. New legal requirements that are the result of statutory changes impact judicial caseloads by increasing not only the number of cases before the courts but the amount of time judges must spend on individual cases. This occurrence is illustrated by recent trends experienced in our dependency divisions. The revision of chapter 39 in 1997 and 1998 and the passage of the Kayla McKean Act in 1998 have resulted in a dramatic increase in the workload of our dependency system in the past three years. Our SRS data reveals that dependency case filings in response to these statutory changes increased approximately eighty-four percent between July 1997 and December 1999. Although all of the calendar year 2000 data is not yet available, the high volume of dependency case filings appears to have continued for most of that year.

Furthermore, the revisions to chapter 39 have dramatically impacted judicial workload in our dependency court divisions, both in the numbers of judicial hearings required and the length of time needed to properly conduct those proceedings. Specifically, the new statute expands statutory requirements for findings of fact at early stages of the proceedings and mandates more interim judicial reviews prior to the disposition of a case and subsequent to placement decisions. In addition, mandatory judicial reviews are no longer limited to children in foster care placement; they are also required for children placed in the home of their parents or with relatives under protective supervision of the Department of Children and Families. Additional participants such as foster parents have a right to be heard, thus lengthening the amount of

time required for each hearing. The increased availability of treatment programs and the courts' ordering of additional child protection interventions have increased the number of individuals providing testimony at judicial reviews. Finally, the "one year to permanency" mandate of the federal Adoptions and Safe Families Act requires more rigorous judicial review and more frequent judicial hearings. The result of these additional requirements is a substantial increase in the amount of judicial time and court resources necessary to handle the dependency caseload.

The significant increase in workload for juvenile dependency cases experienced over the last two years is forecast to continue. We reiterate our concern that our dependency divisions have the judicial and support resources necessary to adequately address the needs of dependent children. It is essential that our chief judges ensure sufficient allocation of judicial resources to our juvenile divisions when making division assignments. In addition, both the courts and the Legislature should review the results of the Dependency Pilot Projects currently operating in the Fifth, Tenth, and Seventeenth circuits and the ongoing work of the Dependency Court Improvement Program in order to examine the feasibility of further supplementing judicial resources with hearing officers, case managers, technology, and other court resources so that dependency matters can receive effective and timely judicial oversight and resolution.

The courts will continue to energetically examine court functions, processes, and performance in order to implement strategies to ensure that the judicial system is functioning with optimum efficiency and effectiveness and to reduce the need for additional judicial personnel. At present, the number of these activities underway throughout the courts system is unprecedented. Numerous court committees have been created to look at particular court operations, including the Children's Court Improvement Committee, the Family Courts Steering Committee, the Jury Innovations Commission, the Judicial Management Council, and the Trial Court Budget Commission. The Children's Court Improvement Committee is responsible for conducting both the Dependency Court Improvement Project and the Delinquency Court Improvement Project, and a delinquency court assessment is currently underway. The Family Courts Steering Committee has just completed an assessment of the family court process, is now conducting the Child Support Process Improvement Initiative, and has issued its report and recommendations for implementation of the Model Family Court, which is now the subject of pilot testing in several circuits. The Jury Innovations Commission is finalizing its report, and the Judicial Management Council is overseeing the work of both the Committee on Trial Court Performance and Accountability and the Committee on District Court of Appeal Performance and Accountability in determining how best to account for performance in the court setting. Finally, the Trial Court Budget Commission is working diligently to develop funding and budget guidance that will enable the trial courts to efficiently complete the transition to state funding as mandated by the recent revision to article V.

The courts have made great efforts to identify additional uses of technology in order to maximize efficient court operations. New initiatives include a focus on standardization of court data, implementation of case management systems, and the creation of a statewide court network. This latter innovation will enable judges and other court employees to communicate more effectively, provide access to legal research and other electronic resources, and allow for video teleconferencing capability. Further advances in technology are likewise being adopted by various jurisdictions to decrease cost and increase case processing efficiency.

Although the judicial branch already relies on supplemental resources to assist the trial court judiciary in performing their constitutional duties, we will continue to study the use of additional support to enhance court functions. The current level of supplemental support is factored into the case weights used in this year's forecasts. For example, nineteen of twenty judicial circuits use general masters or hearing officers in more than one division of court. Mediation is utilized in more than 100,000 cases per year. Trial court staff attorneys in every circuit enhance the effective processing of cases. We will explore the further use

of supplemental judicial resources such as hearing officers and masters, trial court staff attorneys, alternative dispute resolution, technology, and case management in order to maximize the efficient use of judges and enhance the quality of judicial decision-making. To that end, we will ask representatives of the Trial Court Budget Commission, the Court Statistics and Workload Committee, and the Committee on Trial Court Performance and Accountability, as well as our other committees, to recommend ways that the expanded use of these essential resources can further enhance the efficient use of judge time.

After reviewing the requests of the trial courts for forty additional circuit judges and twenty-three additional county judges in light of the foregoing considerations, we find it necessary to certify the need for thirty new circuit judges for the 2001-02 fiscal year as follows: five additional circuit judges for the Seventeenth Circuit; three additional circuit judges each for the Ninth and Eleventh circuits; two additional circuit judges each for the Fourth, Fifth, Sixth, Tenth, Thirteenth, Fifteenth, Eighteenth, and Twentieth circuits; and one additional circuit judge each for the First, Second, and Seventh circuits.

We also find it necessary to certify the need for fourteen new county court judges for fiscal year 2001-02 as follows: two additional county court judges each for Duval, Hillsborough, and Broward Counties, and one additional county court judge for Okaloosa, Pasco, Pinellas, Orange, Polk, Sarasota, Brevard, and Lee Counties.

We also urge the Legislature to support the funding requests for the courts, particularly with regard to those budget issues that will directly impact the efficient and effective use of judge time and court resources. Specifically, we emphasize the importance of additional trial court law clerks, who can significantly increase the productivity of the judges in the trial courts. In addition, we have requested an increase in funding for additional senior judge days, which will supplement and expand our available judges.

As we have discussed in this opinion, this certification is the result of a conservative application of our data findings, which have been based on weighted caseload methodology developed at the urging of the Legislature. It would be beneficial to the certification process for the Legislature to communicate with the Court regarding its continued commitment to the Delphi methodology. We have concluded that case weighting, as we have implemented it, does provide an improved method for determining judicial need and an objective criterion for evaluation of the need for additional judges. We recognize that the Legislature is the ultimate user of this methodology by its decision in respect to the needs certified. In view of the absence of funding for the 2000-01 certification, it would be beneficial for us to know if there is a continued legislative commitment to this methodology or if we need to address any concerns about the implementation of the methodology.

Full funding of the requests certified in this opinion is absolutely essential if Florida's courts are to fulfill their constitutional mandate to resolve cases in a fair, impartial, and timely manner. Therefore, this Court encourages the Florida Legislature to authorize the judgeships certified herein, effective October 1, 2001.

It is so ordered.

HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.  
SHAW, J., concurs in result only.

Original Proceeding - Certification Of Need For Additional Judges

<sup>1</sup>We do, though, continue with our same concerns, expressed in last year's opinion, as to the underweighting for juvenile divisions. In re Certification of Need, 755 So. 2d at 81. We are steadfast in our belief that the judicial branch, together with the executive and legislative branches, must give priority to children.

## Introduction of House Concurrent Resolution

On motion by Rep. Byrd, the rules were waived for introduction and consideration of a concurrent resolution.



By Representative Byrd—

**HCR 1-Orig.**—A concurrent resolution providing that the House of Representatives and Senate convene in Joint Session for the purpose of receiving a message from the Governor.

WHEREAS, His Excellency, Governor Jeb Bush, has expressed a desire to address the Legislature in Joint Session, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the House of Representatives and the Senate convene in Joint Session in the Chamber of the House of Representatives at 11:00 a.m. this day, March 6, 2001, for the purpose of receiving the message of the Governor.

—was read the first time by title. On motion by Rep. Byrd, the rules were waived and the concurrent resolution was read the second time by title and adopted. Under the rule, the concurrent resolution was immediately certified to the Senate.

#### Committee from the Senate

A committee from the Senate consisting of Senators Pruitt, Miller, Sanderson, Villalobos, and Wasserman Schultz advanced to the well and announced that the Senate was convened and ready to transact business.

#### Remarks of the Speaker

**Speaker Feeney:** Ladies and gentlemen, while we wait for the Joint Session, I thought I'd share with you a few thoughts on what we're about to get into. And I want to welcome everybody here to the 103rd Regular Session. I'm glad that you're here today.

It's springtime in Tallahassee. It's Opening Day and hope springs eternal. Everybody here has an idea or a bill or a proposal, and all of them are still alive. Of course, at this time of the year, the Chicago Cubs and Philadelphia Phillies are tied for first place, also. [laughter]

Last November, the voters elected 63 brand-new freshman legislators and we're excited to have all of you here today. I feel passionately that drawing on the energy and enthusiasm of our new Members, and the experience and wisdom of our senior Members, that we're going to have a dynamic House and a very successful two years, and especially this next 60 days.

The last time we got together in this Chamber, obviously, it was a moment of very historic and unprecedented importance. It was a huge challenge for all of us. I can't tell you how enormously proud I was of the way Members of the House stood up to the challenge. While pundits all across the country predicted all sorts of chaos and calamity in the Florida House of Representatives and in Florida, this House was a model of decorum and decency and restraint and respect. The arguments were intelligent on both sides of the issue and they made, I think, all current and former House Members proud. I'm proud of the way we performed for this institution and it was a model of democracy, in my view.

And I'll tell you that, in the next 60 days, we're going to work hard. We'll deal with contentious issues, although, hopefully, none quite as contentious or partisan as that one. We're going to have fun while we work. And if you are ever in need of some good humor and relaxation, come on up to the Speaker's Office—24 hours a day—we're going to be showing reruns of the "Fasano and Frankel Show" on the 4th floor. [laughter] I know we'll all get a kick out of it, Representative Frankel.

Now it's time that we bring the same sort of passion, and yet, deliberate and reserved respect for one another and the institution to the real business of the people of Florida in the next 60 days. The reality is that the year 2001 is going to be the most challenging budget year that we've seen in a long time. Representative Lacasa can tell you a little bit about what's in store. And as we read commentaries from observers of the legislative process and the budget and where we're going, it would be easy to get depressed. But I want to remind you of the great Winston

Churchill's suggestion: Do not argue for the difficulties, the difficulties will argue for themselves.

So, let's follow Churchill's advice; let's pay attention to the opportunities along with the challenges, and look at the end result, not just the difficulties we're going to encounter along the way. We should recognize our fiscal limitations and use the challenge of this year to come up with constructive ideas on how to develop public policy which will benefit Floridians for years to come.

Our circumstances are, indeed, going to be challenging but they're far from bleak. In the first place, please recognize that spending in the State of Florida will be going up and not down. Our state will spend 2.3 billion dollars, approximately, more than it did last year. It's a growth rate of 4.5 percent, which is greater than the rate of inflation. Most of the spending will be in the areas of health care and education, which are the most important to most of our constituents.

And most of the cuts you've heard about are really cuts in the rate of growth, and not actual cuts. Which doesn't mean they won't be difficult or challenging, and doesn't mean there won't be pain. But it's something we ought to keep in perspective.

Our challenges in this House are not all about money. Simply spending more money alone rarely alleviates human misery or resolves social ills. As President Reagan reminded us, as he reflected on the Great Society of the 1960s, "We declared war on poverty, and poverty won."

As we prepare to spend 43 billion dollars on behalf of the taxpayers in the State of Florida, we should look at every new proposed program and every existing program, and remember the law of unintended consequences. All too often, well-intentioned legislative actions will have unanticipated, adverse consequences that overwhelm the positive intended impacts. It's enough to beat the arrogance of any elected official. And, if you stay here long enough, it's enough to curl your hair. [laughter]

Recognizing the law of unintended consequences is one of the core principles of a good conservative government. What more could a conservative expect from his government besides respect for the people's choices, the people's money, respect for the law of supply and demand, and respect for the law of unintended consequences? In fact, those are pretty good principles for any liberal government, as well. I'm convinced that if we can adhere to these simple principles, as we establish public policy, the House of Representatives can achieve great things for the people of Florida and we can do ourselves and our state proud.

I'd like to move us in the direction of a civil society, where a limited government promotes individual freedom, but also erects a safety net to protect Florida's most vulnerable and needy; a civil society that creates the conditions to assure growth and opportunity in the Sunshine State for decades to come.

We will work with President McKay to help families and communities care for children with learning disabilities, to care for the homeless, to care for Florida's senior citizens. We will fight to preserve basic health care for poor children and for prescription drug assistance for Florida's low-income seniors.

I'm proud to say that on education, this House, this Legislature, has stepped up to the plate in a serious way in the last few years. Florida already spends about 20 percent of the dollars for new school construction, which is twice the national average on what states spend. In 1997, we put an additional 3 billion dollars into school construction. One point two billion dollars of that money is still available today. And when we did that, we required school districts to spend that money in a reasonable way, to stop abuse, fraud, and in some places, the "Taj Mahal" model of school construction. In the last two years, we've also seen historic increases in funding for K-12 classroom, which includes over 1.6 billion dollars in new money in the last two years alone.

But, again, money alone does not educate children. Indeed, most studies show there's little, if any, correlation directly between spending more money and academic achievement. So we can't lull ourselves into a false comfort by just spending more money.

I'm proud that the A+ plan has changed the focus in education from just inputs—how much money we're spending—to outputs—what children are learning. And I'm proud that, while rich parents in Florida and nationally have always had choices about their education, the Florida House has led the way to provide some opportunities for middle-class and poor parents in under-performing schools, or perhaps, this year, in overcrowded schools. And, to prove that incentives work, last week saw a Harvard study showing that the main reason that Florida's "F" schools all improved last year was the "threat" of vouchers or opportunity scholarships. The message, I believe, is that accountability, choice, and competition will help promote a better educational environment.

We have a lot of tough issues on our plate this session. Nancy Argenziano and Carole Green are going to be fighting for elder care and nursing home reforms that will increase the quality of care for our most fragile seniors and reduce unnecessary litigation and insurance costs. Concurrently, serious abuse or neglect must be met with aggressive state enforcement and civil penalties against abusers of our seniors.

And there will always be important family issues. I'm delighted to tell you that Representative Cusack's bill will be one of the first to hit the floor this year—our bill on parental rights. [applause] Representative, we can all be proud of your leadership in helping build stronger families in the State of Florida.

I think another freshman that deserves early recognition for hard efforts and perseverance is Representative Joe Negron, whose work on parental empowerment in education is going to produce results this session, I believe.

Growth management presents an enormous challenge for all of us. We all agree that unfettered and unplanned growth can hurt the quality of life for every Floridian. But our school boards must be held accountable for planning school facilities, and local governments must prepare for measured, inevitable growth, as well. This has to be a balanced process and I'm confident that Representatives Dockery, Alexander, and Sorensen, among others, are going to do a great job in promoting balanced growth management alternatives for the future.

Energy deregulation is another area where accountability, choice, and competition can work. But only if we distinguish between punditry and reality. Deregulation does not mean closing down opportunities to add new energy sources, and it does not mean stopping new generation capacity. And it certainly doesn't mean hyper-overregulation of an essential industry to Florida's future. In other words, energy deregulation does not mean the California model, which is hurting today, badly, because they badly botched what they expected to be deregulation, and turned out to be the opposite. In essence, California violated every fundamental, basic rule of economics. If we do it right and proceed deliberately and carefully, with full respect for the laws of supply and demand, future generations of Florida families can have cheap and reliable energy sources to take care of, not only their families, but economic opportunities as well.

Another priority this year, I can guarantee you, will be election reform. Election reform must instill in every Floridian and every voter, the confidence that when the game is over, you can look up at the scoreboard and know the score. And know that the umpires were fair during the game. Representative Frankel and I are working together on legislation to lift the veil of secrecy behind those mysterious third-party organizations and their attack ads. These organizations will have to disclose who they are, who funded them, and how they spent their money. Representative Frankel, thank you for your effort on this and other issues. [applause]

And Governor Bush is leading the effort to establish ballots, machines, and procedures that are fair and accurate. The Florida House of Representatives, with help from Representatives Byrd, Goodlette, Smith, and Rubio, I assure you, will do its part to assure the integrity of the elections process.

But let's be honest and let's be candid. With the right to vote comes some voter responsibility. In an ideal world, voters would know

something about—not only about the candidates and the offices and the issues, but also would understand something of economics, civics, and American history. Along with reforming the electoral process, we should find ways to help Floridians deepen their understanding of what it means to be a citizen of our great republic, for that's what it will take to bequeath to our descendants the same democratic republic that is our great inheritance from our founders.

Making government more efficient and rewarding great state employees is a goal towards which we should work, and work closely with the Governor. In a new millennium, government doesn't have to stick with all of the old habits, but should reinvent itself regularly to meet new challenges.

The tax rate in America is the highest it's been since World War II. Last year, federal, state and local government spending consumed the first 12 weeks of every Floridian's income, or about 25 percent of the average Florida family's working year. Florida families have to work until May 7th this year just to pay their taxes. Only the rest of the year will they get to work so that they can fund their own family priorities. Because it's the moral thing to do to advance freedom, because it will help small businesses and families in their pocketbooks, and because it can help spur economic growth and job opportunities, we should, whenever we can, cut taxes, starting with meeting our promises in the past to seniors and savers with phasing out the intangibles tax. [applause]

I've spoken to all of you, I think, over time, about my passion for individual choices and individual freedom. But meaningful choice and freedom is not just in choice of schools, and meaningful freedom does not just mean reducing taxes. It means equal access and equal opportunity to all Americans. Representative Wilson, as I told you last week, I'm prepared to join you at any public establishment in Florida, providing that you allow me to purchase the first round of refreshments. [applause] Thank you very much. We're colleagues here. We have our political differences, but we stick up for one another and for the rights and freedoms of all Floridians. And this is an important challenge that we will be dealing with on this and other issues. Thank you, Representative Wilson.

While we serve here in this great House, we not only have to serve with dignity and respect for one another, but also for the institution itself. This House, I want you to know, is the great heart and soul of democracy in our state.

When we passed a constitutional revision to protect the death penalty and 73 percent of Florida's voters agreed with us; when we voted to require 13-year-olds to advise their parents or guardian before they have an invasive operation; when we balanced the competing interests of 16 million Floridians and put together civil litigation reform; and when we passed legislation to reduce the average stay of convicted death row inmates from 15 years to 7, and the number of appeals from 12 to 3, maybe we were wrong. Maybe they weren't great policies. Maybe they were unwise, or even foolish. But if we violate the express provisions of either the U.S. Constitution, or the Florida Constitution, there's a remedy for that—the Supreme Court can rule our law unconstitutional. And, if our actions are unwise or foolish, the remedy is that every two years we stand for election and the voters can toss us out.

During the ratification debate of the United States Constitution, the great James Madison, who was probably the deepest and most thoughtful student of constitutional government in America, was charged by critics that the legislature, actually the Congress, would be too powerful, too strong, and that the mob may rule if the founders weren't careful. And he responded this way: "Gentlemen, suppose that the General Legislature will do everything mischievous they possibly can, and that they will omit to do everything good which they are authorized to do. If this were a reasonable supposition, their objections would be good. I consider it reasonable to conclude that they will be as readily to do their duty as to deviate from it. But I go on this great republican principle: that the people will have virtue and intelligence to select men of virtue and wisdom. Is there no virtue among us? If there be not, we are in a wretched situation. No theoretical checks, no form of government can render us secure. To suppose that any form of

government will secure liberty or happiness, without any virtue in the people, is a chimerical idea.”

Forty years later, Thomas Jefferson, reflecting on what the founding fathers had given us, said this, “At the establishment of our Constitution, the judicial bodies were supposed to be the most helpless and harmless members of our government. Experience, however, soon showed in what way they were to become the most dangerous. . . sapping, by little and little, the foundations of the Constitution. . . .”

And roughly 40 years after that, in response to the Dred Scott Decision, Abraham Lincoln said, “If the policy of government upon vital questions affecting the whole people is to be irrevocably fixed by the Supreme Court. . . the people will have ceased to be their own rulers, having to that extent, practically resigned their government into the hands of that eminent tribunal.”

Nobody in this body believes that the Judiciary should not be independent from coercion, either by the Executive Branch or the Legislature, over their individual decisions. But if you truly believe in democracy, then I believe that you have to defend the proposition that the Legislature should legislate, and that policy should be erected here on behalf of the people through their democratically elected representatives. This House, in my view, should defend those democratic traditions. [applause]

Let me close, if I can, by reminding you as we begin this great session, that I know all 120 of us have a great two years of legislating in front of us. So I share with you, and especially the newer Members, the advice of several prior leaders, going way back to the United States Senate Chaplain in the 1800s, a man named Edward Hale. Reverend Hale was once asked, “Do you pray for the Senators, Reverend Hale?” To which he replied, “No, I look at the Senators and pray for the country.” Members, you’ll get used to dealing with our Florida Senators as we go through the process as well.

The great Speaker of the United States House, Sam Rayburn, every two years when he addressed freshmen, had the same advice to give. And here’s what it was: “Don’t try to go too fast. Learn your job. Don’t ever talk until you know what you’re talking about. . . if you want to get along, go along.”

And finally, a piece of advice given to me when I was a freshman by a great Floridian, Governor Lawton Chiles, who, in his lifetime of 40 years of public service, never lost an election, you can trust me on that fact, [laughter] gave this advice to my freshman class before we began our first session: “When you go home, always tell them how you voted, but never tell them why you voted how you voted. How you voted will never change as you look back in the future years. But why you voted how you voted just might.”

So with that, ladies and gentlemen, I’m proud to be your Leader. I’m proud to be here. I’m proud of each and every one of you. Thank you very much. [applause]

**Committee to the Senate**

On motion by Rep. Negrón, the Speaker appointed Reps. Negrón, Benson, Clarke, Ross, Diaz-Balart, Paul, Justice, Richardson, Bucher, and Meadows as a committee to notify the Senate that the House was convened and ready to transact business. The committee was excused to perform its assignment.

**Reports of Councils and Standing Committees**

**Report of the Procedural & Redistricting Council**

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

March 5, 2001

Dear Mr. Speaker:

Your Procedural & Redistricting Council herewith submits the following Special Rule report:

- I. Special Rule 01-01 applies to the following:  
CS/CS/HB 273—Election Code/Reporting Requirements (Structured)  
CS/HB 275—Public Records/Campaign Treasurer (Structured)
- II. Special Rule 01-02 applies to bills identified by the Procedural & Redistricting Council as the Open Government Sunset Review package. A closed rule will be in effect for the following bills:  
HB 383—Bank Account Numbers/Records Exempt.  
HB 385—Municipal Utilities/Records  
HB 387—Sports-Related Industries/Records  
HB 389—Public Records/Economic Development  
HB 391—Public Records/Tax Refund Programs  
HB 393—Public Records/Marketing Projects  
HB 395—Public Records/Airport Security Plan  
HB 397—Public Records/Toll Facility Charges  
HB 399—Public Record/Emergency “911” Number  
HB 401—Public Records/Health Care Community  
HB 403—Public Record/Pawnbroker Transaction  
HB 405—Public Records/Surplus Lines Ins.  
HB 407—Public Records/Univ. Health Services
- III. Special Rule 01-03 applies to the following:  
CS/HB 271—Corporate Income Tax
- IV. Special Rule 01-04 applies to the following:  
HB 21—Intangible Personal Property Taxes

A quorum of the Council was present in person, and two-thirds of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

**Special Rule 01-01**

*Bill(s): CS/HB 273 and CS/HB 275 by the Committee on Rules, Ethics, & Elections and Representatives Ross & Goodlette*

Summary: The Special Rule covers CS/HB 273 and CS/HB 275, or any subsequent versions of these bills as reported by committee or council. The Special Rule covers consideration of the bills on both second and third readings.

*Floor Leaders:*

- Rep. Byrd for the Majority Party
- Rep. Frankel for the Minority Party

*Questions and Debate:*

2<sup>nd</sup> Reading

During second reading, up to a total of sixty minutes shall be allocated for the sponsor(s) to explain the bills and answer questions. From this time, the sponsor(s) shall be allowed ten minutes to explain the bills. Rep. Byrd and Rep. Frankel will each be allocated twenty five minutes for the purpose of questions, and may yield their time to other Members. All questions and answers will count against the time of the floor leader who yields to the questioner.

3<sup>rd</sup> Reading

During third readings, up to a total of sixty minutes shall be allocated for debate. From this allotted time, the sponsor(s) will have five minutes to open and five minutes to close. Rep. Byrd and Rep. Frankel will each be allocated twenty five minutes for the purpose of debate, and may yield their time to other Members.

During each reading, CS/HB 273 will be considered first followed by CS/HB 275. The times allocated are for consideration of both bills, not each bill.

*All recognitions must go through the Speaker.*

No Member may be recognized for any purpose unless a floor leader yields time to that Member.

Amendments: \_\_\_\_\_ Open  
                   \_\_\_\_\_ X \_\_\_\_\_ Structured  
                   \_\_\_\_\_ Closed

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

*Additional Conditions or Procedures:*

A structured rule shall be in effect. Only amendments approved for consideration by the Procedural & Redistricting Council or technical amendments offered in the name of the Procedural & Redistricting Council shall be in order. For every amendment approved and offered, during second reading, ten minutes will be added to the time allocated to each of the floor managers.

Motion adopted that the deadline for amendments to be delivered to the Procedural & Redistricting Council is 1:30 p.m. on March 6, 2001. The deadline for delivering amendments to the amendment or substitute amendments is 2:30 p.m. on March 6, 2001.

**Special Rule 01-02**

*Bill(s):* The Special Rule will cover the package identified by the Procedural & Redistricting Council as the Open Government Sunset Review including any or all of the following: HB 383, HB 385, HB 387, HB 389, HB 391, HB 393, HB 395, HB 397, HB 399, HB 401, HB 403, HB 405, HB 407. Any subsequent versions of these bills as reported by committee or council will be considered covered by this Special Rule.

Summary: The Special Rule will cover consideration of the bills on second and third readings.

Consideration on the Floor

*Floor Leaders:*

Rep. Brummer (or his designee) will introduce the discussion of the bills. The bills will be presented individually by the following Members (or other designees as determined by Rep. Brummer) as indicated:

HB 383, HB 385, HB 387, HB 389 - Rep. Brown

HB 391, HB 393, HB 395 - Rep. Kendrick

HB 397, HB 399, HB 401 - Rep. Harper

HB 403, HB 405, HB 407 - Rep. Macheek

*Questions and Debate:*

2<sup>nd</sup> Reading

During second reading, Rep. Brummer (or his designees) will have up to ten minutes to introduce the package. Each Member presenting a bill will have up to five minutes to explain that bill and answer questions on the bill.

3<sup>rd</sup> Reading

During third reading, up to three minutes shall be available for consideration of each bill.

*All recognitions must go through the Speaker.*

Amendments: \_\_\_\_\_ Open  
                   \_\_\_\_\_ Structured  
                   \_\_\_\_\_ X \_\_\_\_\_ Closed

A closed rule will be in effect.

Only technical amendments offered in the name of the Procedural & Redistricting Council shall be considered on the floor.

**Special Rule 01-03**

*Bill(s):* CS/HB 271 by the Council for Lifelong Learning and Representative Negron

Summary: The Special Rule covers CS/HB 271 or any subsequent versions of this bill as reported by committee or council. The Special

Rule covers consideration of the bill on both second and third readings, and includes a structured condition for consideration of amendments.

*Floor Leaders:*

Rep. Melvin for the proponents  
 Rep. Frankel for the opponents

*Questions and Debate:*

2<sup>nd</sup> Reading

During second reading, up to a total of 190 minutes shall be allocated for the sponsor(s) and the floor leaders to explain the bill and to ask and answer questions. From this time, the sponsor(s) shall be allowed up to ten minutes to explain the bill. The floor leaders will each be allocated 90 minutes of this time for the purpose of questions, and they may yield their time to other Members. All questions and answers will count against the time of the floor leader who yields to the questioner.

3<sup>rd</sup> Reading

During third readings, up to a total of 135 minutes shall be allocated for debate. From this allotted time, the sponsor(s) will have up to ten minutes to open and five minutes to close. The floor leaders will each be allocated 60 minutes of this time for the purpose of debate, and may yield their time to other Members.

During the time allotted to the floor leaders, no Member may be recognized for any purpose unless a floor leader yields time to that Member. It is the prerogative of the Speaker to alternatively recognize each floor leader for a set amount of time.

*All recognitions must go through the Speaker.*

Amendments: \_\_\_\_\_ Open  
                   \_\_\_\_\_ X \_\_\_\_\_ Structured  
                   \_\_\_\_\_ Closed

Only amendments approved for consideration by the Procedural & Redistricting Council shall be in order. No more than six amendments shall be approved for consideration. Time for consideration of an amendment shall be taken from the side that is sponsoring the amendment.

Motion adopted that the deadline for amendments to be delivered to the Procedural & Redistricting Council is 1:30 p.m. on March 6, 2001. The deadline for delivering amendments to the amendment or substitute amendments is 2:30 p.m. on March 6, 2001.

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

**Special Rule 01-04**

*Bill(s):* HB 21 by Rep. Fasano and others - Intangible Personal Property Taxes

Summary: The Special Rule covers consideration of the bill on both second and third readings and includes a structured condition for consideration of amendments.

*Floor Leaders:*

Rep. Goodlette for the Majority Party  
 Rep. Frankel for the Minority Party

*Questions and Debate:*

2<sup>nd</sup> Reading

During second reading, up to a total of 130 minutes shall be allocated for the sponsor(s) and floor leaders to explain the bills and to ask and answer questions. From this time, the sponsor(s) shall be allowed ten minutes to explain the bills. The floor leaders will each be allocated 60 minutes for the purpose of questions, and may yield their time to other Members. All questions and answers will count against the time of the floor leader who yields to the questioner.

3<sup>rd</sup> Reading

During third reading, up to a total of 195 minutes shall be allocated for debate. From this allotted time, the sponsor(s) will have up to ten minutes to open and five minutes to close. The floor leaders will each be allocated 90 minutes for the purpose of debate, and may yield their time to other Members.

No Member may be recognized for any purpose unless a floor leader yields time to that Member. It is the prerogative of the Speaker to alternatively recognize each floor leader for an amount of time determined by the Speaker.

*All recognitions must go through the Speaker.*

Amendments:            \_\_\_\_\_ Open  
                                   \_\_\_\_\_ X \_\_\_\_\_ Structured  
                                   \_\_\_\_\_ Closed

Only amendments approved for consideration by the Procedural & Redistricting Council shall be in order. No more than four amendments shall be approved for consideration. Time for consideration of an amendment shall be taken from the side that is sponsoring the amendment.

Motion adopted that the deadline for amendments to be delivered to the Procedural & Redistricting Council is 1:30 p.m. on March 6, 2001. The deadline for delivering amendments to the amendment or substitute amendments is 2:30 p.m. on March 6, 2001.

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

On motion by Rep. Byrd, the above report was adopted.

**Adjournment**

On motion by Rep. Byrd, the House adjourned at 10:49 a.m., upon the receiving of Reports, for the purpose of attending the Joint Session, holding committee and council meetings, and conducting other House business, to reconvene at 12:30 p.m., Wednesday, March 7, 2001.

**JOINT SESSION**

Pursuant to HCR 1-Org., the Members of the Senate, escorted by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, were seated in the Chamber. The President and President pro tempore joined the Speaker and Speaker pro tempore at the rostrum. The Secretary joined the Clerk at the front desk.

**Arrival of Lieutenant Governor and Cabinet**

The Honorable Frank Brogan, Lieutenant Governor; the Honorable Katherine Harris, Secretary of State; the Honorable Robert A. Butterworth, Attorney General; the Honorable Robert F. Milligan, Comptroller; the Honorable Tom Gallagher, Treasurer and Commissioner of Insurance; the Honorable Terry L. Rhodes, Commissioner of Agriculture; and the Honorable Charlie Crist, Commissioner of Education, constituting the Cabinet, were escorted into the Chamber by the Sergeant at Arms of the Senate and seated.

**Arrival of Supreme Court**

Chief Justice Charles T. Wells, Justice Leander J. Shaw, Jr., Justice Major B. Harding, Justice Harry Lee Anstead, Justice Barbara J. Pariente, Justice R. Fred Lewis, and Justice Peggy A. Quince, constituting the Supreme Court, were escorted into the Chamber by the Sergeant at Arms of the Senate and seated.

The Speaker presented the gavel to the Honorable John M. McKay, President of the Senate, asking him to preside over the Joint Session.

**THE PRESIDENT OF THE SENATE PRESIDING**

A quorum of the Joint Session was declared present.

**Prayer**

The following prayer was offered by the Reverend Frederick A. Buechner, Rector of All Saints Episcopal Church of Thomasville, Georgia.

Most gracious God, we humbly beseech Thee as for the people of the state of Florida in general. And so especially for their Senate and Legislature here assembled, that Thou wouldst be pleased to direct and prosper all their consultations to the advancement of Thy glory, the good of Thy church, and the safety, honor, and welfare of Thy people; that all things may be so ordered and settled by their endeavors upon the best and surest foundations; that peace and happiness, truth and justice, religion and piety may be established among us for all generations.

Grant to the Governor, Senators, Representatives, and all others in authority, wisdom and strength to know when to do Thy will. Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve this people in Thy fear.

These and all other necessities for them and for us, we humbly beg in Thy name, Amen.

**Pledge**

The Members of the Joint Session, led by President McKay, Senator Peaden, and Representative Lerner, pledged allegiance to the Flag.

**Committee to the Governor**

On motion by Rep. Byrd, the Speaker appointed Reps. Brummer, Green, Harrell, Bennett, Berfield, Ritter, Jennings and Bullard, and on behalf of the President, appointed Senators Clary, Campbell, Cowin, Crist, Geller, Latvala, and Lawson as a joint committee to notify the Governor that the Legislature had assembled to receive his message. The committee retired to execute its responsibility.

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

**Special Ceremony**

At the direction of the President, Faye Blanton, Secretary of the Senate, read the following proclamation:

**PROCLAMATION**

**Joint proclamation of the Florida Senate President and Speaker of the Florida House of Representatives, recognizing State Senator Ronald A. Silver as Dean of the Florida Legislature.**

WHEREAS, Ronald A. Silver was born in Cambridge, Massachusetts in 1943, and moved to Florida as a young man of 15 years of age, and

WHEREAS, after graduating from the University of Miami in 1965, Ronald A. Silver earned a law degree from the School of Law at the University of Miami in 1968, and

WHEREAS, prior to his election to the Florida Legislature, Ronald A. Silver built a notable career as an attorney, during which time he served as the Prosecuting Attorney for North Miami Beach from 1968 until 1972, as the Assistant Attorney for the City of Miami from 1972 until 1975, and as a Municipal Judge of Lauderdale Lakes from 1975 until 1977, and

WHEREAS, Ronald A. Silver was elected to the Florida House of Representatives in 1978, where he served the citizens of Miami with distinction, and

WHEREAS, during his distinguished tenure in the Florida House of Representatives, Ronald A. Silver served on numerous committees, received many awards, and served in many leadership positions, including as Chairman of the Dade County Legislative Delegation from 1982 until 1983, as the Majority Whip from 1984 until 1986, as the Majority Leader from 1986 until 1988, and as the House Floor Leader for the Governor from 1990 until 1992, and

WHEREAS, after serving with distinction in the Florida House of Representatives, Ronald A. Silver was elected by the people of Miami to the Florida Senate in 1992, and

WHEREAS, as a State Senator, he has continued to work with his fellow legislators to improve the lives of the people of this state through his passionate work with health and human services issues and his tireless efforts to ensure that Florida is a safe place to live and work, and

WHEREAS, because of his leadership and dedication to the people of Florida, Ronald A. Silver was elected as Minority Leader of the Florida Senate during the 1994 Session and served as Chairman of the Dade County Legislative Delegation from 1995 until 1996, and

WHEREAS, throughout his tenure in the Florida Legislature, Ronald A. Silver has brought humor, levity, and collegiality to the legislative process, yet he always remains a statesman, and

WHEREAS, Ronald A. Silver has been a friend, mentor, confidant, and teacher to countless speakers, presidents, leaders, chairmen, legislators, and staff, and

WHEREAS, having served in the Florida Legislature for 23 years, the longest tenure of any state legislator currently serving, Senator Ronald A. Silver has earned the designation of "Dean of the Florida Legislature," NOW, THEREFORE,

We, Senator John M. McKay, President of the Florida Senate, and Representative Tom Feeney, Speaker of the Florida House of Representatives, on behalf of the members of the entire Florida Legislature, do congratulate Senator Ronald A. Silver, Dean of the Florida Legislature, for his dedicated and distinguished service in the Legislature for the people of Florida, bestow upon him the title of Dean of the Florida Legislature, and recognize him for his extraordinary career in public service.

ADOPTED at the Joint Session of the Florida Legislature on March 6, 2001.

*s/John M. McKay*  
President of the Senate  
*s/Faye W. Blanton*  
Secretary of the Senate  
*s/Tom Feeney*  
Speaker of the House of Representatives  
*s/John B. Phelps*  
Clerk of the House of Representatives

### Presentation of the Governor

Upon announcement by the Senate Sergeant at Arms, the committee escorted Governor Bush to the rostrum.

President McKay introduced Columba Bush, wife of Governor Bush; Michelle McKay, wife of President McKay; Ellen Feeney, wife of Speaker Feeney; Mel Martinez, U.S. Secretary of Housing & Urban Development; and Secretaries of many of the agencies in Florida Government.

### Soloist

President McKay introduced violinist Lizbet Martinez, who performed in the Senate earlier today and who first performed for a joint session of the Legislature in March of 1995, just months after arriving in the United States from Cuba. Ms. Martinez and her family left their homeland by boat and were rescued by the United States Coast Guard. President McKay related that Ms. Martinez wanted to thank the Coast Guard and since she did not speak English she took up her violin and played the "Star-Spangled Banner." Ms. Martinez, now 18, is attending Florida International University and is studying music education. Ms. Martinez played a moving rendition of the "Star-Spangled Banner" for the members of the Legislature, visiting dignitaries and guests, who responded with applause.

President McKay presented the Honorable Jeb Bush, Governor, who addressed the Joint Session as follows:

### Governor's Address

Thank you very much. Mr. President, Mr. Speaker, Members of the Legislature, honored guests, and my fellow Floridians, good morning, or maybe now good afternoon, I am not quite sure. Good morning, still, to you all.

And before I begin my remarks, I want to do two things: One, I want to pay my respects to Lizbet; you are still as beautiful as you were when I first saw you, when you came to our country. Now you are a productive citizen of Florida and we are so proud of you. It just was wonderful to hear the National Anthem played. I would ask for a moment of prayer and reflection for the public servants that have lost their lives in doing their duty in our state over the last year, and most particularly the three National Guardsmen who died in the airplane crash along with the National Guardsman from Virginia. If we could just pause and reflect and pray please.

### Moment of Silence

Thank you, thank you very much.

I want to begin by saluting the new legislators who are here with us today. For many in this room, this is a day of long-awaited fulfillment. You and your families should be really proud of what you have accomplished. In some ways your journey ends today; in others, it is just a beginning.

Despite your justifiable pride, personal satisfaction shouldn't blind you to your greater purpose here. You should pause to consider the events that propelled you into public service.

Eight years ago, the people of Florida took to the polls and they changed our Constitution. Tired of the paralysis of government, sickened by the way special interests had inculcated themselves into the machinery of state, we said this: No politician should spend more than eight years in office. And in doing so, Floridians made room for the new legislators here today.

You should deeply consider and respect what Floridians were saying by making that choice. We were saying that new ideas are more important than experience. Experience is important but the advocacy of new ideas and new thinking in the 21st century, I believe, is more important, and the people of Florida understood that. We were saying that courage to act on them is more important than the perks of entrenched public service. And we were saying that you should never forget that it is the people, and not the process, whom you serve.

This class of freshman legislators is the first to carry forward that charge. This year, we'll have 62 new members of the Florida Legislature—well more than a third of the body. In two years, every single legislator will stand for re-election. Each of you here today, freshman and experienced legislator alike, is called upon to meet the challenges of a future that is rushing to meet us.

As I said, this is a day of fulfillment—and in that sense it's an ending—but it is also a day of new beginnings. For today, you have been given the power to change the face of Florida and, I believe, even the nation.

I believe in the next two years we can enact reforms that will serve Floridians for generations to come. We can achieve this if we set ambitious goals and pursue them with clear policies and a single-minded determination.

Many people will come to you, our freshman legislators, like they did to me when I got here two years ago, and they will tell you to slow down. You probably have already heard it; they will tell you to kill some time, and learn the system. But you should know this: If you take too long, time and the system will kill your ability to cause meaningful change.

People will tell you that two years is not enough time to gain experience and change things for the better. But I know, and many of the returning legislators in this Chamber know, what can be accomplished in just two years.

A little more than two years ago, I stood a few hundred feet from here under those beautiful oak trees in front of the old Capitol, I raised my hand and took the oath of office.

That day, I said that we needed to revolutionize the way we view public education, elevating children above bureaucracies. I said that we needed to be relentless in our drive to stop violent crime and to reduce drug abuse. I said we needed to cut taxes and give back to Floridians what was justifiably theirs. I said we needed to build a world-class business climate to bring to the state the high-wage jobs of tomorrow. I said we needed to protect the most vulnerable Floridians, the children, the frail elders, and the disabled. And I said we needed to bring opportunities to our cities, while protecting what is best about Florida's natural environment.

And what has happened as a result of setting these goals and working with a visionary Legislature? Because of the A+ plan, Florida leads the nation in innovation and improvement in education. Two years ago, there were 78 "F" schools in our state. Last year, there were only four. [applause] And this, too, is astonishing. Last year, more than 40 percent of Florida's schools were either "A" schools or improved at least one letter grade. These teachers and our students have earned our thanks and admiration.

Grades and test scores continue to climb, particularly among minorities, as students and teachers reap the benefits of a system that measures and rewards positive performance. Just a few weeks ago, a Harvard study concluded that Florida's system of accountable education is working, and working extraordinarily well.

While we should take heart in the statistics that show this systemic change that is taking place all across our state, we should not lose sight of the fact that the real change is occurring on a human scale, student by student. Is there any greater reward to give a child than the tools to prosper, in some cases, to salvage gifts that would otherwise be lost? There simply is not.

And let's look at how we've protected Floridians from violent crime. Many legislators in this room were instrumental in putting in place the 10-20-Life program, a law that imposed clear penalties for the use of a firearm in the commission of a crime. As a result, gun crimes dropped by an astonishing 20 percent in the first year following the law's enactment. In 1999, Florida experienced the largest drop in crime since 1971. [applause] With the help of men and women in law enforcement, we are reversing a trend that has ravaged Florida for decades. Let us give them thanks for their service, their dedicated service to our state. [applause] And, I might add, we should give thanks to the men and women that are in our drug treatment programs and our prevention programs, and the law enforcement officers that are fighting hard against the ravages of drug abuse as well, and we're seeing significant progress in that regard. And I would like to pay tribute to the First Lady of this state for her efforts in making sure people understand how important it is to see a 50 percent reduction in drug use over the next five years. Thank you, Columba. [applause]

And let us reward, not punish, Floridians for their thrift and success. In the past two years, the Legislature has made tax cuts now totaling more than 1.5 billion dollars, allowing a broad segment of our citizenry to keep more of what they earn and to spend it as they see fit. Six hundred and fifty thousand taxpayers enjoyed intangibles tax relief, and 3.7 million households, about 9 million people, saw property tax relief over the last two years. The burden of state taxes will be reduced to its lowest level in a decade because of your efforts over the last two years.

By showing fiscal restraint and advancing regulatory reform, we've also helped create a climate where businesses can prosper. Consider this extraordinary fact: For the year ending June 2000, one in nine new jobs and one in 12 new businesses in the nation were created here in Florida. That's an amazing statistic and is an example of why we are progressing as a state. Through the efforts and creativity of Floridians we are building a magnificent economic engine into this new century.

And you know what I'm particularly proud of? Working with the Florida Legislature over the last two years. With little fanfare, we have

elevated to the top of the priority list the interests of the most vulnerable and needy in this state. By the end of this fiscal year, 84 percent of the children that are eligible, the 1.5 million children that are eligible in Florida, will have health insurance; two years ago, that number was 55 percent. [applause] Now some would call that a Medicaid deficit, I call that good public policy. And we should be proud of the fact that we have gone from the back of the pack as it relates to Kid-Care insurance, to be able to provide affordable insurance for children and their families if they're Medicaid eligible. This is nothing to be ashamed about. This is good public policy and you all should be proud of it. [applause]

In two years, we have increased our financial commitment to the child welfare system by 313 million dollars or a 77 percent increase. That's an amazing commitment and you all should be proud of that. And with our continued commitment next year, 28,000 Floridians with developmental disabilities will have received vital services after they languished on waiting lists for year after year after year. We are making a difference. [applause]

And we're also balancing industry with stewardship, with our obligations to protect Florida's fragile natural environment. With the recent enactment of the Florida Forever Program, we have continued a legacy of environmental stewardship that is the best in the nation. After decades of infighting and impasses, in the past two years we've been able to put in place a plan for restoring the Everglades, our greatest natural treasure. Indeed, restoration of the Everglades and other projects like it around the state will also help keep more fresh water in the ecosystem, which will make it easier for us to deal with the severe drought conditions and less likely for them to occur in the future. And again I think it's appropriate to commend the dedicated local firefighters, the Division of Forestry employees, and all of the people in a concerted, organized way that are fighting these atrocious fires all across our state. We are better organized today because the Florida Legislature in the last two years has made a huge commitment in terms of equipment and manpower to help Floridians in their time of need. And once again you deserve high praise for your priorities. [applause]

These are some of the accomplishments of the past two years. There are many others, too many to mention here today. But taken in a whole, and bearing in mind that the success of our state ultimately rises and falls with the will and work of the people, I am pleased to say that the state of our beloved state is good. Indeed, it is very good. [applause]

It is very good today, and we should be thankful for our blessings. But what about tomorrow? Look over the horizon, if you will. What will Florida look like? Will we have the schools where the command focus is on children learning? Will we have enough teachers to show our children the way? Will we have well-planned, vibrant communities with a sense of purpose and identity? Will we have enough electricity to meet our needs? Will we have prepared our economy for the next burst of prosperity? Will state government be an institution that harnesses technology, and more importantly, that is known for its passionate and efficient services?

These questions and dozens of more like them are basic questions, but questions that are too often ignored or relegated to one more task force, or one more study commission. But you know if we ignore them now, we do so at our peril, and I know we won't.

We can answer these questions, and we must. We must have the commitment and courage and the genuine desire to reach across the political divide and work for all the people we represent.

It is time—no, it is past time—to accept responsibility and share accomplishments as one, as a group committed to the higher principles of public service. The choice is simple for all of us: Would we rather be known for the enormity of the challenges we conquered or for the pettiness of partisan bickering? To my friends in the Democratic Party let me make it clear, I will extend my hand of friendship and collegiality to work on the issues of this state each and every day while you all are in session and afterwards as well. And I know working together we can make a big difference in the lives of Floridians. [applause]

And when we work together, I hope we can focus on what lasts, what endures beyond our brief time in this building. Although you will

consider many laws this year, the one I hope you most consider is taken from the great law of the Iroquois nation: "In every deliberation, we must consider the impact of our decisions on the next seven generations."

And with this in mind, let us begin where the future is formed, let us begin with our public schools. This year, we need to continue to build on the successes of the A+ plan.

As you know, one key component of the plan is to test children so that we can be sure that they've learned a year's worth of knowledge in a year's time. This is an element of the plan that has been subject to much detailed and technical intellectual debate. But having listened to much of it, nothing has been as helpful to me as the thoughts of a teacher, a principal, and a student from Bent Tree Elementary School in Miami. Let's listen to Beryl Grant, Bart Christie, and Jesus Alvarez as they discuss the FCAT test.

**Beryl Grant:** The FCAT really is preparing them for life and life beyond school, which is work, and also college. We have to read, think, and explain. And that to me is what FCAT is all about.

**Bart Christie:** Through this initiative we were able to move our school from a D-school to a B-school. We missed an A-school by about three percentile points, which is about four or five students. We are going to be an A-school this year.

**Jesus Alvarez:**

The Extraordinary FCAT  
FCAT O FCAT, we work for you every year  
Sometimes you scare us, but it's only our fear  
We learn to solve problems, and also to read  
Our teachers make sure, that in life we'll succeed

Hurray for Bent Tree, 'cause we got a B  
We thought you're a monster, but now we are brave  
We'll make that A, so Bent Tree can rave! [applause]

When I shaked Governor Bush's hand, he said,  
'Good job, you can take that poem on the road' and  
Mr. Christy congratulated me. . . .

Well, what you missed by your appropriate applause was the fact that what Jesus says afterwards I told him that he ought to take that on the road to lessen people's fears about the FCAT. In fact, Jesus has taken it on the road, and he is here with us today in the gallery. Jesus Alvarez, could you please stand. [applause]

Thank you Jesus, and Ms. Grant, thank you for your dedication as a great classroom teacher. [applause]

When I visited Bent Tree Elementary School, Jesus reminded me, and I think he reminds all of us, that change and new ideas can seem pretty scary at first. But he also reminds us what can be achieved if we challenge ourselves, what can be achieved in just two years.

Jesus and others like him will be pleased to know that my proposed budget this year, we have asked that you provide 6 million dollars to provide computerized tutoring for the reading, writing, and math skills measured by the FCAT, so that studying can take place anytime, anywhere.

This is only a small part of the 531 million dollars I have requested in increased K-12 funding this year, and an even smaller part of the 2 billion dollars in increased funding we will then have appropriated in the last three years because of the efforts of the previous two.

I've also asked that we refocus our efforts in bringing more and better teachers to Florida's classrooms. Our growing student population has created an unprecedented demand for teachers in this state. Our teacher shortage threatens to undermine the academic improvements we have made. And we must begin now on a 10-year project, to think long-term, a 10-year project to recruit and retain 160,000 teachers to meet the projected demand in Florida.

Last year, almost nine percent of Florida's teaching force needed to be replaced, and the need for teachers only grows because of the growing student population. Let's hear from Claude Archer as he shares his perspective on this statewide problem.

**Claude Archer:** My name is Claude Archer. I was a teacher at Marjory Stoneman Douglas Elementary for the last ten years. Now I recruit and hire teachers for the county. We're trying to attract mid-career professionals looking for a change, looking for some more meaning to what they're doing. They're looking for something a little bit more meaningful. They want to make a difference in lives of children. We're looking for them. When I talk to people who are thinking about changing careers, I always tell them this is the most important job there is. You have a chance to touch the life of a child and what you do will impact them for the rest of their lives. But there is no greater feeling than one day having a student walk into your classroom and say, 'You don't remember me, do you? But you were my first grade teacher, or you were my English teacher, and some of the things you said to me have really touched me and made a difference, and I'm here today, where I am, because of you.' I think it's critical that we do everything we can to recruit and retain teachers. I really would like to thank Governor Bush for all his efforts and for making education his top priority. [applause]

After listening to Claude and many dedicated educators all across the state like him, we've developed a comprehensive plan for increasing the number of Florida's classroom teachers. The plan contains some 20 separate initiatives aimed at getting and keeping great teachers.

This year, I've asked for 169 million dollars in total funding of new and ongoing teacher recruitment and retention initiatives. Among other things, these funds will provide for a teacher signing bonus that would be matched by the local school districts to attract new teachers. We must also offer alternatives to the current teacher certification policies to enable qualified Floridians with diverse backgrounds to teach our children and we need to enhance the professional development opportunities for teachers to increase job satisfaction. These changes will help our young. But what about the Floridians who are elderly, and who have special needs? This session I ask that you bring an unparalleled focus to long-term care for Floridians.

Several months ago I had the opportunity to be in West Palm Beach where the diversion program has been implemented. And I met Jerry Price and his beautiful wife, Jeanne. They provide a compelling reminder of why you and I have been sent here to Tallahassee. Through a program that we have implemented, Jeanne was diverted from a nursing home and given the resources to live with her beloved husband and their pet bird, Shakespeare.

We saved the taxpayers money in doing this and we dramatically elevated Jeanne's quality of life. I'd like you to meet them and hear their experience.

**Jerry Price:** This is Jeanne, my beautiful wife Jeanne Price, and I'm Jerry Price. And we've been married going on 51 years. Jeanne has been diagnosed with Alzheimer's, with Parkinson's, she's a diabetic, she's had two open-heart surgeries. She relies upon being home for her happiness and she wouldn't have that in a nursing home. So I know that if we didn't have what we have now, and we didn't have the long-term care and the beacon helping us, it would not work out for us at all. It's provided her with counseling, and it's provided her with meals, and it's provided her with homecare, and there isn't anything that we need that we don't get from this program. All I can say is thank you from the bottom of our hearts because 'our' means that we're together and without you, we would not be together. She would be in a nursing home, I would be working six jobs to pay for it. The quality of life would have gone down the drain. And I thank you, thank you, thank you and that's all we can say. [applause]

Thank you, Jerry. I wish you could all meet Jerry. He is a really cool guy and committed to his wife, just as you saw it there. And because of our efforts, many people like that, those families can now stay together. I do have to say though, it's a little embarrassing that Shakespeare



behaved a little better than my pet dog, Marvin. I don't know how they filmed that so well.

For Jeanne and folks like her, I propose that we continue to expand community-based care programs that allow them to function within their homes and neighborhoods in the least restrictive way.

With the more than 50-million-dollar increase I have suggested in my recommendations to you, we will have increased funds for community-based care programs all across this state by more than 60 percent in the last three years. These moneys will help seniors age with dignity in places they cherish with the people they love. We will also dedicate 30 million dollars in our budget to help low-income seniors buy the prescription drugs they need. And once again the Legislature deserves high praise for passing the bill last year to begin that process to provide help so people don't have to make choices between paying rent or buying the medicine that they may need when they are on limited income. For those seniors who need nursing homes, we have proposed 46 million dollars in new funding this year to improve the quality of nursing home care by decreasing staff turnover and increasing staff-to-resident ratios.

But more money alone will not solve the crisis in nursing home care. Nursing homes teeter on the verge of bankruptcy in Florida, and many will go under if we do not take decisive action to stabilize their insurance premiums by providing lawsuit relief. If nursing homes close their doors, seniors could be left without the services they vitally require at this vulnerable time in their lives. Even if nursing homes survive, but are financially weakened, the quality of care they provide could decline, and harm our elders. Nursing homes in Florida are three times more likely to be sued than in other states, putting the costs of liability insurance at eight times the national average. We should preserve the right to litigate, but wouldn't it be better for nursing homes to spend money on improving quality of care rather than paying for insurance premiums and litigation costs? I hope that you agree with that and I hope that we deal with this in a comprehensive way. [applause]

Your agenda this year should also include elevating the quality of life for all Floridians. There is perhaps no state program that has more potential for accomplishing this than the Growth Management Act, and none that has remained more distant from its goal. Despite decades of implementation, our roads remain clogged with traffic, important natural resources are threatened or destroyed, and community needs like public schools aren't fully met.

Last year, I formed a commission to address the gaps in the Growth Management Act. I carefully considered who should lead that task force, and I concluded there was one person who possessed the stature and courage to squarely confront the implications of development. I chose then Orange County Chairman Mel Martinez, who has strongly pushed to limit growth in the areas of his county until school overcrowding was dealt with. Although Mel has since been demoted to go to Washington, D.C., as the Secretary of Housing and Urban Development, he's been kind enough to join us here today and to show his support for his commission's proposals. Mel, can you please stand. We thank you for your service. [applause]

Mel and other commission members have proposed that we not blindly permit development ahead of our ability to build schools. I agree, it's time to stop doing business as usual in this state as it relates to growth management. Today is the day we say, "We will not allow our residential communities to swell without new classrooms. We will no longer allow Florida to be sold on the cheap."

I also ask that you continue to make gains in tax relief for our citizens. This year, we propose the third in a series of four cuts aimed at ultimately eliminating the insidious intangibles tax, a tax that punishes seniors and savers. Let's hear from Judy Clark of Lake Mary about this problem.

**Judy Clark:** Hi, my name is Judy Clark and I live in Lake Mary, Florida. All of my working years and most of the time, two jobs, since I raised four children alone, and I paid tax on every dollar I earned. And then I saved some money and I inherited money and I had to pay taxes at that time, and now I'm still paying taxes on

that same money. I would like to thank Governor Jeb Bush and our legislators for reducing this tax by percentages each year. And hopefully, in the very near future, it will be abolished completely. [applause]

Judy and a whole lot of other people across the state and a lot of your constituents seem pretty focused on getting rid of the intangibles tax, and I believe so should we. You can be sure that we will do everything in our power to let you keep your life savings. The people of Florida on fixed income that may have some assets have already paid, they've already given at the office and to ask them to give year after year after year makes little sense.

You know what? Among individuals, seniors over 60 pay almost three-quarters of this tax. I believe we must stop punishing them for their thrift. This year, we are proposing raising the individual exemption from 20,000 to 250,000 dollars and the joint exemption from 40,000 to 500,000 dollars, and the exemption on Florida's businesses from zero to 250,000 dollars. These will have the remarkable effect of removing more than 500,000 Floridians from the tax rolls.

I think we can all agree that taxing people on fixed incomes or taxing the capital that grows small businesses is bad public policy, that it harms people and businesses when they can least afford to be taxed by government.

You know when we sought and achieved similar tax cuts in the Legislature in the past two years, over 90 percent of the members of both parties voted in favor of those tax cuts. And I urge you to continue this bi-partisan approach with the goal of ultimately eliminating the tax altogether.

Improving public schools, providing quality long-term care, dealing with development, cutting taxes—these are all issues that should be at the forefront of the public agenda. Appropriately, they focus on the needs that directly confront those we are bound to serve. But there is one issue that is more internally focused. And yet, just as important, and unless we adequately address it, state government jeopardizes its ability to deliver in all other areas. Of course, I speak about civil service reform.

Before you hear my thoughts, I'd like for you to hear the thoughts of my friend, Governor Roy Barnes of Georgia.

**Governor Roy Barnes (D-GA):** Hello, I'm Roy Barnes, Governor of your neighbor to the north, the great state of Georgia. We all know we are living in a changing society. In the last few years, personnel policies in the private sector and not-for-profit world have evolved dramatically. Organizations are more competitive and efficient. State governments must do the same if we are to deliver the services our citizens demand with the same speed and service they've come to expect from the private sector. Five years ago, Georgia took a giant step when we instituted performance-based compensation instead of the inflexible constraints of the merit system. Over half of our state employees are now employed and compensated based on performance rather than status. And that number is growing every day. Government can never have the full confidence of its people if it does not keep in step with the rest of society. Performance-based employment is not only desired, it is essential if states are going to continue as economic generators of prosperity. Based on Georgia's experience, I encourage Florida in its efforts to modernize its state workforce.

And we will, Governor, we will do that.

Thank you, President. [applause]

My friends, over the last two years, in partnership with you, we have made significant reforms in the budget process. We are also beginning to transform state government by using technology in strategic ways.

Now it is time to reform our employment system, so that like the world-class service organizations that are driving our economy in our state, state government can provide effective and efficient service that its 16 million citizens deserve.

Last week, we announced a comprehensive reform proposal named Service First, and today I ask for your support of that initiative. I also asked, that despite the relative austerity that will characterize our budget this year, and I use the term relative, being an optimist, that we begin to move to a compensation system that is competitive and rewarding for our dedicated state workers. I urge you to maintain our recommendations to reward better our hard-working state employees.

And finally, we must make reliable and accurate the very machinery of democracy, the voting process. For 37 days last fall, Florida was thrust onto the world stage as we waited for the outcome of the presidential election. Some would say that many in this room solidified their place in history for their roles in that event.

But neither the history of the 2000 campaign nor your own history is fully written, and the action you take this session will provide a lens through which the election can be properly judged.

I say let us be known as a people who are humble enough to acknowledge our shortcomings, and principled enough to seek to correct them. I ask that we dedicate the resources that are needed to modernize our voting systems and move forward with confidence into the next election cycle. The people of this state want us to do this, I think we need to pause and get it done right, and move on to the other affairs of business that are important as well.

I really appreciate y'all allowing me to share my thoughts with you here and outline some changes that we might consider. More importantly, I hope that you've listened carefully to the thoughts of others that spoke via video here with us today. I look forward to listening to your ideas for change as we work together during this session.

Dr. Martin Luther King said, "The soft-minded man always fears change. He feels security in the status quo, and he has an almost morbid fear of the new. For him, the greatest pain, is the pain of a new idea." Looking around here today, I see no fear of the new. Every revolution necessarily begins with one person, relentlessly pursuing a deep and compelling internal vision. Why shouldn't that revolution begin with you?

Thank you all very much for allowing me to come speak to you. God bless you all and God bless the great state of Florida. [applause]

Following his address, Governor Bush was escorted from the Chamber by the committee. The members of the Supreme Court and the Lieutenant Governor and Cabinet were escorted from the Chamber by the Sergeants at Arms of the House and Senate.

On motion by Senator Lee, the Joint Session was dissolved at 12:17 p.m., and the Senators were escorted from the Chamber by the Senate Sergeant at Arms.

## Messages from the Senate

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has adopted HCR 1-Org.

*Faye W. Blanton, Secretary*

The above concurrent resolution was ordered enrolled.

## Introduction and Reference

By Representatives Kilmer and Richardson—

**HB 1**—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against their nonexempt assessed property

value; specifying funding eligibility of certain projects; providing an effective date.

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

Referred to the Committees on General Education; Fiscal Policy & Resources; Education Appropriations; and Council for Lifelong Learning.

By Representatives Ball and Bean—

**HB 3**—A bill to be entitled An act relating to offenses by public servants; creating the "Citizens' Right to Honest Government Act"; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to prosecute violations of ch. 838, F.S.; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending ss. 838.015 and 838.016, F.S.; increasing penalties; creating ss. 838.022, 838.20, 838.21, 838.22, 838.23, and 838.24, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, and bid tampering; providing status of confidential informants or confidential sources; authorizing public servants who are subjected to an investigation for official misconduct to recover attorney's fees; amending s. 837.02, F.S.; providing a criminal penalty for perjury in an official proceeding by a public servant; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code offense severity ranking chart; repealing s. 838.15, F.S., relating to commercial bribe receiving; repealing s. 838.16, F.S., relating to commercial bribery; amending ss. 112.3173 and 121.091, F.S.; deleting cross references, to conform; providing an effective date.

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

Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Smarter Government.

By Representatives Heyman and Fields—

**HB 5**—A bill to be entitled An act relating to retired judges; amending s. 25.073, F.S.; redefining the term "retired justice" or "retired judge" with respect to certain justices or judges assigned to temporary duty; providing an effective date.

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

Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

By Representatives Heyman, Cantens, and Lerner—

**HB 7**—A bill to be entitled An act relating to eminent domain; amending s. 166.411, F.S.; authorizing municipalities to exercise the power of eminent domain for public school purposes; providing for future repeal; providing an effective date.

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

Referred to the Committees on Local Government & Veterans Affairs; Education Innovation; and Council for Smarter Government.

By Representatives Ball and Greenstein—

**HB 9**—A bill to be entitled An act relating to solid waste management facilities; amending s. 403.707, F.S.; requiring an applicant for a permit for the construction, expansion, or increase in capacity of such a facility to provide documentation regarding compliance with local government zoning and land use regulations; providing requirements with respect thereto; providing an effective date.

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

Referred to the Committees on Natural Resources & Environmental Protection; Local Government & Veterans Affairs; and Council for Ready Infrastructure.

By Representative Heyman—

**HB 11**—A bill to be entitled An act relating to State Uniform Traffic Control; amending s. 316.655, F.S.; providing for enhanced penalties for

certain violations of chapter 316, F.S.; creating s. 318.211, F.S.; providing for the disposition of such enhanced penalties; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Transportation; Fiscal Policy & Resources; and Council for Healthy Communities.

By Representatives Detert, Cantens, Clarke, Harrell, Goodlette, Paul, Bucher, Spratt, Justice, Lerner, Mahon, Murman, Rich, Henriquez, Kravitz, Bean, Gannon, Siplin, Meadows, Green, and Bilirakis—

**HB 13**—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing that unclaimed prize money shall be distributed to the public schools, community colleges, and universities on a pro rata basis based on enrollment; providing an effective date.

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

Referred to the Committees on Business Regulation; Education Innovation; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 15**—Withdrawn

By Representatives Melvin, Davis, Fasano, Murman, Maygarden, Wallace, Ball, Dockery, Argenziano, Trovillion, Crow, Andrews, Diaz-Balart, Allen, Fiorentino, Baker, Spratt, Brummer, Kyle, Gibson, Mayfield, Hogan, Diaz de la Portilla, Barreiro, Clarke, Alexander, Bowen, Green, Kottkamp, Harrington, Farkas, Kilmer, Baxley, Hart, Bennett, Goodlette, Negron, Flanagan, Attkisson, Bense, Bean, Pickens, Brown, Mealor, Harrell, Atwater, Cantens, Garcia, Stansel, Needelman, Ryan, Prieguez, Jordan, Mack, Betancourt, Ross, Miller, Mahon, Waters, Slosberg, Paul, Russell, Sorensen, Gardiner, Berfield, and Carassas—

**HB 17**—A bill to be entitled An act relating to intangible personal property taxes; repealing chapter 199, F.S., which provides for taxes on intangible personal property; amending ss. 72.011, 192.091, 196.199, 196.1993, 201.23, 212.02, 213.015, 213.05, 213.053, 213.054, 213.27, 213.31, 215.555, 220.1845, 288.039, 288.1045, 288.106, 288.1066, 376.30781, 440.49, 493.6102, 516.031, 627.311, 627.351, 650.05, 655.071, 733.604, and 766.105, F.S., to conform to such repeal; repealing ss. 192.032(5), 192.042(3), 193.114(4), 196.015(9), 607.1622(1)(g), and 731.111(2), F.S., relating to assessment of intangible personal property, the intangible personal property tax roll, filing of intangible tax returns as a factor in determining residency, intangible tax liability information in a corporation's annual report, and claims against a decedent's estate for intangible taxes; amending s. 192.0105, F.S.; correcting a reference; providing an effective date.

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

Referred to the Committees on Fiscal Policy & Resources; Local Government & Veterans Affairs; and Fiscal Responsibility Council.

By Representative Greenstein—

**HB 19**—A bill to be entitled An act relating to the Fair Housing Act; amending s. 760.29, F.S.; providing that, to qualify for the exemption from said act with respect to familial status for housing for older persons, a facility or community shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements; providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

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

Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Smarter Government.

By Representatives Fasano, Cantens, Carassas, Fiorentino, Lynn, Gibson, Mealor, Paul, Clarke, Berfield, Mayfield, Kravitz, Brown, Haridopolos, Mahon, Benson, Bowen, Baker, Kottkamp, Negron, Rubio,

Ross, Baxley, Mack, Pickens, Hogan, Kallinger, Davis, Atwater, Jordan, Bennett, Harrell, Allen, and Green—

**HB 21**—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.032, F.S.; reducing the rate of the annual tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida's Future Investment Fund, to conform; providing an effective date.

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

Referred to the Committee on Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representatives Crow, Weissman, Bucher, Justice, Heyman, Russell, Greenstein, and Sobel—

**HB 23**—A bill to be entitled An act relating to health insurance coverage for autism spectrum disorder; requiring a health insurer or health maintenance organization that offers major medical coverage to include coverage for treating autism spectrum disorder; defining the term "autism spectrum disorder"; authorizing an insurer or health maintenance organization to confirm a diagnosis or review the appropriateness of a treatment plan; providing that the act does not affect the licensure of a health care professional or impair the right to reimbursement of a health care provider; making a legislative finding that the act fulfills an important state interest; providing an effective date.

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

Referred to the Committees on Insurance; Health Promotion; and Council for Competitive Commerce.

By Representatives Crow, Weissman, Cantens, Lynn, Greenstein, Kravitz, Heyman, Spratt, and Allen—

**HB 25**—A bill to be entitled An act relating to offenses against children; amending s. 787.025, F.S.; revising provisions to prohibit certain previously convicted offenders from intentionally luring or enticing, or attempting to lure or entice, a child under age 15 into a structure, dwelling, or conveyance without consent of parent or legal guardian; providing penalties; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Judicial Oversight; and Council for Healthy Communities.

**HB 27**—Withdrawn

By Representatives Brummer and Cantens—

**HB 29**—A bill to be entitled An act relating to driving under the influence; amending s. 322.2616, F.S.; providing for the requirement that certain license suspensions shall remain in effect for a described time period; providing for the assumption of the costs for substance abuse education; providing a definition; providing for the admission of certain minors into county addictions receiving facilities under certain circumstances; clarifying the blood-alcohol and breath-alcohol level that is unlawful; providing for a temporary driving permit to become effective after a specified period has elapsed following the issuance of the permit; authorizing the use of a blood test obtained pursuant to certain other investigations to be used for the purposes of s. 322.2616, F.S.; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Transportation; and Council for Healthy Communities.

**HB 31**—Withdrawn

By Representatives Detert and Justice—

**HB 33**—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing requirements relating to

home inspection services; providing legislative intent; providing definitions; providing certain inspector qualifications and practice standards; providing exemptions; requiring, before inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report to the client on the results of the inspection and requiring provision of relevant portions thereof to homeowners under certain circumstances; prohibiting certain acts for which there are civil penalties; providing that failure to comply is a deceptive and unfair trade practice; providing for injunction against use of the title "board-certified home inspector" under certain circumstances and requiring notice thereof to potential clients; providing for the filing of complaints; requiring maintenance of records regarding complaints and compilation of statistics regarding such complaints; providing an effective date.

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

Referred to the Committees on Business Regulation; Agriculture & Consumer Affairs; and Council for Smarter Government.

By Representatives Barreiro, Rich, Garcia, Gannon, Bendross-Mindingall, Gelber, Kosmas, Lerner, Romeo, Gottlieb, Weissman, Smith, Sobel, Betancourt, Ritter, Richardson, and Henriquez—

**HB 35**—A bill to be entitled An act relating to prekindergarten early intervention programs; amending s. 230.2305, F.S.; requiring the Florida Partnership for School Readiness to develop legislation to expand the prekindergarten early intervention program to provide access to all 4-year old children at no cost to the children's parents; requiring a report; providing an appropriation; providing an effective date.

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

Referred to the Committees on Workforce & Technical Skills; Education Innovation; Education Appropriations; Fiscal Policy & Resources; and Council for Lifelong Learning.

By Representatives Paul, Bense, Cantens, Diaz-Balart, Clarke, Attkisson, Benson, Haridopolos, Brown, Baxley, Miller, Atwater, Goodlette, Allen, Lynn, Ross, Greenstein, Bean, Harrington, Carassas, and Green—

**HM 37**—A memorial to the Congress of the United States, urging Congress to adopt legislation to ensure fair voting consideration for absentee ballots cast in federal elections by overseas electors authorized to vote under the Uniformed and Overseas Citizens Voting Act.

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

Referred to the Committee on Rules, Ethics & Elections.

**HB 39**—Withdrawn

By Representative Argenziano—

**HB 41**—A bill to be entitled An act relating to water and wastewater systems; reenacting s. 350.0611, F.S., relating to duties and powers of the Public Counsel; providing an effective date.

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

Referred to the Committees on Utilities & Telecommunications; Local Government & Veterans Affairs; and Council for Ready Infrastructure.

By Representatives Sorensen and Spratt—

**HB 43**—A bill to be entitled An act relating to windstorm insurance rate filing arbitration; amending s. 627.351, F.S.; deleting authorization for certain associations to require arbitration of certain rate filings; repealing s. 627.062(6), F.S., relating to insurer authorization to require arbitration of certain rate filings; providing an effective date.

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

Referred to the Committees on Insurance; General Government Appropriations; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representatives Bense, Allen, Mealor, Greenstein, and Kallinger—

**HB 45**—A bill to be entitled An act relating to the alcoholic beverage surcharge; amending s. 561.501, F.S.; providing that the surcharges on liquor, wine, cider, and beer sold for consumption on the premises shall not be imposed beginning July 1, 2001; repealing s. 561.501, F.S.; removing provisions relating to imposition, administration, and enforcement of such surcharges, effective July 1, 2004; amending s. 561.025, F.S.; removing the prohibition against deposit of surcharge revenues in the Alcoholic Beverage and Tobacco Trust Fund; amending s. 561.121, F.S., and repealing subsection (4) thereof; removing provisions relating to transfer of a portion of surtax revenues to the Children and Adolescents Substance Abuse Trust Fund, and the remainder to the General Revenue Fund, and providing for deposit of a portion of the excise taxes on malt beverages, wines and other beverages, and liquors in said trust fund; providing effective dates.

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

Referred to the Committees on Agriculture & Consumer Affairs; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representatives Bense, Goodlette, Paul, Wiles, Bean, Greenstein, and Gannon—

**HB 47**—A bill to be entitled An act relating to community service; creating the Florida Volunteer and Community Service Act of 2001; providing legislative intent; authorizing the state to establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives that encourage and reward volunteerism; providing purposes of the act; amending s. 14.29, F.S.; expanding the purposes of a required report of the Florida Commission on Community Service; authorizing the commission to provide specified assistance for the establishment and implementation of programs pursuant to the Florida Volunteer and Community Service Act of 2001; providing an effective date.

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

Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

By Representatives Smith, Joyner, Bendross-Mindingall, Wilson, Fields, Harper, Jennings, Cusack, Brutus, Peterman, Bullard, Richardson, Siplin, Holloway, and Meadows—

**HJR 49**—A joint resolution proposing an amendment to Section 4 of Article VI of the State Constitution, relating to suffrage and elections, to authorize the Legislature to provide the conditions under which a convicted felon's right to register or vote may be restored.

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

Referred to the Committees on Rules, Ethics & Elections; Judicial Oversight; and Procedural & Redistricting Council.

By Representatives Smith, Joyner, Bendross-Mindingall, Wilson, Brutus, Peterman, Bullard, Cusack, Richardson, Siplin, Fields, Harper, Jennings, Holloway, and Meadows—

**HB 51**—A bill to be entitled An act relating to elections; creating the "Citizens' Empowerment Act"; amending s. 97.041, F.S.; providing for automatic restoration of former felons' right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions for such automatic restoration; amending ss. 97.052, 97.053, and 98.0975, F.S., to conform; providing a conditional effective date.

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

Referred to the Committees on Rules, Ethics & Elections; Judicial Oversight; and Procedural & Redistricting Council.

**HB 53**—Withdrawn

By Representatives Fasano, Ritter, and Fiorentino—

**HB 55**—A bill to be entitled An act relating to public medical assistance; amending s. 395.701, F.S.; reducing the annual assessment on hospital outpatient services to fund public medical assistance; amending s. 395.7015, F.S.; reducing the annual assessment on certain other health care entities to fund public medical assistance; providing for annual appropriations to replace funds lost due to such reductions; providing an appropriation; providing a contingent effective date.

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

Referred to the Committees on Health & Human Services Appropriations; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representatives Argenziano, Cantens, Diaz de la Portilla, Barreiro, and Prieguez—

**HB 57**—A bill to be entitled An act for the relief of Kimberly Godwin; providing an appropriation to compensate her for injuries she sustained as a result of the negligence of the Department of Children and Family Services; providing an effective date.

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

Referred to the Committees on Claims; Fiscal Policy & Resources; and Procedural & Redistricting Council.

**HB 59**—Withdrawn

By Representative Trovillion—

**HB 61**—A bill to be entitled An act relating to public procuring and contracting; providing a short title; providing a purpose; prohibiting the state, and any political subdivision, agency, or instrumentality of the state from engaging in specified activities under certain procurement or contracting circumstances; authorizing challenge of certain procurement or contracting documents or agreements; providing for award of costs and attorneys' fees under certain circumstances; providing an effective date.

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

Referred to the Committee on State Administration; and Council for Smarter Government.

**HB 63**—Withdrawn

By Representatives Trovillion and Paul—

**HB 65**—A bill to be entitled An act relating to obscenity; requiring public libraries to install and maintain computer software or equivalent technology that prohibits access to obscene materials by minors; providing that the installation of software or technology in a library having only one public-access computer is within the library's discretion; providing a finding of important state interest; providing an effective date.

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

Referred to the Committees on Juvenile Justice; Fiscal Policy & Resources; and Council for Smarter Government.

By Representatives Slosberg, Prieguez, Cantens, Gottlieb, Gannon, Romeo, Weissman, Garcia, Meadows, Greenstein, and Rich—

**HB 67**—A bill to be entitled An act relating to the Florida Safety Belt Law; creating the "Dori Slosberg Act of 2001"; amending s. 316.614, F.S.; providing that the number of passengers of a motor vehicle required to wear a safety belt shall not exceed the number of safety belts which were installed in the motor vehicle by the manufacturer; revising the Florida Safety Belt Law to eliminate the requirement that the law be enforced as a secondary action when a driver of a motor vehicle has been detained

for another violation; providing restrictions on authority to search based on a safety belt violation; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Insurance; Transportation; Transportation & Economic Development Appropriations; and Council for Healthy Communities.

By Representatives Argenziano, Fasano, Rubio, Farkas, Paul, Gannon, Harper, Meadows, Carassas, Lerner, Clarke, Fields, Russell, and Atwater—

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

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

Referred to the Committees on Health Regulation; Fiscal Policy & Resources; and Council for Healthy Communities.

By Representatives Slosberg, Gottlieb, Romeo, Weissman, Meadows, Prieguez, Farkas, and Greenstein—

**HB 71**—A bill to be entitled An act relating to uniform traffic control; creating the "Red Light Safety Act of 2001"; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating a pilot project in Palm Beach and Broward Counties administered by the Department of Highway Safety and Motor Vehicles; authorizing counties and municipalities in the pilot project to enact ordinances permitting the use of traffic infraction detectors; providing an exception; providing penalties for traffic control signal violations detected by traffic infraction detectors; providing procedures; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain requirements; amending s. 320.03, F.S.; providing a cross reference in conformance to the act; prohibiting the issuance of license plates or revalidation stickers when fines are outstanding for violations detected by traffic infraction detectors; providing for an annual report on the use of traffic infraction detectors by counties and municipalities in the pilot project; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Judicial Oversight; Fiscal Policy & Resources; and Council for Healthy Communities.

By Representatives Wallace and Cantens—

**HB 73**—A bill to be entitled An act relating to state government; creating the "Florida Customer Service Standards Act"; providing definitions; specifying measures that state departments are directed to implement with respect to interaction with their customers; providing requirements regarding operating hours; providing that failure to comply with the act does not constitute a cause of action; providing exceptions; providing an effective date.

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

Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

By Representatives Heyman, Barreiro, Lerner, Gelber, Prieguez, Gannon, Sobel, Gottlieb, Seiler, Cantens, Brutus, Greenstein, Meadows, Smith, Bendross-Mindingall, Betancourt, Bullard, Bucher, Wishner, Rich, Peterman, and Fields—

**HB 75**—A bill to be entitled An act relating to insurance; amending s. 627.0628, F.S.; providing that insurers may not use a model to determine hurricane-loss factors for use in a rate filing until the Florida Commission on Hurricane Loss Projection Methodology finds that a publicly owned model developed by the State University System is

reliable to determine such factors; amending s. 627.351, F.S.; modifying membership of the board of directors of the Florida Windstorm Underwriting Association; providing for assignment by the association of personal lines residential policies located in a deauthorized area to authorized insurers; providing criteria for distributing assigned policies; providing procedures; providing that assignment of a policy does not affect the producing agent's entitlement to unearned commission; providing for appeals of assignment of policies to the Department of Insurance; providing that a failure to accept residential policies assigned by the association is a willful violation of the Florida Insurance Code; authorizing the department to adopt rules; repealing s. 627.062(6), F.S., relating to rate standards; providing an effective date.

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

Referred to the Committees on Insurance; Local Government & Veterans Affairs; and Council for Competitive Commerce.

By Representative Sorensen—

**HB 77**—A bill to be entitled An act relating to the Key Largo Hammocks State Botanical Site; changing the name of the site; providing an effective date.

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

Referred to the Committee on Local Government & Veterans Affairs; and Council for Smarter Government.

By Representatives Greenstein, Bucher, Gannon, and McGriff—

**HB 79**—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

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

Referred to the Committees on Transportation; Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Ready Infrastructure.

By Representative Prieguez—

**HB 81**—A bill to be entitled An act relating to the City of Hallandale; providing for the relief of Lawrence Gizzi; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the City of Hallandale; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committee on Claims; and Procedural & Redistricting Council.

By Representative Russell—

**HB 83**—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within a described area of Hernando County or of Hernando County and the City of Brooksville jointly; providing requirements with respect thereto; providing an effective date.

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

Referred to the Committees on Economic Development & International Trade; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representatives Meadows and Rich—

**HB 85**—A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S.; creating the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing,

retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing a penalty; providing that violation of the act constitutes an unfair and deceptive trade practice; providing causes of action; authorizing the Department of Agriculture and Consumer Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the department to adopt rules; providing an effective date.

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

Referred to the Committees on Child & Family Security; Judicial Oversight; and Council for Healthy Communities.

By Representative Meadows—

**HB 87**—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.805, F.S.; revising grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; repealing s. 1, ch. 99-158, Laws of Florida, relating to a deadline to apply for licensure to practice orthotics, prosthetics, or pedorthics without meeting statutory educational requirements; providing an effective date.

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

Referred to the Committees on Health Regulation; Fiscal Policy & Resources; and Council for Healthy Communities.

**HB 89**—Withdrawn

By Representative Meadows—

**HB 91**—A bill to be entitled An act relating to high-occupancy vehicle lanes; amending s. 316.0741, F.S.; allowing certain energy-saving vehicles to travel in such lanes, regardless of occupancy; providing an effective date.

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

Referred to the Committees on Transportation; Fiscal Policy & Resources; and Council for Ready Infrastructure.

By Representatives Harrington, Henriquez, and Bean—

**HB 93**—A bill to be entitled An act relating to road and bridge designations; redesignating the old Nassau Sound Bridge in Nassau and Duval Counties as the "George Crady Bridge"; designating a portion of U.S. Highway 17 as the "Doyle Parker Memorial Highway"; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Referred to the Committee on Transportation; and Council for Ready Infrastructure.

By Representatives Harrington, Allen, Machek, Negron, Arza, Spratt, Kottkamp, Bean, Berfield, and Crow—

**HB 95**—A bill to be entitled An act relating to mental health hospitals; amending s. 394.453, F.S.; providing intent under the Florida Mental Health Act that the state shall maintain and operate mental health hospitals, including certain existing ones; amending s. 394.457, F.S.; providing that the Department of Children and Family Services is responsible for the maintenance and operation of the state mental hospitals, including certain existing ones; providing an effective date.

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

Referred to the Committees on Child & Family Security; State Administration; Fiscal Policy & Resources; and Council for Healthy Communities.

**HB 97**—Withdrawn

By Representatives Weissman, Gelber, Justice, Ritter, Gottlieb, Sobel, Wiles, and Meadows—

**HJR 99**—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution, relating to finance and taxation, to allow the Legislature by general law to exclude from assessed value for ad valorem tax purposes value attributable to improvements made for purposes of disaster preparedness.

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

Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Russell—

**HB 101**—A bill to be entitled An act relating to trust funds; creating s. 261.11, F.S.; creating the Off-Highway-Vehicle Revolving Trust Fund; providing for future review and repeal; providing an effective date.

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

Referred to the Committees on Agriculture & Consumer Affairs; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representative Russell—

**HB 103**—A bill to be entitled An act relating to off-highway vehicles; amending s. 215.22, F.S.; exempting the Off-Highway-Vehicle Revolving Trust Fund from a required deduction; creating ch. 261, F.S.; creating the Florida Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions; creating the Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for the duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and sale of a guidebook; providing for the repair, maintenance and restoration of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; amending s. 316.2074, F.S.; revising the definition of the term “all-terrain vehicle”; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer’s statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for the registration period and for reregistration by mail; providing for change of interest and address; providing for duplicate registration certificate and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating to certificates of title and registration decals; providing penalties; providing for noncriminal infractions; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an effective date.

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

Referred to the Committees on Agriculture & Consumer Affairs; Fiscal Policy & Resources; and Council for Competitive Commerce.

**HB 105**—Withdrawn

By Representatives Prieguez and Cantens—

**HB 107**—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103, 717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.110, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, and 717.129, F.S.;

changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner’s representatives and receiving and making payments to an owner or owner’s representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner’s representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; deleting an interest rate requirement relating to payments of amounts of escheated property; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

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

Referred to the Committees on Banking; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representative Cantens—

**HB 109**—A bill to be entitled An act relating to consumer collection practices; amending s. 559.72, F.S.; specifying additional prohibited practices in collecting consumer debts; providing penalties; amending s. 559.77, F.S.; revising civil remedies; providing for increased statutory damages under certain circumstances; providing for absence of liability under certain circumstances; specifying a time certain for bringing certain actions; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Banking; and Council for Smarter Government.

By Representative Detert—

**HB 111**—A bill to be entitled An act relating to marine biotechnology research, training, and industry development; establishing the Florida Marine Biotechnology Research, Training, and Development Program; providing legislative intent; providing program focus and long-term goals; providing for administration of the program; requiring appointment of a steering committee; providing duties of the steering committee; providing an appropriation; providing for disbursement of funds; providing an exemption regarding contractual services; requiring an annual report to the Legislature; providing for future repeal; providing an effective date.

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

Referred to the Committees on Natural Resources & Environmental Protection; Colleges & Universities; Education Appropriations; and Council for Ready Infrastructure.

By Representatives Trovillion, Harrington, Miller, Gardiner, Henriquez, Gottlieb, Greenstein, Ritter, Kallinger, Brown, Bennett, Benson, and Ross—

**HB 113**—A bill to be entitled An act relating to construction; amending s. 218.72, F.S.; redefining the terms “local government entity,” “purchase,” and “construction services” and defining the terms “payment request” and “agent” for the purpose of the Florida Prompt Payment Act; amending s. 218.73, F.S.; providing for timely payment for nonconstruction services; amending s. 218.735, F.S.; revising language with respect to timely payment for purchases of construction services; amending s. 218.74, F.S.; revising language with respect to procedures for calculation of payment due dates; amending s. 218.75, F.S.; revising language with respect to mandatory interest; amending s. 218.76, F.S.; revising language with respect to improper invoices and resolution of disputes; providing for the recovery of court costs and attorney’s fees under certain circumstances; providing an effective date.

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

Referred to the Committees on Local Government & Veterans Affairs; General Education; and Council for Smarter Government.

By Representative Sorensen—

**HB 115**—A bill to be entitled An act relating to the City of Marathon, Monroe County; authorizing the city to exercise its police powers and jurisdiction extending 1,200 feet into the tidal waters adjacent to its established corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committees on Local Government & Veterans Affairs; Crime Prevention, Corrections & Safety; and Council for Smarter Government.

**HB 117**—Withdrawn

By Representatives Betancourt, Wiles, Kravitz, Lynn, and Bucher—

**HB 119**—A bill to be entitled An act relating to character evidence; amending s. 90.404, F.S.; providing that in certain criminal prosecutions involving domestic violence evidence of prior acts of domestic violence by the defendant may be admissible; providing an effective date.

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

Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

**HB 121**—Withdrawn

**HB 123**—Withdrawn

**HB 125**—Withdrawn

**HB 127**—Withdrawn

By Representatives Cusack, Justice, Wiles, Henriquez, Joyner, and Gannon—

**HB 129**—A bill to be entitled An act relating to supervisors of elections; amending s. 98.015, F.S.; providing that the supervisor of elections is a nonpartisan officer subject to certain restrictions on political activity; providing for the nonpartisan election of supervisors of elections; creating s. 98.017, F.S.; providing restrictions on the political activity of supervisors of elections; providing a definition; authorizing the Commission on Ethics to investigate violations of such restrictions; providing penalties; amending ss. 101.141 and 101.151, F.S., relating to ballot format, to conform; amending s. 105.031, F.S.; requiring candidates for supervisor of elections to pay a qualifying fee, subscribe to an oath, and file certain items to qualify; amending s. 105.035, F.S.; providing procedures for candidates for supervisor of elections to qualify by the alternative method; amending s. 105.041, F.S.; providing for the form of the ballot for candidates for supervisor of elections; providing for

write-in candidates for supervisor of elections; amending s. 105.051, F.S.; providing for determination of election to office of candidates for supervisor of elections; amending s. 105.061, F.S.; providing that supervisors of elections shall be elected by vote of the qualified electors of the county; amending s. 105.071, F.S.; providing limitations on political activity of candidates for supervisor of elections; providing penalties; amending s. 105.08, F.S.; providing requirements for candidates for supervisor of elections with respect to campaign contributions and expenses and their reporting; amending s. 105.09, F.S.; prohibiting certain political activity on behalf of a candidate for supervisor of elections; providing penalties; providing an effective date.

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

Referred to the Committees on Rules, Ethics & Elections; State Administration; and Procedural & Redistricting Council.

By Representatives Harrington, Kravitz, Cantens, Fiorentino, and Bean—

**HB 131**—A bill to be entitled An act relating to correctional facilities; creating s. 784.078, F.S.; defining “facility” and “employee”; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the Criminal Punishment Code offense severity ranking chart; amending s. 945.35, F.S.; providing an educational requirement for correctional facility inmates on communicable diseases; providing, upon the request of a correctional officer or other employee or any unincarcerated person lawfully present in a correctional facility, for testing of such persons and any inmate who may have transmitted a communicable disease to such persons; providing for results to be communicated to affected parties; providing for access to health care; providing that test results are inadmissible in court cases; requiring the department to promulgate rules; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Healthy Communities.

By Representatives Argenziano, Kosmas, and Fiorentino—

**HB 133**—A bill to be entitled An act relating to a medication purchasing cooperative; establishing a medication purchasing cooperative to assist qualified individuals with the purchase of prescribed drugs at the best possible price; requiring the Agency for Health Care Administration to administer the cooperative; authorizing the agency to promulgate rules; providing for membership in the cooperative; requiring the cooperative to annually solicit competitive bids from licensed pharmacies to obtain discounts for members; authorizing the agency to charge a monthly membership fee to cover administrative costs; providing for the issuance of membership identification cards; requiring participating pharmacies to guarantee the discount on a prescribed drug at the rate quoted in their contract with the state; providing an appropriation; providing an effective date.

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

Referred to the Committees on Health Promotion; Fiscal Policy & Resources; and Council for Healthy Communities.

By Representatives Bendross-Mindingall, Gottlieb, and Garcia—

**HB 135**—A bill to be entitled An act relating to the Aftercare Pilot Program; requiring the Department of Education to conduct an Aftercare Pilot Program to provide homework assistance and free dinner after school to certain children in schools selected for participation;



providing program requirements; identifying a source of funds; requiring a report to the Legislature; providing an effective date.

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

Referred to the Committees on Education Innovation; Education Appropriations; Fiscal Policy & Resources; and Council for Lifelong Learning.

By Representatives Goodlette, Pickens, Seiler, and Bense—

**HB 137**—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising language with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising language with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising language with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising language with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s. 732.102, F.S.; revising language with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; revising language with respect to escheat; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2085, F.S., relating to liability of direct recipients and beneficiaries; amending s. 732.2125, F.S.; revising language with respect to the right of election; amending s. 732.2135, F.S.; revising language with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising language with respect to the order of contribution; amending s. 732.2155, F.S.; revising language with respect to the effective date of certain trusts; amending s. 732.218, F.S.; revising language with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising language with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising language with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising language with respect to pretermitted children; amending s. 732.401, F.S.; revising language with respect to descent of homestead; amending s. 732.4015, F.S.; revising language with respect to the definition of "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising language with respect to exempt property; amending s. 732.403, F.S.; revising language with respect to family allowance; amending s. 732.501, F.S.; revising language with respect to who may make a will; amending s. 732.502, F.S.; revising language with respect to execution of wills; amending s. 732.503, F.S.; revising language with respect to self-proof of will; amending s. 732.505, F.S.; revising language with respect to revocation by writing; amending s. 732.507, F.S.; revising language with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising language with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.; revising language with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising language with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising language with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to

change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a nonresident under certain circumstances; amending s. 732.702, F.S.; revising language with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising language with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills, eliminating language with respect to willful failure to deposit the will; transferring and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S., to chapter 765, F.S.; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising language with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising language with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising language with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising language with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising language with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising language with respect to the discovery of a later will; amending s. 733.209, F.S.; providing requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising language with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising language with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising language with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising language with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising language with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising language with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising language with respect to the release of surety; amending s. 733.406, F.S.; revising language with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising language with respect to curators; amending s. 733.502, F.S.; revising language with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising language with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising language with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508,

F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising language with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising language with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising language with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising language with respect to the possession of the estate; amending s. 733.608, F.S.; revising language with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising language with respect to improper exercise of power and the breach of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising language with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising language with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising language with respect to the personal representatives' right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising language with respect to joint personal representatives; amending s. 733.616, F.S.; revising language with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising language with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising language with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising language with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701, F.S.; revising language with respect to notifying creditors; correcting cross references; amending s. 733.702, F.S.; revising language with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising language with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims; amending s. 733.705, F.S.; revising language with respect to payment of and objection to claims; amending s. 733.707, F.S.; revising language with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising language with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising language with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising language with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising language with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising language with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising language with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising language with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising language with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising language with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising language with respect to ancillary administration; amending s. 734.1025, F.S.;

revising language with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising language with respect to the petition for summary administration; amending s. 735.206, F.S.; revising language with respect to summary administration distribution; amending s. 735.2063, F.S.; revising language with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising language with respect to income tax refunds in certain circumstances; amending s. 737.3054, F.S.; revising language with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising language with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts; amending s. 737.308, F.S.; revising language with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; correcting cross references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Banking; and Council for Smarter Government.

By Representative Richardson—

**HB 139**—A bill to be entitled An act relating to elections; creating the Election Reform Study Commission; providing for appointment of members; providing for administrative and fiscal support; authorizing per diem and reimbursement of travel expenses; providing for open meetings and records; specifying duties; requiring a report; providing for termination of the commission upon submission of the report; providing an effective date.

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

Referred to the Committees on Rules, Ethics & Elections; Fiscal Policy & Resources; and Procedural & Redistricting Council.

By Representatives Lynn, Crow, and Harrington—

**HB 141**—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining "adoption entity," "legal custody," "parent," and "relative"; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent's right to adopt; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content

of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for post-judgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; amending s. 63.182, F.S.; providing a 1-year statute of repose for actions to set aside or vacate a judgment of adoption or a judgment terminating parental rights pending adoption; providing a 2-year statute of repose for an action in fraud to set aside or vacate a judgment of adoption or a judgment terminating parental rights; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or affidavit of nonpaternity; amending ss. 984.03, 985.03, F.S.; conforming cross-references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; providing an effective date.

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

Referred to the Committees on Child & Family Security; Judicial Oversight; and Council for Healthy Communities.

By Representatives Davis, Bense, Mahon, Kravitz, Fields, Hogan, and Lee—

**HB 143**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the application of

the exemption for the sale of drinking water in bottles or other containers; providing an effective date.

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

Referred to the Committees on Natural Resources & Environmental Protection; Fiscal Policy & Resources; and Council for Ready Infrastructure.

By Representatives Clarke, Bennett, Detert, Kottkamp, and Paul—

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

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

Referred to the Committees on Economic Development & International Trade; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representatives Ball, Cantens, Weissman, and Arza—

**HB 147**—A bill to be entitled An act relating to DNA evidence; providing for the examination of DNA evidence collected at the time a crime is investigated; providing a procedure under which a defendant who has been found guilty or who has pled guilty may petition the trial court to order an examination of DNA evidence; specifying requirements for a motion to examine DNA evidence; requiring that the court make certain findings; limiting the period within which a defendant may file a motion to examine DNA evidence; providing that a defendant waives any objection to the introduction of DNA test results in any future proceeding; providing for the defendant to appeal an order denying a motion to examine DNA evidence; providing certain time limitations; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Judicial Oversight; and Council for Healthy Communities.

By Representatives Fiorentino, Cantens, and Attkisson—

**HB 149**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; providing that increased retirement disability benefits for special risk members apply to all such special risk members regardless of retirement date; providing an effective date.

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

Referred to the Committees on State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representative Ryan—

**HB 151**—A bill to be entitled An act relating to the operation of cardrooms; amending s. 849.086, F.S.; prescribing licensing requirements when more than one permitholder uses the same facility; providing cardroom license fees; revising standards on when cardrooms may be operated and the amount of bets allowable for each round, hand, or game; authorizing facilities to award prizes; revising the rate of the gross receipts tax on admissions; revising the amount of cardroom receipts that must be used to supplement greyhound and jai alai purses; providing an effective date.

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

Referred to the Committees on Business Regulation; Agriculture & Consumer Affairs; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 153**—Withdrawn

By Representative Slosberg—

**HB 155**—A bill to be entitled An act relating to the Medicare prescription discount program; amending s. 409.9066, F.S.; modifying

the discount amount to be made available by a pharmacy; providing an effective date.

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

Referred to the Committees on Health Promotion; Fiscal Policy & Resources; Health & Human Services Appropriations; and Council for Healthy Communities.

By Representatives Weissman, Greenstein, Henriquez, Smith, Kendrick, Meadows, Siplin, Richardson, Gelber, Slosberg, Bendross-Mindingall, Romeo, Garcia, Justice, Ritter, Gannon, Gottlieb, Brown, Lerner, and Bucher—

**HB 157**—A bill to be entitled An act relating to motor vehicle airbags; providing definitions; providing for certain records; prohibiting the replacement of a deployed or defective airbag with anything other than a new or salvaged airbag; providing a penalty; providing an effective date.

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

Referred to the Committees on Agriculture & Consumer Affairs; Transportation; Crime Prevention, Corrections & Safety; and Council for Competitive Commerce.

By Representatives Rubio, Negron, Harrell, Barreiro, Prieguez, and Waters—

**HB 159**—A bill to be entitled An act relating to health maintenance organizations; amending s. 641.51, F.S.; providing a licensure requirement for a physician who renders an adverse determination regarding services provided by another state-licensed physician; eliminating authority of certain out-of-state physicians to render such determinations; providing an effective date.

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

Referred to the Committee on Insurance; and Council for Healthy Communities.

By Representatives Argenziano and Russell—

**HB 161**—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the Southwest Florida Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Citrus/Hernando Waterways restoration program; providing for a demonstration restoration project; providing appropriations; providing an effective date.

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

Referred to the Committees on Natural Resources & Environmental Protection; Fiscal Policy & Resources; General Government Appropriations; and Council for Ready Infrastructure.

By Representative Prieguez—

**HB 163**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing that publicly owned facilities within certain municipalities at which a collegiate football team is based may use the proceeds of sales taxes generated by the facility for the purpose of renovating the facility; providing for reporting and remitting of such taxes; providing an effective date.

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

Referred to the Committees on Tourism; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representatives Ritter and Gottlieb—

**HB 165**—A bill to be entitled An act relating to construction contracting; amending s. 489.13, F.S.; providing for issuance of a notice

of noncompliance, imposition of an administrative fine, and assessment of reasonable investigative and legal costs of prosecution for unlicensed contracting; specifying that such remedies are not exclusive; providing for uses of fine proceeds; requiring the Department of Business and Professional Regulation to create a web page on its Internet website dedicated to listing known information on unlicensed contractors; providing an effective date.

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

Referred to the Committees on Business Regulation; Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Littlefield—

**HB 167**—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, and 943.171, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 28.101., F.S.; increasing a charge for certain petitions; amending s. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; amending s. 741.281, F.S.; deleting certain provisions relating to pretrial diversion programs; amending s. 741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; providing legislative intent that ex parte temporary injunctions protect a victim as long as he or she is in danger; requesting the Supreme Court to adopt rules to require extensions of temporary injunctions; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; providing for recording of proceedings; directing the Office of State Court Administrator to examine and develop recommendations concerning certain court practices; providing for a report to the Governor and Legislature; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Child & Family Security; and Council for Smarter Government.

By Representative Littlefield—

**HB 169**—A bill to be entitled An act relating to public school instruction in human sexuality; requiring written parental consent prior to such instruction; requiring the provision of alternative instruction; prohibiting schools from penalizing nonparticipation in such instruction; requiring recordkeeping; providing an effective date.

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

Referred to the Committee on Education Innovation; and Council for Lifelong Learning.

By Representative Brutus—

**HB 171**—A bill to be entitled An act relating to requests for absentee ballots; creating s. 104.046, F.S.; prohibiting the removal of any request for an absentee ballot from the main or any branch office of the supervisor of elections after submission to the supervisor; prohibiting any person other than the absent elector, a member of the elector's immediate family, or the elector's legal guardian from making any corrections or additions to a request for an absentee ballot after submission to the supervisor; providing penalties; providing an effective date.

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

Referred to the Committees on Rules, Ethics & Elections; Crime Prevention, Corrections & Safety; and Procedural & Redistricting Council.

**HB 173**—Withdrawn

By Representative Machek—

**HB 175**—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving

resulting in damage to property or person or serious bodily injury; providing a definition; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Transportation; and Council for Healthy Communities.

**HB 177**—Withdrawn

By Representatives Lynn and Rich—

**HB 179**—A bill to be entitled An act relating to child care facilities; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; specifying database capabilities and uses of information contained therein; providing an effective date.

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

Referred to the Committees on Child & Family Security; Information Technology; and Council for Healthy Communities.

**HB 181**—Withdrawn

By Representative Fiorentino—

**HB 183**—A bill to be entitled An act relating to trust funds; creating s. 236.12265, F.S.; creating the Florida School Improvement Academic Trust Fund within the Department of Education; providing sources of funds; specifying uses of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

Referred to the Committees on General Education; Education Appropriations; and Council for Lifelong Learning.

By Representative Fiorentino—

**HB 185**—A bill to be entitled An act relating to Florida School Improvement Academic Trust Fund matching grants; creating s. 236.1226, F.S.; creating the Florida School Improvement Academic Trust Fund matching grant program; providing legislative intent; requiring the Commissioner of Education to specify certain procedures; specifying uses of funds; providing for disbursement of funds; providing for district-level and school-level administration of funds; providing an effective date.

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

Referred to the Committees on General Education; Education Appropriations; and Council for Lifelong Learning.

By Representative Maygarden—

**HB 187**—A bill to be entitled An act relating to malt beverages; amending s. 563.06, F.S.; removing current restrictions on containers under a specified size, subject to certain conditions; imposing requirements on malt beverages imported from foreign countries; providing an effective date.

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

Referred to the Committees on Business Regulation; Agriculture & Consumer Affairs; and Council for Smarter Government.

By Representatives Harrington, Needelman, Paul, and Green—

**HB 189**—A bill to be entitled An act relating to absentee ballots; creating the Military Voter Protection Act; declaring legislative intent to enact legislation to ensure the integrity of absentee ballots cast by military personnel; providing an effective date.

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

Referred to the Committee on Rules, Ethics & Elections; and Procedural & Redistricting Council.

By Representative Smith—

**HB 191**—A bill to be entitled An act relating to the Hillsborough County School Board; providing for the relief of Alana Kelly and Richard F. Taylor, Sr.; providing for an appropriation to compensate them for the death of their son, Richard F. Taylor, Jr., caused by the negligence of a Hillsborough County School Board employee; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committee on Claims; and Procedural & Redistricting Council.

By Representatives Kosmas and Green—

**HB 193**—A bill to be entitled An act relating to safety standards for public health care employees; providing definitions; requiring that the Department of Health adopt a blood-borne-pathogen standard for public employees; requiring the use of needleless systems and sharps with engineered sharps injury protection; requiring that incidents of exposure be recorded in a sharps injury log; specifying the information to be included in the sharps injury log; authorizing the Department of Health to include additional requirements as part of the blood-borne-pathogen standard; requiring that the department compile a list of needleless systems and sharps with engineered sharps injury protection to assist employers in complying with the department's standard; providing an effective date.

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

Referred to the Committees on Health Regulation; State Administration; Health & Human Services Appropriations; and Council for Healthy Communities.

By Representative Kosmas—

**HB 195**—A bill to be entitled An act relating to passengers of vehicles; amending s. 316.2015, F.S.; prohibiting certain persons from riding on the exterior of a passenger vehicle or in areas not designed or intended for the use of passengers on certain vehicles; prohibiting certain minors from riding within the body of a pickup truck or flatbed truck; providing exceptions; providing penalties; amending s. 316.008, F.S.; authorizing counties and municipalities to exempt themselves from such prohibition; providing an effective date.

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

Referred to the Committees on Transportation; Agriculture & Consumer Affairs; and Council for Ready Infrastructure.

**HB 197**—Withdrawn

By Representative Trovillion—

**HB 199**—A bill to be entitled An act relating to drug courts; providing a definition; creating drug courts in judicial circuits; providing goals; providing essential elements; providing for funding flexibility; providing for a governing body; specifying membership; providing for operation and meetings; providing for public access to records and meetings; providing for case management and care management; providing criteria; providing for consortia of providers; providing primary objectives; providing for rules of implementation; creating the Florida Association of Drug Court Professionals; providing for membership; authorizing the Supreme Court to establish rules and procedures for drug courts; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Rubio—

**HB 201**—A bill to be entitled An act relating to disposition of civil penalties; amending s. 318.21, F.S.; revising language with respect to a

fee distributed to the counties from each moving traffic violation to be used for participation in an intergovernmental radio communication program; providing for the use of such funds under certain circumstances; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Fiscal Policy & Resources; General Government Appropriations; and Council for Smarter Government.

By Representatives Ryan, Hogan, Paul, Melvin, Stansel, Kendrick, Spratt, Brutus, Henriquez, Smith, and Justice—

**HB 203**—A bill to be entitled An act relating to improper activity over the Internet; amending s. 847.001, F.S.; defining the term “child pornography” for purposes of ch. 847, F.S.; clarifying the definition of the term “sexual conduct”; defining the term “transmit”; amending s. 847.0135, F.S.; revising the “Computer Pornography and Child Exploitation Act of 1986” to clarify certain penalties; creating s. 847.0137, F.S.; prohibiting transmissions over the Internet of pornography in specified circumstances; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography; providing an effective date.

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

Referred to the Committees on Information Technology; Child & Family Security; Juvenile Justice; and Council for Ready Infrastructure.

By Representative Flanagan—

**HB 205**—A bill to be entitled An act relating to enterprise zones; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing for refund of sales and use taxes paid after that date that would have been eligible for certain exemptions or credits; providing an effective date.

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

Referred to the Committees on Economic Development & International Trade; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representatives Gottlieb and Lynn—

**HB 207**—A bill to be entitled An act relating to condominiums; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; providing for investigation and a formal hearing; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Business Regulation; and Council for Smarter Government.

By Representative Maygarden—

**HJR 209**—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 26 of Article XII of the State Constitution relating to a tax exemption for certain property owned by municipalities or special districts and used for airport or seaport purposes.

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

Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Maygarden—

**HB 211**—A bill to be entitled An act relating to the Florida Evidence Code; creating s. 90.4026, F.S.; providing definitions; providing for the

inadmissibility of certain statements, writings, or benevolent gestures as evidence of an admission of liability in a civil action; providing for the admissibility of certain statements of fault; providing an effective date.

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

Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

By Representative Barreiro—

**HB 213**—A bill to be entitled An act relating to the Money Transmitter’s Code; amending s. 560.103, F.S.; revising definitions; amending s. 560.111, F.S.; providing penalties for specified violations of the deferred presentment act; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; providing for continuation of certain administrative proceedings under certain circumstances; amending s. 560.118, F.S.; eliminating the authority to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending s. 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the application fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer’s check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing an appropriation; providing effective dates.

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

Referred to the Committees on Banking; Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representative Cusack—

**HB 215**—A bill to be entitled An act relating to parental rights; amending s. 61.13, F.S.; providing that specified rights apply to both parents; providing an effective date.

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

Referred to the Committee on State Administration; and Council for Smarter Government.

By Representatives Flanagan and Carassas—

**HB 217**—A bill to be entitled An act relating to elections; creating s. 100.065, F.S.; allowing all voters to vote in certain primary election contests; specifying procedures for placing the candidates’ names on the ballots required; providing for runoffs at the general election; amending ss. 101.021, 101.251, and 101.5606, F.S., to conform; providing an effective date.

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

Referred to the Committees on Rules, Ethics & Elections; Fiscal Policy & Resources; and Procedural & Redistricting Council.

By Representatives Rubio and Green—

**HB 219**—A bill to be entitled An act relating to improper activity over the Internet; amending s. 847.001, F.S.; defining the term “child pornography” for purposes of ch. 847, F.S.; clarifying the definition of the term “sexual conduct”; defining the term “transmit”; creating s. 847.0137, F.S.; prohibiting transmissions over the Internet of pornography in specified circumstances; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography; providing an effective date.

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

Referred to the Committees on Information Technology; Crime Prevention, Corrections & Safety; and Council for Ready Infrastructure.

**HB 221**—Withdrawn

By Representatives Henriquez, Heyman, Greenstein, Gottlieb, Gannon, and Crow—

**HB 223**—A bill to be entitled An act relating to court costs in domestic violence cases; creating s. 938.14, F.S.; providing for imposition of an additional mandatory court cost upon a person found to have committed an act of domestic violence; providing for waiver of the court cost; providing for collection by the clerk of the court; providing for deposit of such court costs in the Domestic Violence Trust Fund; providing for certain disbursements in accordance with specified provisions relating to funding of domestic violence centers; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Henriquez—

**HB 225**—A bill to be entitled An act relating to campaign financing; amending s. 106.09, F.S.; increasing penalties for making or accepting certain illegal campaign contributions; providing an effective date.

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

Referred to the Committees on Rules, Ethics & Elections; State Administration; Crime Prevention, Corrections & Safety; and Procedural & Redistricting Council.

**HB 227**—Withdrawn

By Representative Kendrick—

**HB 229**—A bill to be entitled An act relating to Escambia County; providing for the relief of Clyde Kilpatrick; authorizing and directing Escambia County to compensate Clyde Kilpatrick for injuries sustained as a result of the negligence of Escambia County; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committee on Claims; and Procedural & Redistricting Council.

By Representative Diaz de la Portilla—

**HB 231**—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jack Brett Lemonik; providing for an appropriation to compensate Jack Brett Lemonik for injuries sustained as a result of the actions of Miami-Dade County employees; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committee on Claims; and Procedural & Redistricting Council.

By Representatives Weissman, Meadows, Sobel, and Slosberg—

**HB 233**—A bill to be entitled An act relating to children and families; creating s. 752.011, F.S.; providing for court-ordered visitation for grandparents and great-grandparents under certain circumstances; providing for appointment of a guardian ad litem and family mediation if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm without such visitation; requiring court-ordered evaluation of the child if mediation fails; providing for a hearing to determine whether the minor is threatened with demonstrable significant mental or emotional harm; providing criteria for such a determination; providing for attorney’s fees and costs; applying the Uniform Child Custody Jurisdiction Act; repealing s. 752.01, F.S., relating to grandparental visitation; encouraging consolidation of actions under ss. 61.13, 752.011, F.S.; amending ss. 752.015, 752.07, F.S., to conform cross-references; amending s. 39.01, F.S.; including references to great-grandparents in definitions relating to dependent children; amending s. 39.509, F.S.; providing for great-grandparents’ visitation rights; amending ss. 39.801, 63.0425, F.S.; providing for a great-grandparent’s right to adopt; amending s. 61.13, F.S.; providing for great-grandparents’ visitation rights and standing with regard to evaluating custody arrangements; conforming this section to provisions of this act; amending s. 63.172, F.S.; conforming references relating to great-grandparental visitation rights under ch. 752, F.S.; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Prieguez—

**HB 235**—A bill to be entitled An act relating to dental service claim adverse determinations; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations; providing procedures; providing requirements; providing a definition; providing an effective date.

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

Referred to the Committees on Health Regulation; Insurance; and Council for Healthy Communities.

By Representative Seiler—

**HB 237**—A bill to be entitled An act relating to moving companies; creating the “Movers Regulation Act”; providing definitions; providing construction and legislative intent; providing for the Department of Agriculture and Consumer Services to regulate businesses engaged in intrastate transportation of household goods; providing that the act does not supersede local ordinances; prohibiting a person from engaging in business as a mover without obtaining an operating permit from the Department of Agriculture and Consumer Services; requiring that a mover be bonded or establish financial security of a specified amount; providing application requirements; providing for a permit fee; authorizing the department to bring an action to recover against a mover’s bond or financial security; specifying circumstances under which the department may deny or refuse to renew an operating permit; providing a procedure for a mover to appeal a denial or revocation of an operating permit; providing for issuance of a replacement permit; requiring that a permit be annually renewed; requiring a mover to provide a written estimate to a shipper; providing requirements for the written estimate; authorizing a mover to require a deposit before loading a shipper’s household goods; specifying circumstances under which a mover may retain the deposit; requiring that a mover prepare a written contract before performing any service on behalf of a shipper; providing requirements for the written contract; requiring that the contract contain a disclosure statement; prohibiting a mover from charging a fee in excess of the written contract; providing an exception; requiring that a mover accept certain forms of payment; providing that a violation of the act is a civil infraction; providing penalties; providing procedures for contesting a citation issued by the department; providing that certain offenses involving the unlawful increase of the contract

amount or failure to relinquish household goods are felony offenses; authorizing the Department of Legal Affairs to prosecute violations of the act under the Florida Deceptive and Unfair Trade Practices Act; authorizing the Department of Agriculture and Consumer Services to enter into the business premises of a mover to enforce compliance with the act; providing that the act preempts conflicting local laws or ordinances; amending s. 895.02, F.S.; defining felony violations of the act as "racketeering activity" under the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; providing for severability; providing an effective date.

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

Referred to the Committees on Agriculture & Consumer Affairs; Crime Prevention, Corrections & Safety; and Council for Competitive Commerce.

By Representatives Allen, Rubio, Murman, and Gibson—

**HB 239**—A bill to be entitled An act relating to child restraint requirements; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing an effective date.

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

Referred to the Committees on Transportation; Crime Prevention, Corrections & Safety; and Council for Ready Infrastructure.

By Representative Cantens—

**HB 241**—A bill to be entitled An act for the relief of Minouche Noel, a minor, and Jean and Flora Noel, parents and natural guardians of Minouche Noel; providing an appropriation to compensate Minouche Noel, a minor, and Jean and Flora Noel, parents and natural guardians of Minouche Noel, individually, for injuries and damages sustained due to the negligence of Children's Medical Services of the former Department of Health and Rehabilitative Services; providing an effective date.

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

Referred to the Committee on Claims; and Procedural & Redistricting Council.

By Representatives Rubio and Farkas—

**HB 243**—A bill to be entitled An act relating to health care; repealing ss. 408.031, 408.032, 408.033, 408.034, 408.035, 408.036, 408.0361, 408.037, 408.038, 408.039, 408.040, 408.041, 408.042, 408.043, 408.044, 408.045, 408.0455, and 651.118, F.S., relating to requirements for certificate-of-need review and approval for health care facilities and services; repealing s. 154.245, F.S., relating to certificates of need required as a condition of certain bond validation; amending ss. 20.42, 154.205, 154.213, 154.219, 159.27, 164.1031, 186.503, 186.507, 186.511, 189.415, 383.216, 395.0191, 395.1055, 395.603, 395.604, 395.605, 400.071, 400.23, 400.602, 400.606, 400.6085, 408.05, 408.061, 408.063, 408.07, 408.09, 408.18, 409.9117, 430.705, 430.708, 458.345, 459.021, 641.60, and 651.021, F.S., to conform to the repeal of certificate-of-need requirements and the process of certificate-of-need review, and the health planning process related thereto; providing an effective date.

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

Referred to the Committee on Health Regulation; and Council for Healthy Communities.

By Representative Brummer—

**HB 245**—A bill to be entitled An act relating to the Parole Commission; creating the "Parole Commission Reform Act of 2001"; amending s. 20.055, F.S.; deleting the requirement that the Parole Commission have an inspector general; amending s. 944.605, F.S.; requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to notify certain entities prior to inmate release; amending s. 947.04, F.S.; permitting Parole Commission staff to establish and maintain offices within existing

department facilities; amending s. 947.1405, F.S.; requiring the Department of Corrections to review an inmate's program participation and other records prior to conditional release, to conduct a personal interview with the inmate, to forward the inmate's release plan to the Parole Commission, and to make recommendations to the commission; authorizing the commission to impose requirements relating to curfews; correcting references; authorizing the commission to require electronic monitoring for certain releasees; amending s. 947.24, F.S.; requiring the department to provide to the commission information for parole or release reviews; repealing s. 947.175, F.S., relating to notice to local agencies by the Parole Commission; repealing s. 947.177, F.S., relating to inmate release, notice by Department of Corrections, Control Release Authority, or Parole Commission; reducing the number of existing full-time positions within the commission; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Healthy Communities.

By Representative Harrell—

**HB 247**—A bill to be entitled An act relating to unfair discrimination in the business of insurance; amending s. 626.9541, F.S.; providing for application to certain additional types of insurers; providing an effective date.

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

Referred to the Committee on Insurance; and Council for Competitive Commerce.

By Representative Kilmer—

**HB 249**—A bill to be entitled An act relating to disability in the line of duty; amending s. 112.18, F.S.; expanding the provisions of law with respect to disability in the line of duty to include all law enforcement officers and certain correctional officers; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representative Kilmer—

**HB 251**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing and certain other items shall be exempt from such tax; defining "clothing"; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

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

Referred to the Committee on Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representative Prieguez—

**HB 253**—A bill to be entitled An act relating to student financial aid; amending ss. 240.404, 240.4095, 240.4097, and 240.605, F.S.; authorizing state financial aid for students attending private, independent, nonprofit institutions that meet specified licensing and accrediting requirements; amending s. 240.4125, F.S.; clarifying a cross reference relating to eligibility for the Mary McLeod Bethune Scholarship Program; providing an effective date.

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

Referred to the Committees on Colleges & Universities; Education Appropriations; Council for Lifelong Learning; and Fiscal Responsibility Council.



By Representatives Bullard, Lerner, Heyman, Brutus, Cantens, Holloway, Betancourt, Meadows, Garcia, Barreiro, Wilson, Gelber, Gottlieb, and Diaz de la Portilla—

**HB 255**—A bill to be entitled An act relating to citrus canker eradication; amending s. 581.184, F.S.; revising requirements with respect to compensation for citrus trees removed as part of an eradication program; providing appropriations; directing the department to compensate certain owners of citrus trees removed as part of eradication programs; providing retroactive applicability; providing an effective date.

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

Referred to the Committees on Agriculture & Consumer Affairs; State Administration; General Government Appropriations; and Council for Competitive Commerce.

By Representative Bullard—

**HB 257**—A bill to be entitled An act relating to road designations; designating “Steven Cranman Boulevard” and “Ethel Beckford Boulevard” in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Referred to the Committee on Transportation; and Council for Ready Infrastructure.

By Representative Slosberg—

**HB 259**—A bill to be entitled An act relating to drivers’ licenses; amending s. 322.28, F.S.; revising provisions relating to the penalty for a second or subsequent conviction for operating a vehicle under the influence; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Transportation; State Administration; and Council for Healthy Communities.

By Representative Jordan—

**HB 261**—A bill to be entitled An act relating to release of employee information by employers; providing specified requirements of employers with respect to a background investigation of an applicant for employment or appointment as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer; providing requirements relating to an authorization to release information; defining the term “employment information”; providing for injunctive relief; providing a presumption; providing for fees to cover certain costs incurred by the employer; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Crime Prevention, Corrections & Safety; and Council for Smarter Government.

By Representative Joyner—

**HB 263**—A bill to be entitled An act relating to obtaining property by false personation; amending s. 817.02, F.S.; providing that obtaining property by false personation is a second-degree felony; providing penalties; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Judicial Oversight; and Council for Healthy Communities.

By Representative Waters—

**HB 265**—A bill to be entitled An act relating to education accountability; amending s. 229.58, F.S.; revising requirements for the composition of school advisory councils; requiring school boards to

develop procedures to ensure balanced school advisory council membership; providing an effective date.

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

Referred to the Committee on General Education; and Council for Lifelong Learning.

By Representatives Kravitz, Davis, Wiles, Baxley, Needelman, Bean, Hogan, Negron, Kottkamp, Detert, Richardson, Gannon, Pickens, and Fields—

**HB 267**—A bill to be entitled An act relating to school attendance by violent offenders; requiring courts to provide certain notice to a school district under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; requiring responsibility for certain transportation costs in attending alternate schools; providing an effective date.

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

Referred to the Committees on General Education; Juvenile Justice; and Council for Lifelong Learning.

By Representatives Murman, Lacasa, Byrd, Mack, Melvin, Diaz-Balart, Cantens, Bense, Argenziano, Lynn, and Atwater—

**HB 269**—A bill to be entitled An act relating to school district best financial management practices reviews; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA may either complete, or contract with a private firm to complete, all or part of any review; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report issued by OPPAGA to be provided to additional entities; revising provisions relating to eligibility for the “Seal of Best Financial Management”; establishing requirements relating to status reports; requiring OPPAGA to review a district’s status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; clarifying provisions relating to the award of the “Seal of Best Financial Management”; requiring school districts that are reviewed to maintain certain records; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

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

Referred to the Committees on General Education; Education Appropriations; and Council for Lifelong Learning.

By Representatives Negron, Melvin, and Diaz de la Portilla—

**HB 271**—A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; providing definitions; providing a credit against said tax for contributions to a nonprofit scholarship funding organization; providing limitations; providing for

use of such contributions by such organizations for scholarships for certain children and providing requirements and limitations with respect thereto; providing for annual funding through the General Appropriations Act; providing for allocation; providing duties of the Department of Revenue and Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; providing an effective date.

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

Referred to the Committees on Education Innovation; Fiscal Policy & Resources; Education Appropriations; and Council for Lifelong Learning.

By Representatives Ross and Goodlette—

**HB 273**—A bill to be entitled An act relating to reporting requirements under the Florida Election Code; amending s. 106.011, F.S.; modifying the definition of “political committee”; amending s. 106.03, F.S.; requiring additional information for registration of political committees; amending s. 106.04, F.S.; requiring additional information for certification of committees of continuous existence; requiring membership dues of committees of continuous existence to be reported in the same manner as regular contributions; removing requirement to provide a membership list for inspection purposes; removing requirement for filing duplicate copies of reports; providing penalties; amending s. 106.07, F.S., relating to campaign treasurer's reports; revising reporting periods and requirements; removing requirement for duplicate reports; providing penalties; creating s. 106.0705, F.S.; requiring campaign treasurer's reports that are to be filed with the Division of Elections to be filed electronically when aggregate contributions or expenditures exceed a specified amount; providing filing requirements; providing penalties; providing rulemaking authority; amending s. 106.071, F.S.; revising provisions relating to the reporting of certain independent expenditures; providing penalties; creating s. 106.073, F.S.; requiring certain organizations that sponsor issue advertisements to register under certain circumstances; providing a definition; requiring certain reports; providing requirements for such advertisements, including a disclaimer; providing penalties; providing rulemaking authority; amending s. 106.12, F.S.; revising the petty cash fund limit to conform to the revised reporting periods; amending s. 106.29, F.S., relating to reports by political parties; revising reporting periods and requirements; removing requirement for duplicate reports; providing penalties; amending ss. 105.08, 106.025, 106.08, 106.141, and 106.18, F.S., relating to reporting requirements applicable to candidates for retention to judicial office, campaign fund raisers held on behalf of a political party by its state or county executive committee, nonallocable, in-kind contributions by candidates and political parties, disposition of surplus funds by candidates, and the granting of certificates of election, to conform; providing effective dates.

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

Referred to the Committee on Rules, Ethics & Elections; and Procedural & Redistricting Council.

By Representatives Ross and Goodlette—

**HB 275**—A bill to be entitled An act relating to public records; creating s. 106.0706, F.S.; providing exemptions from public records requirements for personal identification numbers and computer security algorithms required to maintain the security of information submitted or received through an electronic filing system for campaign treasurer's reports; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

Referred to the Committees on Rules, Ethics & Elections; State Administration; and Procedural & Redistricting Council.

By Representatives Atwater, Lynn, Melvin, Negron, Wallace, Betancourt, Garcia, Jordan, Diaz de la Portilla, Gardiner, Mahon,

Pickens, Haridopolos, Paul, Mack, Davis, Bennett, Kravitz, Attkisson, Bowen, Alexander, Harrington, Farkas, Brummer, and Fiorentino—

**HB 277**—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; amending s. 228.041, F.S., relating to definitions; correcting a cross reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

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

Referred to the Committees on Education Innovation; Fiscal Policy & Resources; and Council for Lifelong Learning.

By Representatives Lynn, Atwater, Murman, Wilson, and Mayfield—

**HB 279**—A bill to be entitled An act relating to teacher death benefits; creating the “Barry Grunow Act”; creating s. 112.1915, F.S.; providing definitions; providing death benefits with respect to teachers killed in the line of duty; providing for payment of certain health insurance premiums; providing for rules; providing for the waiver of certain educational expenses for children of certain deceased teachers; providing for rules; providing an effective date.

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

Referred to the Committees on General Education; Education Appropriations; and Council for Lifelong Learning.

By Representative Alexander—

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

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

Referred to the Committees on Colleges & Universities; Fiscal Policy & Resources; and Council for Lifelong Learning.

By Representatives Kosmas and Gottlieb—

**HB 283**—A bill to be entitled An act relating to protection of children's health; providing legislative findings and intent; providing definitions; providing for appointment of the Children's Health and Environmental Protection Advisory Committee; providing for organization and meetings and for termination of the advisory committee; providing for staff support by the Department of Environmental Protection; providing for reimbursement of members' per diem and travel expenses; providing duties of the advisory committee; requiring a report and recommendations; providing an effective date.

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

Referred to the Committees on Natural Resources & Environmental Protection; Health Promotion; Fiscal Policy & Resources; and Council for Ready Infrastructure.

By Representatives Wilson and Gannon—

**HB 285**—A bill to be entitled An act relating to prisons; creating the “Protection Against Sexual Violence in Florida Jails and Prisons Act”;

amending ss. 944.35, 951.23, F.S.; requiring the Criminal Justice Standards and Training Commission to develop a course relating to sexual assault identification and prevention as part of the correctional-officer training program; authorizing the department and county and municipal detention facilities to provide an orientation program and counseling; creating s. 951.221, F.S.; prohibiting sexual misconduct by employees of county or municipal detention facilities; providing for termination of employment under certain circumstances; providing penalties; creating s. 951.223, F.S.; prohibiting an officer or employee of a county or municipal detention facility from receiving any gift or other compensation from a prisoner or making any gift or present to a prisoner without the permission of the administrator of the facility; providing penalties; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Judicial Oversight; Criminal Justice Appropriations; and Council for Healthy Communities.

By Representative Lynn—

**HB 287**—A bill to be entitled An act relating to Volusia County; directing the Board of County Commissioners to issue a certificate of public convenience and necessity to an applicant for licensure as a basic life support or advanced life support service that will operate in a municipality within the county that has a population greater than 30,000 upon request of the municipality, under specified conditions; providing for a referendum; providing an effective date.

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

Referred to the Committee on Local Government & Veterans Affairs.

By Representative Barreiro—

**HB 289**—A bill to be entitled An act relating to commercial development and capital improvements; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to a motorsports entertainment complex; creating s. 288.1170, F.S.; providing definitions; providing for certification of such facility by the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing requirements for certification; requiring specified notice; providing for annual recertification; providing for use of the funds distributed to a motorsports entertainment complex; providing for audits by the Department of Revenue; providing an effective date.

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

Referred to the Committees on Tourism; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representative Ryan—

**HB 291**—A bill to be entitled An act relating to windstorm property insurance; amending s. 627.062, F.S.; excluding the Florida Windstorm Underwriting Association from certain rate filing arbitration provisions; amending s. 627.0629, F.S.; specifying criteria for certain rate filings; authorizing computer modeling for certain purposes under certain circumstances; providing requirements; providing a limitation for the Florida Windstorm Underwriting Association; providing criteria; amending s. 627.351, F.S.; revising the membership of the board of directors of the Florida Windstorm Underwriting Association; providing an effective date.

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

Referred to the Committees on Insurance; State Administration; General Government Appropriations; and Council for Competitive Commerce.

By Representatives Crow and Mack—

**HB 293**—A bill to be entitled An act relating to the Certified Capital Company Act; amending s. 288.99, F.S.; redefining the terms “early

stage technology business” and “qualified distribution”; defining the terms “Program One” and “Program Two”; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; authorizing the Department of Banking and Finance to levy a fine; providing for distributions under both programs; providing an effective date.

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

Referred to the Committees on Information Technology; Fiscal Policy & Resources; and Council for Ready Infrastructure.

By Representative Gibson—

**HJR 295**—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution, relating to finance and taxation, to allow counties to provide for a reduction in the assessed value of residential property equal to the increase in such value which results from constructing living quarters for certain persons over the age of 62 years.

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

Referred to the Committees on Fiscal Policy & Resources; Local Government & Veterans Affairs; and Council for Smarter Government.

**HB 297**—Withdrawn

By Representative Gibson—

**HB 299**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; revising language with respect to special risk membership to include members who supervise or are command officers of members who are emergency medical technicians or paramedics; providing an effective date.

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

Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Wilson—

**HB 301**—A bill to be entitled An act relating to the testing of inmates for HIV; creating ss. 944.6025 and 957.055, F.S.; defining the term “HIV test”; requiring the Department of Corrections and contractors operating private correctional facilities under the Correctional Privatization Commission to perform HIV tests on inmates prior to an inmate’s release; authorizing HIV testing of inmates upon the request of a physician; requiring certain recordkeeping; requiring provision of additional services prior to an inmate’s release; requiring notification of the county health department where the inmate will reside when an inmate who has received a positive HIV test result is released unexpectedly; limiting access to HIV test results; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; State Administration; Criminal Justice Appropriations; and Council for Healthy Communities.

By Representatives Lacasa, Melvin, Diaz-Balart, Murman, Mealor, Baxley, Rubio, Andrews, Brown, and Byrd—

**HB 303**—A bill to be entitled An act relating to relief from overcrowded schools; creating s. 235.063, F.S.; establishing the S.C.R.I.P.T. grants program for school overcrowding relief; providing a short title; providing findings, intent, and purposes; providing a definition; providing school district, parent, and Department of Education obligations; providing private school eligibility requirements; providing for the initial award, renewal, and disbursement of S.C.R.I.P.T. grants; limiting the liability of the state relating to the award or use of a S.C.R.I.P.T. grant; providing an effective date.

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

Referred to the Committees on Education Innovation; Fiscal Policy & Resources; and Council for Lifelong Learning.

By Representatives Littlefield and Gottlieb—

**HB 305**—A bill to be entitled An act relating to homestead exemption; amending s. 196.031, F.S.; providing that a person who is receiving or claiming the benefit of an ad valorem tax exemption or a tax credit that requires permanent residency in another state for eligibility is not eligible for homestead exemption; providing an effective date.

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

Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Smarter Government.

By Representatives Clarke, Murman, Kallinger, Ross, and Wiles—

**HB 307**—A bill to be entitled An act relating to statutory accounting principles; creating s. 625.011, F.S.; defining the terms “statutory accounting principles” and “surplus notes”; amending s. 625.012, F.S.; providing for what constitutes an asset of an insurer; amending s. 625.031, F.S.; providing for assets not allowed in determining financial condition of an insurer; amending s. 625.041, F.S.; revising what constitutes a liability; amending s. 625.141, F.S.; providing for the valuation of bonds; amending s. 625.161, F.S.; revising requirements for new appraisals in valuation of real property; amending s. 641.19, F.S.; redefining the terms “reporting period,” “statutory accounting principles,” “surplus,” and “surplus notes” for purposes of the Health Maintenance Organization Act; amending s. 641.35, F.S.; providing for what constitutes an asset or liability in determining the financial condition of a health maintenance organization; providing a retroactive effective date.

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

Referred to the Committees on Banking; Insurance; and Council for Competitive Commerce.

By Representative Crow—

**HB 309**—A bill to be entitled An act relating to surplus lines insurance; amending ss. 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, 626.9361, and 626.938, F.S.; revising certain requirements for surplus lines insurance to provide the Florida Surplus Lines Service Office with the same authority granted to the Department of Insurance; revising certain quarterly reporting requirements; providing for collection of a service fee; providing a penalty for failure to make certain reports and pay service fees; providing for an administrative fine for such failure; providing for disposition of surplus lines taxes and service fees; providing an effective date.

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

Referred to the Committees on Insurance; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representatives Gottlieb and Greenstein—

**HB 311**—A bill to be entitled An act relating to traffic control programs; amending s. 318.21, F.S.; authorizing municipalities and counties to impose a surcharge on civil penalties for traffic infractions to fund traffic control and safety programs; prohibiting the levying of said surcharge on traffic infractions occurring on interstate highways; requiring the proceeds from such surcharge to be deposited in the Community Traffic Safety Trust Fund; providing for distribution of such funds; providing an exception; providing an effective date.

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

Referred to the Committees on Transportation; Judicial Oversight; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representatives Jordan and Fields—

**HB 313**—A bill to be entitled An act relating to job training; amending s. 446.609, F.S.; deleting a time-period limitation for the “Jobs for Florida’s Graduates” school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to

the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation’s board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program; providing an effective date.

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

Referred to the Committees on Workforce & Technical Skills; Education Appropriations; and Council for Lifelong Learning.

By Representative Kottkamp—

**HB 315**—A bill to be entitled An act relating to opticianry; amending s. 484.013, F.S.; revising violations and penalties applicable to the practice of opticianry; amending s. 484.015, F.S.; revising inspection authority; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; providing an offense severity ranking for the offense of practicing opticianry without a license; providing an effective date.

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

Referred to the Committees on Health Regulation; Crime Prevention, Corrections & Safety; Judicial Oversight; and Council for Healthy Communities.

By Representative Negron—

**HB 317**—A bill to be entitled An act relating to health maintenance organizations; creating the “Managed Care Organization’s Patient’s Bill of Rights”; providing legislative findings and intent; specifying that the purpose of the act is to ensure that quality health care and health benefits are provided to the people of this state; providing that managed care organizations owe a fiduciary duty to provide such care; creating s. 641.275, F.S.; providing legislative intent that the rights and responsibilities of subscribers who are covered under health maintenance organization contracts be recognized and summarized; requiring health maintenance organizations to operate in conformity with such rights; requiring organizations to provide subscribers with a copy of their rights and responsibilities; listing specified requirements for organizations that are currently required by other statutes; authorizing civil remedies to enforce the rights specified in s. 641.275, F.S.; providing for actual and punitive damages and attorney’s fees and costs; providing for administrative fines; providing that there is not any liability on the part of certain employers or employee organizations; requiring a plaintiff to submit a written grievance as a condition precedent to bringing an action for damages; requiring that a managed care organization dispose of a grievance within a specified period; requiring notice of an action to enforce the rights provided under the act; authorizing the court to abate an action and require completion of an internal grievance procedure; providing certain exceptions; providing for the statute of limitations to be tolled under specified circumstances; authorizing an action for nonmonetary relief without complying with conditions precedent for the purpose of preventing potential death or serious bodily harm; providing for severability; providing an effective date.

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

Referred to the Committees on Health Promotion; Insurance; Judicial Oversight; and Council for Healthy Communities.

By Representative Bucher—

**HB 319**—A bill to be entitled An act relating to pharmaceutical expense assistance; amending s. 409.9065, F.S.; revising the eligibility requirements for the pharmaceutical expense assistance program; deleting a requirement that a participant be eligible for the Medicaid program; requiring that the Agency for Health Care Administration notify Medicare recipients of the program; requiring the agency to

establish a toll-free telephone number for obtaining information about the program; providing an effective date.

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

Referred to the Committees on Health Promotion; Fiscal Policy & Resources; Health & Human Services Appropriations; and Council for Healthy Communities.

By Representatives Bendross-Mindingall, Fields, and Slosberg—

**HB 321**—A bill to be entitled An act relating to law enforcement; creating s. 943.1759, F.S.; creating the Florida Motorist Profiling Evaluation Task Force; providing duties of the task force; providing restrictions on the use of data collected under the act; providing membership, terms, and organization; requiring state and local law enforcement agencies to develop policies and procedures that prohibit biased profiling or discriminatory practices as a primary factor in determining whether the driver of a motor vehicle should be stopped for a routine traffic violation; providing for submission to the task force of such policies and procedures; requiring the task force to develop specified statewide guidelines; amending s. 943.1758, F.S.; requiring the Criminal Justice Standards and Training Commission to include within the criminal justice and standards training curriculum guidelines and instructions that address prohibited biased profiling and discriminatory practices with respect to motor vehicle stops; providing an appropriation; providing an effective date.

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

Referred to the Committees on Judicial Oversight; and Criminal Justice Appropriations.

By Representative Wallace—

**HJR 323**—A joint resolution proposing amendments to Section 1 of Article VII and Section 21 of Article XII of the State Constitution relating to a limitation on state appropriations.

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

Referred to the Committee on Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representative Smith—

**HB 325**—A bill to be entitled An act relating to traffic safety; amending s. 316.2045, F.S.; prohibiting persons under the age of 15 years from standing or approaching vehicles on any public street, highway, or road for purposes of soliciting, collecting from, or distributing to the occupant of a motor vehicle; providing for warnings for violations; providing for citations for pedestrian violations after a specified date; prohibiting persons from directing a person under the age of 15 years to unlawfully stand or approach motor vehicles on the road; providing for warnings for violations; providing for citations for noncriminal traffic infractions after a specified date; amending s. 318.18, F.S.; providing penalties; amending s. 318.121, F.S.; conforming a cross reference; providing an effective date.

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

Referred to the Committees on Juvenile Justice; Crime Prevention, Corrections & Safety; Transportation; Judicial Oversight; and Council for Smarter Government.

By Representative Weissman—

**HB 327**—A bill to be entitled An act relating to health care; requiring health maintenance organizations to provide for the resolution of grievances brought by subscribers; specifying the services to be included in a grievance system; requiring health maintenance organizations to establish an informal appeal process; providing for a formal internal appeal process; providing for an external appeal when a subscriber is dissatisfied with the results of a formal appeal; providing for the grievance to be reviewed by an independent utilization review organization; providing for a party to appeal a decision by the utilization

review organization to the Agency for Health Care Administration; requiring that the Agency for Health Care Administration enter into contracts with utilization review organizations for the purpose of reviewing appeals; authorizing the agency to adopt rules; providing for the right of a subscriber to maintain an action against a health maintenance organization; providing definitions; providing that a health maintenance organization has the duty to exercise ordinary care when making treatment decisions; providing that a health maintenance organization is liable for damages for harm caused by failure to exercise ordinary care; providing certain limitations on actions; providing for a claim of liability to be reviewed by an independent review organization; providing for the statute of limitations to be tolled under certain circumstances; requiring a health maintenance organization to disclose certain information to subscribers and prospective subscribers; specifying additional information that must be provided upon the request of a subscriber or prospective subscriber; requiring that a health maintenance organization provide notice if a provider is unavailable to render services; providing requirements for the notice; requiring health maintenance organizations to make certain allowances in developing provider profiles and measuring the performance of health care providers; providing for such information to be made available to the Department of Insurance, the Agency for Health Care Administration, and subscribers; prohibiting a health maintenance organization from taking retaliatory action against an employee for certain actions or disclosures concerning improper patient care; requiring that a health maintenance organization refer a subscriber to an outside provider in cases in which there is not a provider within the organization's network to provide a covered benefit; requiring that a health maintenance organization provide a procedure to allow a subscriber to obtain drugs that are not included in the organization's drug formulary; prohibiting a health maintenance organization from arbitrarily interfering with certain decisions of a health care provider; prohibiting a health maintenance organization from discriminating against a subscriber based on race, national origin, and other factors; requiring health maintenance organizations to establish a policy governing the termination of health care providers; providing requirements for the policy; authorizing the Insurance Commissioner to suspend or revoke a certificate of authority upon finding certain violations by a health maintenance organization; providing for civil penalties; repealing s. 641.513, F.S., relating to requirements for providing emergency services and care; amending s. 627.419, F.S.; providing free choice to subscribers to certain health care plans, and to persons covered under certain health insurance policies or contracts, in the selection of specified health care providers; prohibiting coercion of provider selection; specifying conditions under which any health care provider must be permitted to provide services under a health care plan or health insurance policy or contract; providing limitations; providing for civil penalties; providing application; amending s. 641.28, F.S.; limiting the parties that may recover attorney's fees and court costs in an action to enforce the terms of a health maintenance contract; providing an effective date.

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

Referred to the Committees on Health Promotion; Insurance; Judicial Oversight; and Council for Healthy Communities.

By Representatives Baxley and Needelman—

**HB 329**—A bill to be entitled An act relating to drug-free legislators; providing legislative intent; providing for drug screening of members of the Legislature under certain circumstances; providing criteria for screenings and treatment; providing an effective date.

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

Referred to the Committees on Rules, Ethics & Elections; Health Promotion; and Procedural & Redistricting Council.

By Representative Baxley—

**HB 331**—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician assistants to prescribe any medication not listed on a formulary

established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform; providing an effective date.

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

Referred to the Committees on Health Regulation; Fiscal Policy & Resources; and Council for Healthy Communities.

By Representative Kosmas—

**HB 333**—A bill to be entitled An act relating to the Cultural Endowment Program; amending s. 265.606, F.S.; revising the types of instruments into which the trustees may invest, to include investment-quality financial instruments; providing an effective date.

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

Referred to the Committees on Fiscal Policy & Resources; Tourism; and Council for Competitive Commerce.

By Representative Stansel—

**HB 335**—A bill to be entitled An act for the relief of Patsy Baucco and Valentino Baucco; providing an appropriation to compensate them for injuries and damages they sustained as a result of the negligence of a Department of Transportation employee; providing an effective date.

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

Referred to the Committee on Claims; and Procedural & Redistricting Council.

By Representatives Garcia, Arza, and Diaz de la Portilla—

**HB 337**—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; eliminating the July 1, 2001, repeal of provision authorizing certain municipalities to receive operating grants for libraries; providing an effective date.

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

Referred to the Committees on Tourism; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representatives Mayfield, Harrell, Brown, Argenziano, Greenstein, Spratt, Melvin, Wiles, and Machek—

**HB 339**—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; providing an effective date.

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

Referred to the Committees on Health Regulation; Local Government & Veterans Affairs; and Council for Healthy Communities.

By Representatives Attkisson and Fiorentino—

**HB 341**—A bill to be entitled An act relating to disability retirement; creating the “Officer Malcolm Thompson Act”; amending s. 121.091, F.S.; revising a provision of law governing benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; amending s. 185.18, F.S.; providing a minimum retirement benefit payable to certain police officers who are injured in the line of duty and who are totally and permanently disabled due to such injury; providing an effective date.

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

Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Council for Smarter Government.

By Representative Barreiro—

**HB 343**—A bill to be entitled An act relating to discriminatory practices; amending s. 760.60, F.S.; applying to business establishments serving the public the provisions applicable to certain clubs prohibiting certain discriminatory practices; prohibiting certain discriminatory practices; providing for filing complaints with the Commission on Human Relations; providing for filing civil actions under certain circumstances; providing an effective date.

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

Referred to the Committees on State Administration; Judicial Oversight; Economic Development & International Trade; and Council for Smarter Government.

By Representative Johnson—

**HB 345**—A bill to be entitled An act relating to sports industry economic development projects; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; providing an effective date.

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

Referred to the Committees on Tourism; Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representative Fasano—

**HB 347**—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; amending s. 121.4501, F.S.; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements with respect to administration; revising language with respect to investment options or products; providing an effective date.

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

Referred to the Committees on State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representatives Gannon and Atwater—

**HB 349**—A bill to be entitled An act relating to the support owed to a child or spouse; amending s. 827.06, F.S.; prescribing the elements of felony non-support of a child or spouse; providing penalties; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Mayfield—

**HB 351**—A bill to be entitled An act relating to deferred compensation programs for government employees; amending s. 112.215, F.S.; redefining the term “employee,” for purposes of participation in such programs, to include employees of constitutional county officers; prescribing duties of constitutional county officers with respect to their employees; providing for negotiation of a joint deferred compensation program for certain local employees currently eligible for participation in such programs and employees of constitutional county officers; providing an effective date.

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

Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

By Representatives Kallinger and Brummer—

**HB 353**—A bill to be entitled An act relating to mortgage guaranty insurance; amending ss. 624.408, 635.042, F.S.; revising minimum surplus requirements for mortgage guaranty insurers; revising limits on total liability and exposure to losses for such insurers; requiring mortgage guaranty insurers to include certain information in audited financial reports required pursuant to s. 624.424(8); authorizing the Department of Insurance to take certain actions against a mortgage guaranty insurer that is not in compliance; providing an effective date.

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

Referred to the Committee on Insurance; and Council for Competitive Commerce.

By Representative Heyman—

**HB 355**—A bill to be entitled An act relating to pest control; amending s. 482.242, F.S.; expanding the types of ordinances a local government or political subdivision is authorized to enact with respect to the regulation of the activities and operations of pest control services, including pesticides used under ch. 487, F.S.; providing an effective date.

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

Referred to the Committees on Agriculture & Consumer Affairs; Business Regulation; Local Government & Veterans Affairs; and Council for Competitive Commerce.

By Representative Crow—

**HB 357**—A bill to be entitled An act relating to parental consent; amending s. 232.46, F.S.; revising provisions relating to the administration of medication by school district personnel; requiring district school boards to adopt policies and procedures governing the administration of nonprescription medication; requiring written parental permission for the administration of nonprescription medication; amending s. 232.465, F.S.; providing that a student is exempt from certain services under the school health services program if parent or guardian requests such an exemption in writing; amending s. 234.02, F.S.; limiting transportation of a student to a medical treatment facility without parental consent; providing an effective date.

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

Referred to the Committee on Education Innovation; and Council for Lifelong Learning.

By Representative Andrews—

**HB 359**—A bill to be entitled An act relating to drug-free workplaces; amending s. 440.102, F.S.; requiring certain contractors to implement a drug-free workplace program under certain circumstances; providing an effective date.

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

Referred to the Committees on State Administration; Insurance; Business Regulation; and Council for Smarter Government.

By Representatives Stansel, Machek, Kendrick, Gelber, Ryan, Wiles, Spratt, and Bowen—

**HB 361**—A bill to be entitled An act relating to sentencing; amending s. 944.17, F.S.; requiring that a prisoner sentenced for a crime committed during incarceration in the state correctional system or a private correctional facility serve the sentence for such crime in the state correctional system or a private correctional facility, regardless of the length of sentence imposed or the classification of the offense; providing for sentencing based on classification of the offense; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Healthy Communities.

By Representative Henriquez—

**HB 363**—A bill to be entitled An act relating to the Tampa-Hillsborough County Expressway Authority Law; amending s. 348.565, F.S.; allowing bonding for a described project; providing an effective date.

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

Referred to the Committees on Fiscal Policy & Resources; State Administration; Local Government & Veterans Affairs; Transportation; and Council for Competitive Commerce.

By Representative Hogan—

**HB 365**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information and specified financial information in records relating to an individual's health or eligibility for health-related services made or received by the Department of Health or its service providers; specifying conditions under which such information may be released; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Referred to the Committees on Health Promotion; State Administration; and Council for Healthy Communities.

By Representative Brummer—

**HB 367**—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; specifying membership composition and requirements of judicial nominating commissions; providing limitations; providing for terms; abolishing prior offices; providing for suspension or removal; requiring racial, ethnic, gender, and geographical diversity of commission memberships; providing severability; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

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

Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

By Representative Diaz-Balart—

**HB 369**—A bill to be entitled An act relating to public employees; renumbering parts I, II, III, IV, and V of ch. 110, F.S., as parts I, II, III, IV, and V of ch. 109 F.S.; repealing s. 110.108, F.S., relating to pilot projects for agencies seeking managerial flexibility for personnel programs, s. 110.1082, F.S., relating to use of telephone voice mail and menu options systems, s. 110.109, F.S., relating to personnel audits of agencies, and s. 110.1095, F.S., relating to training programs for supervisors and managers; amending and renumbering s. 110.1099, F.S.; specifying duties of agency heads with respect to education and training opportunities for state employees; amending and renumbering s. 110.112, F.S.; removing requirements relating to affirmative action

plans, related training, and reports and reviews relating thereto; providing policy relating to use of human resources; providing for implementation of methodologies to fully utilize available human resources; providing for equal employment opportunity officers and their responsibilities; amending and renumbering s. 110.113, F.S.; requiring all state employees to participate in the direct deposit program; revising conditions for requesting an exemption; amending and renumbering s. 110.114, F.S.; providing for deduction of the cost of making any wage deduction requested by an employee; amending and renumbering s. 110.124, F.S.; providing that an employee who is terminated solely because of attaining age 65 may apply to the circuit court for relief if voluntary binding arbitration is not conducted; amending and renumbering s. 110.1245, F.S.; eliminating the meritorious service awards program and providing for a gain sharing program, with awards set by the Legislative Budgeting Commission; deleting certain limitations; amending and renumbering s. 110.131, F.S.; revising the time limitation on employment of other-personal-services temporary employees; requiring approval of the Governor's Office of Policy and Budget for extension of such limitation; revising exemptions from such limitation; creating s. 109.202, F.S.; providing a declaration of policy; amending and renumbering s. 110.203, F.S.; conforming definitions; revising the definition of "layoff" to include outsourcing or privatization; creating s. 109.2035, F.S.; directing the Department of Management Services, in consultation with specified entities, to develop a model civil service classification and compensation program and providing requirements with respect thereto; amending and renumbering ss. 110.211 and 110.213, F.S.; directing the department to develop uniform recruitment and selection rules to be used by employing agencies; amending and renumbering s. 110.224, F.S.; revising requirements relating to a review and performance planning system and designating such system a review and performance evaluation system; revising requirements relating to certain information furnished to employees and employee evaluation; amending and renumbering s. 110.227, F.S.; providing that a career service employee may be suspended or dismissed for reasonable cause; providing that reasonable cause shall be determined by the agency head and specifying actions included thereunder; revising certain responsibilities of agency heads; providing that rules regarding layoff shall not include "bumping"; deleting a requirement that a layoff be conducted within an identified competitive area; providing that, for any alleged adverse agency action against an employee occurring after a specified date, the employee bears the burden of proof to establish that the agency head abused his or her discretion; providing that, effective January 1, 2002, career service employees shall serve at the pleasure of the agency head; providing for appeal of reductions in pay, transfers, layoffs, or demotions to, and hearings regarding suspension or dismissal before, the circuit court, or for voluntary binding arbitration with respect thereto; creating s. 109.240, F.S.; providing that any permanent career service employee may request voluntary binding arbitration administered by the Division of Human Resource Management upon notice of an adverse agency action; providing definitions; providing requirements for such requests; providing for notice to the agency; specifying the employee's burden of proof; providing for arbitrators and their qualifications and authority; providing for employee panels and their qualifications and authority; providing duties of the division; providing for records; providing procedural requirements for arbitration proceedings; providing for rules; providing for application to the circuit court for an order enforcing, vacating, or modifying the arbitration decision; providing for immunity; amending and renumbering s. 110.403, F.S.; increasing the limit on the number of Senior Management Service positions; amending and renumbering s. 110.602, F.S.; removing the limit on the number of Selected Exempt Service positions; amending and renumbering s. 110.605, F.S.; deleting provisions relating to development of a program of affirmative and positive action for the Selected Exempt Service by the department; amending and renumbering ss. 110.1091, 110.1127, 110.117, 110.1227, 110.123, 110.12312, 110.1232, 110.129, 110.152, 110.1521, 110.1522, 110.1523, 110.161, 110.171, 110.191, 110.205, 110.219, 110.233, 110.235, 110.401, 110.402, 110.406, 110.502, 110.601, and 110.606, F.S.; clarifying and conforming language and correcting cross references; amending ss. 20.171, 20.18, 20.21, 20.23, 20.255, 20.315, 24.105, 24.122, 68.087, 104.31, 106.082, 106.24, 112.044, 112.0805, 112.313, 112.3189, 112.363,

121.021, 121.0515, 121.055, 121.35, 215.94, 216.011, 216.251, 231.381, 235.217, 240.209, 240.2111, 240.507, 241.002, 242.331, 260.0125, 281.02, 287.175, 288.708, 295.07, 296.04, 296.34, 311.07, 339.175, 343.74, 381.85, 393.0657, 400.19, 400.953, 402.3057, 402.55, 402.731, 409.1757, 440.102, 440.4416, 443.171, 447.207, 456.048, 471.038, 509.036, 570.073, 570.074, 624.307, 627.0623, 627.6488, 627.649, 627.6498, 627.6617, 655.019, 943.0585, 943.059, 943.22, 944.35, 945.043, 957.03, 985.04, 985.05, and 985.4045, F.S.; conforming language and correcting cross references; amending s. 20.22, F.S.; creating the Division of Human Resource Management in the Department of Management Services; amending s. 447.201, F.S.; revising the statement of public policy regarding public employees; amending s. 447.203, F.S.; revising definitions for purposes of part II of ch. 447, F.S., relating to public employees; repealing s. 447.203(1)(b) and (3)(h), F.S., which define the Public Employees Relations Commission and exempt its employees from the definition of "public employee," and s. 447.205, F.S., which creates the commission, effective June 30, 2002; amending s. 447.207, F.S.; transferring general powers of the commission and powers relating to collective bargaining to the division; removing certain powers relating to petitions for a declaratory statement; directing the division to provide for voluntary binding arbitration with regard to certain adverse actions and discrimination in lieu of appeals to the commission; providing that the commission shall retain certain authority until June 30, 2002; amending s. 447.208, F.S.; providing the employee's burden of proof for alleged adverse agency actions occurring on or after July 1, 2001; deleting certain commission powers regarding reduction of penalties; repealing s. 447.208, F.S., which provides procedures for appeals to the commission regarding certain adverse agency actions, and s. 447.2085, F.S., which provides for rules with respect thereto, effective January 1, 2002; amending s. 447.301, F.S.; conforming language; amending ss. 447.305, 447.307, 447.308, and 447.309, F.S.; transferring powers and duties relating to registration and certification of employee organizations and adoption of procedures relating to collective bargaining agreements from the commission to the division; increasing the registration fee; amending s. 447.403, F.S.; revising requirements and procedures relating to resolution of impasses when the Legislature is the appropriate legislative body; transferring certain duties relating thereto to the division and the appropriate legislative body; amending s. 447.4095, F.S.; conforming language; amending s. 447.501, F.S.; providing for filing of unfair labor practice complaints with a court of competent jurisdiction; providing for costs and attorney's fees; repealing s. 447.503, F.S., which provides for settling of unfair labor practices disputes by the commission; amending s. 447.5035, F.S.; providing for enforcement of division orders; repealing s. 447.504, F.S., which provides for judicial review of final orders of the commission; amending s. 447.507, F.S.; transferring powers and duties relating to enforcement of the strike prohibition from the commission to the division; removing provisions relating to termination by the commission of the employment of an employee who violates the strike prohibition; amending s. 447.607, F.S.; conforming language; amending s. 20.171, F.S.; conforming language; amending s. 39.202, F.S.; providing for access to certain records by the division; amending s. 112.044, F.S., which prohibits age discrimination against public employees; providing for court action by an aggrieved employee if voluntary binding arbitration is not conducted; amending s. 112.0455, F.S., the Drug-Free Workplace Act; providing for appeals with respect to discipline or not being hired under said act to the circuit court rather than the commission; amending s. 112.215, F.S.; providing for appointment of members of the Deferred Compensation Advisory Council by the department rather than the commission; amending s. 112.31895, F.S.; providing for judicial review of notice of termination of an investigation in connection with the Whistle-blower's Act rather than commission review; amending s. 120.80, F.S.; conforming language; repealing s. 125.0108(2)(d), F.S., and amending ss. 376.75, 403.718, and 538.11, F.S.; removing provisions which authorize certain actions by the Department of Revenue pursuant to rules of the commission or the Career Service Commission; amending ss. 284.30 and 284.31, F.S.; conforming language; amending ss. 295.11 and 295.14, F.S.; providing that the circuit court, rather than the commission, has jurisdiction to enforce provisions relating to employment preference for veterans if voluntary binding arbitration is not conducted; amending s. 415.107, F.S.; providing for access to certain records by the division; amending s.



440.102, F.S.; conforming language; repealing ss. 944.35(3)(c) and 985.4045(1)(b), F.S., which provide that violations by Department of Corrections employees of prohibitions against malicious battery and sexual misconduct, and violations by Department of Juvenile Justice employees of the prohibition against sexual misconduct, as determined by the commission, constitute cause for dismissal; directing the Department of Management Services to coordinate a transition plan; specifying transitional powers and duties of the commission and providing that it shall cease to exist June 30, 2002; providing an appropriation; providing for budget amendments to effectuate the act; providing for rules; providing effective dates.

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

Referred to the Committee on State Administration; and Council for Smarter Government.

By Representatives Spratt, Kendrick, Stansel, Alexander, Kyle, Harrington, Miller, Sorensen, Bense, Goodlette, Maygarden, Jennings, Flanagan, and Smith—

**HB 371**—A bill to be entitled An act relating to electric utility service interruptions; creating s. 768.138, F.S.; providing electric utilities with an absolute defense in certain actions for certain law enforcement assistance activities; providing an effective date.

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

Referred to the Committees on Utilities & Telecommunications; Judicial Oversight; and Council for Ready Infrastructure.

By Representative Lynn—

**HB 373**—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the term “average final compensation” with respect to the Florida Retirement System; providing an effective date.

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

Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Seiler—

**HB 375**—A bill to be entitled An act relating to criminal justice; amending s. 782.04, F.S.; making it a capital felony to commit the unlawful killing of a human being while perpetrating or attempting to perpetrate the act of resisting a law enforcement officer with violence to the officer’s person; providing penalties for specified murders involving the perpetration of or the attempt to perpetrate the act of resisting a law enforcement officer with violence to the officer’s person; reenacting ss. 775.0823(1), (2), (3), (4), (5), and (6), 782.051, 903.133, 921.0022(3)(h) and (i), and 947.146(3), F.S., relating to violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges, relating to attempted felony murder, relating to bail on appeal prohibited for certain felony convictions, relating to the Criminal Punishment Code offense severity ranking chart, and relating to the Control Release Authority; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Council for Healthy Communities.

By Representative Gardiner—

**HB 377**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.06, F.S.; increasing the exemption from the indexed tax on manufactured asphalt that applies to manufactured asphalt used for any federal, state, or local government public works project; providing an effective date.

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

Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Allen—

**HB 379**—A bill to be entitled An act relating to the entertainment industry; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner as the Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; requiring such funds to be deposited in the Grants and Donations Trust Fund of the Executive Office of the Governor; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council as the Florida Film and Entertainment Advisory Council; adding the executive director of Workforce Florida, Inc., as an ex officio, nonvoting member of the council; requiring the council chair to be elected from its appointed membership; amending ss. 212.097 and 212.098, F.S.; expanding the definition of “eligible business” under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending ss. 14.2015, 213.053, 288.1253, and 288.1258, F.S.; conforming language to changes made by the act; providing an effective date.

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

Referred to the Committees on Tourism; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representative Rich—

**HB 381**—A bill to be entitled An act relating to health insurance; creating the “Equity in Prescription Insurance and Contraceptive Coverage Act”; providing legislative findings and intent; providing requirements with respect to plans provided by religious health plan sponsors; creating ss. 627.64061 and 627.65741, F.S., and amending s. 641.31, F.S.; requiring certain health insurance policies and health maintenance contracts to provide coverage for prescription oral contraceptives; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; amending s. 627.6699, F.S.; applying certain requirements for group coverage relating to prescription oral contraceptives to small employer carriers issuing health benefit plans; providing an effective date.

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

Referred to the Committees on Health Promotion; Insurance; Health & Human Services Appropriations; and Council for Healthy Communities.

By the Committee on State Administration; Representative Brummer—

**HB 383**—A bill to be entitled An act relating to a public records exemption for bank account numbers or debit, charge, or credit card numbers obtained by agencies; amending s. 119.07, F.S., which provides an exemption from public records requirements for bank account numbers or debit, charge, or credit card numbers given to an agency for the purpose of payment of fee or debt; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Referred to the Council for Smarter Government.

By the Committee on State Administration; Representative Brummer—

**HB 385**—A bill to be entitled An act relating to a public records exemption for certain information used by municipally owned utilities; amending s. 119.07, F.S., which provides an exemption from public records requirements for a specified period of time for certain information used by a municipal utility to prepare and submit certain sealed bids to customers or prospective customers; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled

under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Referred to the Council for Smarter Government.

By the Committee on State Administration; Representative Brummer—

**HB 387**—A bill to be entitled An act relating to a public records exemption for certain information obtained by the direct-support organization authorized to assist in the promotion of sports-related industries; amending s. 288.12295, F.S., which provides an exemption from public records requirements for the identity of donors and prospective donors to the direct-support organization; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Referred to the Council for Smarter Government.

By the Committee on State Administration; Representative Brummer—

**HB 389**—A bill to be entitled An act relating to a public records exemption for certain records of economic development agencies which contain information concerning private entities; amending s. 288.075, F.S., which provides an exemption from public records requirements for records of an economic development agency which contain or would provide plans, intentions, or interests of private entities regarding their business activities; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Referred to the Council for Smarter Government.

By the Committee on State Administration; Representative Brummer—

**HB 391**—A bill to be entitled An act relating to public records exemptions for certain information obtained in connection with administration of the qualified defense contractor and qualified target industry tax refund programs; amending s. 288.1066, F.S., which provides exemptions from public records requirements for certain identifying, proprietary, tax, and trade secret information received in connection with administering said tax refund programs; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; deleting superfluous language; providing an effective date.

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

Referred to the Council for Smarter Government.

By the Committee on State Administration; Representative Brummer—

**HB 393**—A bill to be entitled An act relating to a public records exemption for certain information obtained by the Florida Tourism Industry Marketing Corporation; amending s. 288.1226, F.S., which provides an exemption from public records requirements for the identity of any person responding to marketing or research projects conducted by the corporation and for trade secrets obtained pursuant thereto; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Referred to the Council for Smarter Government.

By the Committee on State Administration; Representative Brummer—

**HB 395**—A bill to be entitled An act relating to public records exemptions for specified information relating to airports; amending s. 331.22, F.S., which provides exemptions from public records requirements for airport security plans of an aviation authority or county or municipal aviation department and for other material that depicts critical airport operating facilities; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Referred to the Council for Smarter Government.

By the Committee on State Administration; Representative Brummer—

**HB 397**—A bill to be entitled An act relating to a public records exemption for certain information relating to prepayment of electronic toll facility charges; amending s. 338.155, F.S., which provides an exemption from public records requirements for personal identifying information given to the Department of Transportation, a county, or an expressway authority for the purpose of prepaying electronic toll facility charges by check, credit card, or charge card; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; clarifying a cross reference; providing an effective date.

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

Referred to the Council for Smarter Government.

By the Committee on State Administration; Representative Brummer—

**HB 399**—A bill to be entitled An act relating to a public records exemption for certain information relating to emergency telephone number “911”; amending s. 365.171, F.S., which provides an exemption from public records requirements for information that reveals the name, address, telephone number, or personal information about, or other information that would identify, a person requesting emergency service or reporting an emergency; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; correcting a reference; providing an effective date.

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

Referred to the Council for Smarter Government.

By the Committee on State Administration; Representative Brummer—

**HB 401**—A bill to be entitled An act relating to a public records exemption for certain information submitted to the Office of the Attorney General by members of the health care community; amending s. 408.185, F.S., which provides an exemption from public records requirements for certain documents, contracts, and proprietary confidential business information submitted by such entities in connection with a request for an antitrust no-action letter for a specified period; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Referred to the Council for Smarter Government.

By the Committee on State Administration; Representative Brummer—

**HB 403**—A bill to be entitled An act relating to a public records exemption for records relating to pawnbroker transactions; amending s.

539.003, F.S., which provides an exemption from public records requirements for records relating to pawnbroker transactions delivered to appropriate law enforcement officials; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Referred to the Council for Smarter Government.

By the Committee on State Administration; Representative Brummer—

**HB 405**—A bill to be entitled An act relating to public records exemptions for certain surplus lines insurance records; amending s. 626.921, F.S., which provides an exemption from public records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the exemption to apply to information specific to a particular policy or policyholder; providing an exemption from public records requirements for certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Referred to the Council for Smarter Government.

By the Committee on State Administration; Representative Brummer—

**HB 407**—A bill to be entitled An act relating to public records and meetings exemptions for university health services support organizations; repealing s. 240.2995(6), F.S., which provides that meetings of the governing board of a university health services support organization are public and requires that certain records be made available to the Department of Insurance; amending s. 240.2996, F.S., which provides exemptions from public records and meetings requirements for certain contracts and related documents, marketing plans, trade secrets, and evaluation records of such organizations, for meetings at which any of such records or information is discussed, and for records of such meetings; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the type of marketing plans exempted; requiring university health services support organizations to make certain records available to the Department of Insurance; providing an effective date.

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

Referred to the Council for Smarter Government.

By Representatives Farkas, Alexander, and Richardson—

**HB 409**—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all instructional personnel; providing for specific appropriations in the General Appropriations Act; providing an effective date.

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

Referred to the Committees on General Education; Education Appropriations; and Council for Lifelong Learning.

By Representatives Kyle, Murman, Paul, Detert, Baxley, Hart, Byrd, Littlefield, Machek, Alexander, Spratt, Fiorentino, Mayfield, Farkas, Green, Bilirakis, Waters, Brummer, Crow, Kallinger, Kottkamp, Flanagan, Clarke, Bennett, Ross, Bowen, Russell, Harrington, Gannon, Dockery, Mealar, Cusack, and Romeo—

**HB 411**—A bill to be entitled An act relating to the Florida Mobile Home Act; creating s. 723.0025, F.S.; establishing the mobile home

owners' bill of rights; amending s. 723.003, F.S.; defining the term "proportionate share"; amending s. 723.005, F.S.; providing for regulation by the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 723.006, F.S.; providing for additional duties of the division; amending s. 723.011, F.S.; requiring park owners and the division to maintain specified records; amending s. 723.012, F.S.; providing that additional information be included in a prospectus; creating s. 723.015, F.S.; providing for notice of rental agreements, rules and regulations, and prospectuses; amending s. 723.021, F.S.; authorizing the division to impose a civil penalty for failure to meet the obligation of good-faith and fair dealings; amending s. 723.022, F.S.; requiring maintenance of trees and other vegetation by a mobile home park owner; amending s. 723.033, F.S.; declaring certain rental increases to be unreasonable; amending s. 723.035, F.S.; authorizing injunctive relief and a civil penalty; amending s. 723.037, F.S.; providing procedures for meetings that determine the status of changes in lot rentals, services, utilities, or rules and regulations; authorizing homeowners or park owners to petition the division to investigate the obligation of good-faith and fair dealings; amending s. 723.059, F.S.; providing for the rights of a purchaser of a mobile home within a mobile home park; amending s. 723.061, F.S.; revising standards for determining a homeowner's rights when there is an eviction for change in land use; amending s. 723.071, F.S.; providing procedures for the sale of mobile home parks; amending s. 723.072, F.S.; providing for an affidavit of compliance with certain statutory requirements; amending s. 723.078, F.S.; providing quorum requirements for homeowners' associations; amending s. 320.77, F.S.; redefining the term "mobile home broker"; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Agriculture & Consumer Affairs; and Council for Smarter Government.

**HB 413**—Filed

By Representative Kyle—

**HB 415**—A bill to be entitled An act relating to lawyer assistance programs; providing for civil immunity for the good faith report of information to a lawyer assistance program; providing for a presumption of good faith; providing immunity for certain persons; providing that certain information is subject to the attorney-client privilege; providing for the confidentiality of certain records, proceedings, and communications; providing an effective date.

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

Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

By Representative Kyle—

**HB 417**—A bill to be entitled An act relating to public transportation; amending s. 334.30, F.S.; providing for public-private partnership agreements for transportation facilities; providing an effective date.

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

Referred to the Committees on Transportation; State Administration; Fiscal Policy & Resources; and Council for Ready Infrastructure.

By Representative Gottlieb—

**HB 419**—A bill to be entitled An act relating to weapons and firearms; creating the "Children's Firearm Responsibility Act of 2001"; amending s. 790.001, F.S.; defining "unsafe handgun"; creating s. 790.0659, F.S.; prohibiting the manufacture and importation of unsafe handguns; providing exceptions; providing a penalty; amending s. 790.17, F.S.; prohibiting the furnishing of unsafe handguns to minors under 18 years of age; providing penalties; amending s. 784.05, F.S., relating to culpable negligence; providing a fine and additional penalties for persons convicted of leaving a loaded firearm within the reach or easy access of a minor under certain circumstances; amending s. 790.174, F.S., relating to required safe storage of firearms; providing applicability to

firearms stored or left within the interior of a motor vehicle; providing a penalty for failure to store or leave a firearm as required by law under certain circumstances; creating s. 985.4167, F.S.; establishing the juvenile gun violence prevention grant program; providing criteria; providing for administration of the program by the Department of Juvenile Justice; providing for a grant application process; requiring annual evaluation reports of entities receiving grant awards; providing for audit; amending s. 985.415, F.S., relating to the community juvenile justice partnership grant program; revising provisions to include community juvenile gun violence grants within the program; providing an appropriation; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Juvenile Justice; Criminal Justice Appropriations; and Council for Healthy Communities.

By Representatives Bean and Slosberg—

**HB 421**—A bill to be entitled An act relating to mental health; directing the Department of Children and Family Services to develop and implement a pilot project to provide client-directed and choice-based mental health treatment and support services to certain adults; requiring an independent evaluation; providing evaluation criteria; requiring reports; providing an appropriation; providing for expiration; providing an effective date.

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

Referred to the Committees on Elder & Long-Term Care; Health & Human Services Appropriations; Fiscal Policy & Resources; and Council for Healthy Communities.

By Representatives Greenstein and Bucher—

**HB 423**—A bill to be entitled An act relating to individual development accounts; providing purposes; providing definitions; requiring the Department of Children and Family Services to amend the Temporary Assistance for Needy Families State Plan to provide for use of funds for individual development accounts; specifying criteria and requirements for contributions to such accounts; specifying purposes for use of such accounts; directing the WAGES Program State Board to establish procedures for local WAGES coalitions to apply to offer individual development accounts; providing for procedures for withdrawals from such accounts; specifying certain organizations to act as fiduciary organizations for certain purposes; providing for penalties for withdrawal of moneys for certain purposes; providing for resolution of certain disputes; providing for transfer of ownership of such accounts under certain circumstances; providing for establishment of such accounts by certain financial institutions under certain circumstances; providing requirements; providing that account funds and matching funds do not affect certain program eligibility; providing for local WAGES coalition comment concerning the procedures developed by the WAGES State Board and for inclusion of the procedures in the annual plan; providing an effective date.

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

Referred to the Committee on Workforce & Technical Skills; General Government Appropriations; and Council for Lifelong Learning.

**HB 425**—Withdrawn

By Representative Fiorentino—

**HB 427**—A bill to be entitled An act relating to homelessness; creating the State Office on Homelessness within the Department of Children and Family Services; directing the Governor to appoint an executive director for the state office; providing duties of the executive director; creating the Council on Homelessness; providing for membership of the council; providing for reimbursement of council members' travel expenses; providing duties and responsibilities of the council; requiring an annual report; amending s. 228.041, F.S.; revising definition of "homeless child" for purposes of the Florida School Code;

requiring the Department of Education to adopt rules; amending s. 232.01, F.S.; requiring school districts to make reasonable efforts to remove policies that create barriers to enrollment of homeless students; amending s. 232.032, F.S.; providing a temporary exemption from required immunizations prior to school attendance for homeless children; amending s. 232.03, F.S.; providing a temporary exemption from proof-of-age requirements prior to school admittance for homeless children; amending s. 232.0315, F.S.; providing a temporary exemption from school-entry health examination requirements for homeless children; providing for followup; amending s. 420.5087, F.S., relating to the State Apartment Incentive Loan Program; providing for loans for homeless persons; revising a limitation on loans for the elderly; amending s. 420.511, F.S., relating to the Florida Housing Finance Corporation; requiring report of services provided to homeless persons; amending s. 420.609, F.S.; revising membership and duties of the Affordable Housing Study Commission; amending s. 420.621, F.S.; revising definition of "homeless" in provisions relating to local coalitions for the homeless and local community grants-in-aid; providing an effective date.

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

Referred to the Committees on Local Government & Veterans Affairs; Education Innovation; and Council for Smarter Government.

By Representatives Bendross-Mindingall, Fields, and Siplin—

**HJR 429**—A joint resolution proposing the amendment of Section 1 of Article IX of the State Constitution, relating to education, to prescribe a maximum number of students in public school classrooms for various grade levels.

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

Referred to the Committees on Judicial Oversight; Education Innovation; Education Appropriations; and Council for Smarter Government.

By Representatives Bendross-Mindingall and Fields—

**HB 431**—A bill to be entitled An act relating to parent-child privilege; creating s. 90.5045, F.S.; creating a parent-child privilege to prevent disclosure of communications that were intended to be made in confidence; providing proceedings in which the privilege does not exist; providing for waiver of the privilege; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Child & Family Security; Crime Prevention, Corrections & Safety; and Council for Smarter Government.

By Representative Ball—

**HB 433**—A bill to be entitled An act relating to ad valorem tax assessment; amending s. 193.015, F.S.; defining "conservation lands"; directing the property appraiser to consider that the designation or delineation of lands as wetlands or conservation lands constitutes a constraint on the property appraiser's ability to determine the highest and best use of the property; providing an effective date.

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

Referred to the Committees on Natural Resources & Environmental Protection; Agriculture & Consumer Affairs; Fiscal Policy & Resources; and Council for Ready Infrastructure.

By Representative Farkas—

**HB 435**—A bill to be entitled An act relating to community contribution tax credits; creating s. 212.099, F.S.; providing for a community contribution tax credit against the tax on sales, use, and other transactions; providing definitions; providing the amount of the credit; providing limitations; providing for carryover of the credit; providing that the credit is an alternative to the community contribution credit against the corporate income tax; providing eligibility

requirements; providing application requirements for eligible sponsors and participating taxpayers; requiring approval by the Office of Tourism, Trade, and Economic Development; providing duties of the Department of Revenue; providing for rules; amending ss. 220.03, 220.183, and 624.5105, F.S.; revising the definition of “project” for purposes of the community contribution tax credits against the corporate income tax and insurance premium taxes to include provision of educational programs and materials by an eligible sponsor; including the community contribution credit against the sales tax within the limitation on such credits; amending ss. 14.2015 and 290.007, F.S., relating to duties of the office and incentives available in enterprise zones, to conform; providing an effective date.

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

Referred to the Committees on Economic Development & International Trade; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representatives Farkas, Alexander, Murman, Sobel, Ritter, Harrell, Brummer, Greenstein, and Wishner—

**HB 437**—A bill to be entitled An act relating to pharmacy practice; creating s. 465.0075, F.S.; authorizing licensure of pharmacists by endorsement and providing requirements therefor, including a fee; providing for legislative review; providing an effective date.

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

Referred to the Committees on Health Regulation; State Administration; and Council for Healthy Communities.

By Representatives Wiles, Ausley, Cusack, Frankel, Justice, Gannon, Joyner, Gelber, Henriquez, Kosmas, Seiler, Romeo, Ryan, Wishner, Bullard, Weissman, Greenstein, Wilson, and Bucher—

**HB 439**—A bill to be entitled An act relating to elections; providing a short title; amending s. 106.011, F.S.; revising definitions of the terms “political committee,” “contribution,” “expenditure,” and “political advertisement”; amending s. 106.021, F.S.; eliminating a provision that authorizes the unrestricted expenditure of funds for the purpose of jointly endorsing three or more candidates; amending s. 106.03, F.S.; providing additional requirements for registration of political committees and certification of committees of continuous existence; providing penalties and applicability; amending s. 106.04, F.S.; requiring committees of continuous existence to update certain certification information; requiring an up-to-date membership list with the application for certification and with each annual and regular report; specifying information membership lists must provide; requiring membership dues to be reported in the same manner as regular contributions; prohibiting committees of continuous existence from making expenditures in support of or opposition to an elected public official without registering as a political committee; providing that records of a committee of continuous existence relating to political activities are public records; revising the fine for late filing of reports by committees of continuous existence; providing penalties; amending s. 106.07, F.S.; correcting a cross reference, to conform; amending s. 106.08, F.S.; providing limits on contributions to a political party; revising a provision relating to restrictions on contributions to a candidate by a political party; providing penalties; reenacting s. 106.19(1)(a), F.S., relating to penalties applicable to acceptance of contributions in excess of the limits provided by law, to incorporate the amendment to s. 106.08, F.S., in a reference thereto; amending s. 106.087, F.S.; eliminating a provision that prohibits certain political committees and committees of continuous existence from making independent expenditures in support of or opposition to a candidate or elected public official; amending s. 106.29, F.S.; requiring subordinate and executive committees of a political party to adhere to contribution limits for political parties; providing penalties; creating s. 106.291, F.S.; requiring state and county executive committees, including subordinate committees thereof, to report to the Division of Elections certain contributions received while the Legislature is in regular, extended, or special session; providing reporting requirements; providing for the

posting of such reports on the Internet; providing a fine for late filing; providing for severability; providing effective dates.

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

Referred to the Committees on Rules, Ethics & Elections; State Administration; Fiscal Policy & Resources; and Procedural & Redistricting Council.

By Representative Baker—

**HB 441**—A bill to be entitled An act relating to county government; amending s. 125.35, F.S.; providing an alternative procedure for the sale or disposition of certain property by boards of county commissioners; providing an effective date.

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

Referred to the Committees on Local Government & Veterans Affairs; Natural Resources & Environmental Protection; and Council for Smarter Government.

By Representative Wallace—

**HB 443**—A bill to be entitled An act relating to the State University System; creating s. 240.6065, F.S.; establishing the industrial partnership professorship program within the State University System; providing that certain professorships shall be established by contract; providing for contribution by sponsoring corporations; specifying percentage of such contribution; providing for credit against the corporate income tax for contributions made by a sponsoring corporation; creating s. 220.192, F.S.; providing a credit against the corporate income tax for contributions made by a corporation sponsoring an industrial partnership professorship; providing for carryover of the credit; authorizing rules; amending s. 220.02, F.S.; providing order of credits against the tax; providing for future repeal of ss. 240.6065 and 220.192, F.S.; providing an effective date.

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

Referred to the Committees on Colleges & Universities; Fiscal Policy & Resources; and Council for Lifelong Learning.

By Representative Smith—

**HB 445**—A bill to be entitled An act relating to hunting; amending s. 372.57, F.S.; providing that the Fish and Wildlife Conservation Commission may not sponsor, conduct, or designate by rule special days for hunting by youths under 16 years of age in any wildlife management area; providing an effective date.

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

Referred to the Committees on Natural Resources & Environmental Protection; Juvenile Justice; Crime Prevention, Corrections & Safety; and Council for Ready Infrastructure.

By Representative Smith—

**HB 447**—A bill to be entitled An act relating to discrimination in the treatment of persons; amending s. 16.57, F.S.; providing for the Attorney General to investigate violations of rights secured by state law; amending s. 760.02, F.S.; defining the terms “place of public accommodation” and “undue burden” for purposes of the Florida Civil Rights Act of 1992; creating s. 760.101, F.S.; prohibiting a place of public accommodation from discriminating against an individual or class of individuals on the basis of a disability; specifying landlord and tenant responsibilities with respect to such prohibition; defining the term “individual or class of individuals”; creating s. 760.102, F.S.; requiring that goods and other services be provided to an individual with a disability in an integrated setting; creating s. 760.103, F.S.; prohibiting the exclusion or denial of goods and other services based on certain relationships with an individual with a disability; creating s. 760.104, F.S.; providing certain exceptions if an individual poses a direct threat to health or safety; defining the term “direct threat”; providing requirements for making such determination; amending s. 760.11, F.S.;

providing for filing a complaint against a place of public accommodation with the Florida Commission on Human Relations; prohibiting discrimination against an individual who participates in an investigation or proceeding under pt. I of ch. 760, F.S.; amending s. 760.34, F.S.; authorizing the Attorney General to intervene in certain civil actions to enforce compliance with pt. I of ch. 760, F.S.; authorizing the Attorney General to commence a civil action to obtain damages or other relief for a violation of rights secured by the State Constitution or state law; providing for a civil penalty; providing for attorney's fees and costs; amending s. 760.51, F.S.; authorizing the Attorney General to bring a civil or administrative action for certain violations of rights which involve coercion, intimidation, or threats; amending s. 760.60, F.S., relating to a prohibition against discriminatory practices by certain clubs; providing requirements for conciliation meetings and agreements; authorizing the Florida Commission on Human Relations or the Attorney General to conduct investigations and issue subpoenas; providing for enforcement of subpoenas; extending the period for the commission or the Attorney General to take certain actions with respect to resolving a complaint; authorizing the court to issue certain orders following a finding that a discriminatory practice has occurred at a club; providing for attorney's fees and costs; providing for certain administrative proceedings; providing for a final order of the commission to be appealed to the district court; amending s. 760.80, F.S.; including an individual with a disability within the definition of the term "minority person" for purposes of provisions requiring that minorities be represented on boards, commissions, councils, and committees; amending s. 413.08, F.S.; providing for the rights of individuals with disabilities who use service animals; deleting certain exceptions to requirements that such individuals be afforded full and equal accommodation; deleting a requirement that a dog guide or service dog be identified as being from a recognized school; deleting provisions that exempt certain rental property from modification for purposes of accommodating individuals with disabilities; deleting provisions that exempt an employer under certain circumstances from penalties for discriminating against an individual with a disability with respect to employment; providing an effective date.

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

Referred to the Committees on Business Regulation; State Administration; and Council for Smarter Government.

By Representatives Bense, Paul, Miller, Allen, and Harrington—

**HB 449**—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; and Council for Healthy Communities.

By Representative Ritter—

**HB 451**—A bill to be entitled An act relating to Orange County; providing for the relief of Maria Garcia, as legal guardian of Delfina Benjumea; providing for an appropriation to compensate her for injuries and damages sustained by Delfina Benjumea as a result of the negligence of the Orange County Sheriff's Office; providing for a

reversionary interest to the Orange County Sheriff's Office; providing legislative intent with respect to expenditures; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committee on Claims; and Procedural & Redistricting Council.

By Representative Prieguez—

**HB 453**—A bill to be entitled An act relating to guaranteed energy performance savings contracting; amending s. 489.145, F.S.; changing provisions relating to energy efficiency contracting to provisions relating to guaranteed energy performance savings contracting; providing a short title; providing legislative intent; revising definitions, procedures, and contract provisions; providing criteria, requirements, procedures, and limitations for energy performance contracts; authorizing the Department of Management Services or the Office of the Comptroller to provide technical assistance to agencies for certain purposes; providing an effective date.

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

Referred to the Committees on Utilities & Telecommunications; Fiscal Policy & Resources; and Council for Ready Infrastructure.

By Representative Detert—

**HB 455**—A bill to be entitled An act relating to continuing education requirements for mortgage brokers and mortgage lenders; amending s. 494.001, F.S.; providing a definition; amending s. 494.00311, F.S.; changing provisions relating to mortgage brokerage schools to mortgage business schools; creating s. 494.00295, F.S.; specifying certain professional education requirements for mortgage broker licensure; providing criteria; amending s. 494.0033, F.S.; including Internet-based education hours for certain mortgage broker continuing education requirements; amending s. 494.0034, F.S.; requiring receipt of confirmation of completion of certain professional education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; revising criteria for principal or branch broker requirements; authorizing the Department of Professional Regulation to adopt rules; amending s. 494.0061, F.S.; specifying additional mortgage lender's license requirements; amending s. 494.0062, F.S.; specifying additional correspondent mortgage lender's license requirements; amending s. 494.0064, F.S.; specifying certain professional education requirements for renewal of mortgage lender's licenses; amending s. 494.0067, F.S.; specifying that certain employees of mortgage lenders complete certain professional education requirements; providing an effective date.

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

Referred to the Committees on Banking; Business Regulation; and Council for Smarter Government.

By Representative Lee—

**HB 457**—A bill to be entitled An act relating to property and casualty insurers; amending s. 624.4072, F.S.; increasing a period of exemption from certain taxes and assessments for certain minority businesses; extending a future repeal; providing an effective date.

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

Referred to the Committees on Insurance; Economic Development & International Trade; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representatives Brutus, Richardson, Siplin, Diaz-Balart, Lacasa, and Mack—

**HB 459**—A bill to be entitled An act relating to restriction on employment of relatives by public officials; amending s. 112.3135, F.S.;

eliminating exemptions from the prohibition against employment of relatives by public officials to apply the prohibition to public officials of universities, community colleges districts, and district school boards, for which there are penalties for violation; providing an effective date.

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

Referred to the Committees on State Administration; Education Innovation; and Council for Smarter Government.

By Representatives Wiles, Justice, and Gottlieb—

**HB 461**—A bill to be entitled An act relating to law enforcement; creating the Safer Highways Act of 2001; providing legislative intent; providing for the hiring of additional law enforcement personnel; providing for a minimum salary level for highway patrol troopers; providing for the creation of the Law Enforcement Commission; providing for membership and duties of the commission; providing for per diem and other expenses; providing appropriations; providing an effective date.

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

Referred to the Committees on Fiscal Policy & Resources; Transportation; Council for Ready Infrastructure; and Committee on Transportation & Economic Development Appropriations.

By Representative Baxley—

**HB 463**—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a Florida public postsecondary education institution; providing an effective date.

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

Referred to the Committees on Colleges & Universities; Education Appropriations; and Council for Lifelong Learning.

By Representatives Baker and Clarke—

**HB 465**—A bill to be entitled An act relating to determinations of residency for tuition purposes; amending s. 240.1201, F.S.; revising provisions relating to determinations of residency for tuition purposes to classify members of the active Florida National Guard as residents for tuition purposes; providing an effective date.

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

Referred to the Committees on Colleges & Universities; Education Appropriations; and Council for Lifelong Learning.

By Representative Lacasa—

**HB 467**—A bill to be entitled An act relating to local government; amending s. 218.503, F.S.; clarifying language; extending the repeal date for provisions which allow certain municipalities that have been declared in a state of financial emergency to impose a per-vehicle surcharge on revenues from the sale or rental of space at parking facilities; providing an effective date.

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

Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Lacasa—

**HB 469**—A bill to be entitled An act relating to road designations; designating a portion of roadway in the City of Miami in Miami-Dade

County as “Enrique Valledor Way”; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Referred to the Committee on State Administration; and Council for Smarter Government.

By Representative Lacasa—

**HJR 471**—A joint resolution proposing the creation of Section 7 of Article VIII of the State Constitution, relating to amending certain county charters by special law.

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

Referred to the Committees on Local Government & Veterans Affairs; Judicial Oversight; and Council for Smarter Government.

By Representative Allen—

**HB 473**—A bill to be entitled An act relating to expressway authorities; amending s. 348.0012, F.S.; providing that the Florida Expressway Authority Act does not apply to an expressway authority which has been created pursuant to parts II-IX of ch. 348, F.S.; amending s. 348.754, F.S.; revising language with respect to purposes and powers; amending s. 348.7543, F.S.; revising language with respect to bond financing; amending ss. 348.7544 and 348.7545, F.S.; authorizing the refinancing of the Northwest Beltway Part A and the Western Beltway Part C with certain bonds; amending s. 348.755, F.S.; revising language with respect to bonds of the Orlando-Orange County Expressway Authority; providing an effective date.

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

Referred to the Committees on Transportation; Transportation & Economic Development Appropriations; and Council for Ready Infrastructure.

By Representative Hogan—

**HB 475**—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, and 827.035, F.S.; expanding the type of personnel and facilities that can accept abandoned newborns; amending s. 232.465, F.S.; expanding the type of personnel that can supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0059, F.S.; revising background screening requirements for school health service personnel; amending ss. 382.003, 382.004, 382.013, 382.016, and 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; amending s. 385.206, F.S., relating to the hematology-encology care center program; deleting data review by the Florida Association of Pediatric Tumor Programs, Inc.; amending s. 392.52, F.S.; providing additional definitions relating to tuberculosis control; creating s. 392.566, F.S.; providing for appointment of a guardian advocate for tuberculosis patients; specifying qualifications, training, and responsibilities of the guardian advocate; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil testing requirement; clarifying rulemaking authority; amending s. 742.10, F.S.; conforming terminology; correcting a cross reference; amending s. 3 of ch. 87-450, Laws of Florida; requiring school health programs of the Health Care District of Palm Beach County to be supplementary to and consistent with specified provisions of state law; repealing s. 385.205, F.S.; relating to kidney disease control programs; providing an effective date.

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

Referred to the Committees on Health Promotion; Judicial Oversight; State Administration; and Council for Healthy Communities.

By Representative Hogan—

**HB 477**—A bill to be entitled An act relating to public records; amending s. 383.51, F.S.; providing an exemption from public records requirements for information that identifies parents who leave newborn infants at emergency medical services stations; providing an exception; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

Referred to the Committees on Health Promotion; Judicial Oversight; State Administration; and Council for Healthy Communities.

By Representatives Kendrick and Argenziano—

**HB 479**—A bill to be entitled An act relating to the Rainbow Lakes Estates Municipal Service District, an independent special district of the State of Florida in Marion and Levy Counties; codifying the district's charter, chapter 69-1298, Laws of Florida, as amended, pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Rainbow Lakes Estates Municipal Service District as a single act; repealing all prior special acts related to the Rainbow Lakes Estates Municipal Service District; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committees on Local Government & Veterans Affairs; and Fiscal Policy & Resources.

By Representative Sorensen—

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

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

Referred to the Committees on Education Innovation; Education Appropriations; and Council for Lifelong Learning.

By Representatives Wiles, Justice, Cusack, Bendross-Mindingall, and Joynes—

**HB 483**—A bill to be entitled An act relating to Medicaid eligibility; providing a short title; amending s. 409.904, F.S.; providing Medicaid eligibility for certain disabled persons under a Medicaid buy-in program, subject to specific federal authorization; directing the Agency for Health Care Administration to seek a federal grant, demonstration project, or waiver for establishment of such buy-in program, subject to a specific appropriation; providing an effective date.

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

Referred to the Committees on Health Promotion; Health & Human Services Appropriations; and Council for Healthy Communities.

By Representatives Fiorentino, Harrell, and Atwater—

**HB 485**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; defining the term "teacher member" for purposes of the system; amending s. 121.071, F.S.; providing contribution rates for teacher members; amending s. 121.091, F.S.; providing retirement benefits payable to teacher members; providing retroactive applicability; providing for funding of the revision of the Florida Retirement System by this act; providing a finding of important state interest; providing an effective date.

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

Referred to the Committees on State Administration; Education Innovation; Education Appropriations; and Council for Smarter Government.

By Representative Gibson—

**HB 487**—A bill to be entitled An act relating to educational benefits for children of slain law enforcement officers and firefighters; amending ss. 112.19, 112.191, F.S.; providing for graduate or postbaccalaureate educational expenses to be waived for children of officers and firefighters killed in the line of duty; providing for the waiver to apply to a child who attends a state institution as a full-time or part-time student; providing an effective date.

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

Referred to the Committees on Colleges & Universities; State Administration; Education Appropriations; and Council for Lifelong Learning.

By Representatives Johnson, Russell, Mayfield, Berfield, Allen, Bense, Hart, and Goodlette—

**HB 489**—A bill to be entitled An act relating to high-speed rail; creating the High-Speed Rail Study Commission; providing for membership and appointment; providing for staff; providing for duties of the commission; providing for dissolution of the commission upon submission of a required report; directing the Department of Transportation to begin collecting and organizing existing data on high-speed rail systems; providing an appropriation; providing an effective date.

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

Referred to the Committees on Transportation; Fiscal Policy & Resources; Transportation & Economic Development Appropriations; and Council for Ready Infrastructure.

By Representative Baker—

**HB 491**—A bill to be entitled An act relating to comparative fault; amending s. 768.81, F.S.; specifying an additional type of negligence case for purposes of comparative fault in civil actions for damages; deleting actions based on an intentional tort from exclusions from application; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Business Regulation; and Council for Smarter Government.

By Representative Bucher—

**HB 493**—A bill to be entitled An act relating to firearms; amending s. 790.33, F.S.; authorizing a board of county commissioners to adopt an ordinance requiring the installation of a trigger lock on any firearm purchased, sold, transferred, or possessed within the county; requiring that law enforcement officers be exempt from the ordinance; providing an effective date.

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

Referred to the Committees on Local Government & Veterans Affairs; Crime Prevention, Corrections & Safety; Juvenile Justice; and Council for Smarter Government.

**HB 495**—Withdrawn

By Representative Andrews—

**HB 497**—A bill to be entitled An act relating to vehicular homicide; amending s. 782.071, F.S.; revising the offense of "vehicular homicide" to include the killing of a viable fetus by any injury to the mother which would be vehicular homicide if it resulted in the death of the mother; providing a right of action for civil damages; providing a definition; providing penalties; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be



manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; reenacting ss. 921.0022(3)(g) and (h) and 960.03(3), F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of "crime" with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; providing an effective date.

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

Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Smarter Government.

By Representative Andrews—

**HB 499**—A bill to be entitled An act relating to holidays; creating s. 683.25, F.S.; designating December 15 as "Bill of Rights Day"; providing for a proclamation by the Governor to that effect; providing an effective date.

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

Referred to the Committee on State Administration; and Council for Smarter Government.

By Representative Brummer—

**HB 501**—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 14.203, F.S., to abolish the State Council on Competitive Government; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of "commission," to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing ss. 121.22, 121.23, 121.231, and 121.24, F.S., to abolish the State Retirement Commission and delete provisions relating to its duties; amending ss. 121.0515 and 121.091, F.S.; transferring to the Department of Management Services duties of the State Retirement Commission and revising cross references, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners' permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; repealing s. 392.69(4), F.S., to abolish the A. G. Holley

State Hospital advisory board under the Department of Health; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; repealing s. 430.05, F.S., to abolish the Department of Elderly Affairs Advisory Council; repealing s. 440.4416, F.S., to abolish the Workers' Compensation Oversight Board; amending s. 440.345, F.S.; deleting reference to the Workers' Compensation Oversight Board, to conform; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 580.151, F.S., to abolish the Commercial Feed Technical Council; repealing s. 570.248, F.S., to abolish the Agricultural Economic Development Project Review Committee; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the Florida Business Partners for Prevention under the Department of Juvenile Justice; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Agriculture and Livestock Fair Council, Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Racing Quarter Horse Advisory Council, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing an effective date.

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

Referred to the Committee on State Administration; and Council for Smarter Government.

By Representative Fasano—

**HB 503**—A bill to be entitled An act relating to trust funds; creating the Public Employees Optional Retirement Program Trust Fund within the Department of Management Services; providing for sources of money and purpose; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

Referred to the Committees on State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representative Cusack—

**HB 505**—A bill to be entitled An act relating to time limitations for sexual battery prosecutions; amending s. 775.15, F.S.; revising the victim's age at which the time limitations begin to run for prosecution of specified sexual crimes; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Judicial Oversight; and Council for Healthy Communities.

By Representatives Ross, Dockery, Ritter, Greenstein, Flanagan, Barreiro, Murman, Siplin, Andrews, Alexander, Argenziano, Attkisson, Byrd, Diaz de la Portilla, and Smith—

**HB 507**—A bill to be entitled An act relating to high-speed rail transportation; creating the "Florida High-Speed Rail Authority Act"; creating s. 341.82, F.S.; providing a short title; creating s. 341.821, F.S.; providing legislative findings, policy, purpose, and intent with respect to the development, financing, construction, and operation of an intrastate high-speed rail transportation system in the state; creating s. 341.822, F.S.; providing definitions; creating s. 341.823, F.S.; creating the Florida High-Speed Rail Authority; providing membership, terms, organization, and compensation of the authority; providing duties of the authority; creating s. 341.824, F.S., relating to specified conflicts of interest with respect to authority members; creating s. 341.825, F.S.; assigning the authority to the Department of Transportation for administrative purposes; creating s. 341.826, F.S.; providing powers and duties of the authority; creating s. 341.827, F.S.; providing for payment of expenses incurred under the act; creating s. 341.828, F.S.; requiring the authority to designate local areas of the state to be served by the intrastate high-speed rail transportation system; providing for sequence of system construction; creating s. 341.829, F.S.; creating the high-speed rail alignment advisory committees; providing purpose of the advisory committees; providing membership and organization of the advisory committees; creating s. 341.830, F.S.; authorizing the authority to fix, revise, charge, and collect rates, rents, fees, charges, and revenues, and to enter into contracts, to finance intrastate high-speed rail transportation system projects; providing that specified revenues shall be set aside in a sinking fund; creating s. 341.831, F.S.; authorizing the authority to issue revenue bonds for any corporate purpose; creating s. 341.832, F.S.; authorizing the authority to issue refunding bonds; creating s. 341.833, F.S.; providing that moneys received by the authority pursuant to the act shall be funds held in trust; creating s. 341.834, F.S.; providing for validity of bonds and validation proceedings; creating s. 341.835, F.S.; providing remedies of bondholders; creating s. 341.836, F.S.; providing tax exemptions for property acquired or used by the authority, bonds issued by the authority, or specified income; providing an exception; creating s. 341.837, F.S.; providing that bonds issued by the authority are legal investments; creating s. 341.838, F.S.; pledging the agreement of the state not to limit or alter the rights vested in the authority; creating s. 341.839, F.S.; providing that the act is supplemental and additional to powers conferred by other laws; exempting powers of the authority from specified supervision, regulation, approval, or consent; creating s. 341.840, F.S.; providing pledge of the state not to restrict certain rights of the authority; creating s. 341.841, F.S.; requiring annual reports by the authority; creating s. 341.842, F.S.; providing construction of the act; creating s. 341.843, F.S.; providing that inconsistent provisions of other laws are superseded; creating s. 341.844, F.S.; providing for powers and duties of the Department of Environmental Regulation with respect to the act; creating s. 341.845, F.S.; providing requirements of the Department of Environmental Protection with respect to certification procedures; creating s. 341.846, F.S.; authorizing specified agreements concerning the contents of certification applications and supporting documentation; creating s. 341.847, F.S.; providing procedures for review of certification applications; creating s. 341.848, F.S.; providing for the appointment of an administrative law judge to conduct hearings on certification applications; creating s. 341.849, F.S.; providing for alteration of time limitations specified by the act; creating s. 341.850, F.S.; providing for preparation and submission of reports verifying or supplementing information contained in certification applications; creating s. 341.851,

F.S.; providing for publication and contents of notice of certification application and proceedings; creating s. 341.852, F.S.; providing for certification hearings; creating s. 341.853, F.S.; providing for final disposition of a certification application; creating s. 341.854, F.S.; providing for effect of certification; providing that certification shall constitute the sole license of the state as to the approval of the location, construction, operation, and maintenance of any rail line, guideway, transit station, or associated development identified in the certification and subject to the conditions specified in the certification; specifying certain certification requirements; requiring certain notice; authorizing the exemption of licensees from specified licenses, permits, certificates, or similar agency documents; requiring applicants to seek necessary interests in specified state lands; creating s. 341.855, F.S.; authorizing the authority or an applicant to undertake any associated development included in the certification; providing eligibility requirements for inclusion in a certification; creating s. 341.856, F.S.; requiring the Department of Environmental Protection to file notice of a certified corridor route; providing contents of notice; creating s. 341.857, F.S.; authorizing the department to modify the terms and conditions of certification; providing procedure for modification; providing specified notice; amending s. 288.109, F.S.; removing a cross reference; amending s. 334.30, F.S.; removing a cross reference; amending s. 337.251, F.S.; removing a cross reference; amending s. 341.501, F.S.; providing that specified actions do not apply to the Florida High-Speed Rail Authority Act; amending s. 206.46, F.S.; revising the distribution of state revenues deposited in the State Transportation Trust Fund to be committed annually for designated transportation projects; providing appropriations; repealing s. 341.3201, F.S., relating to the short title for ss. 341.3201-341.386, F.S., the "Florida High-Speed Rail Transportation Act"; repealing s. 341.321, F.S., relating to legislative findings, policy, purpose, and intent with respect to the development of a high-speed rail transportation system connecting the major urban areas of the state; repealing s. 341.322, F.S., relating to definitions of terms; repealing s. 341.325, F.S., relating to special powers and duties of the Department of Transportation; repealing s. 341.327, F.S., which provides that the Florida High-Speed Rail Transportation Act is the sole and exclusive determination of need for any high-speed rail transportation system established under the act, thereby preempting specified determinations of need; repealing s. 341.329, F.S., relating to the issuance of bonds to finance a high-speed rail transportation system; repealing s. 341.331, F.S., relating to designation of the areas of the state to be served by the high-speed rail transportation system and designation of termini; repealing s. 341.332, F.S., relating to the award of franchises by the Department of Transportation to establish a high-speed rail transportation system; repealing s. 341.3331, F.S., relating to request for proposals; repealing s. 341.3332, F.S., relating to notice of issuance of request for proposals; repealing s. 341.3333, F.S., relating to requirements with respect to an application for franchise, and confidentiality of the application and portions of the application relating to trade secrets; repealing s. 341.3334, F.S., relating to the departmental review process of application for franchise; repealing s. 341.3335, F.S., relating to interagency coordination of franchise application review; repealing s. 341.3336, F.S., relating to public meetings on franchise applications; repealing s. 341.3337, F.S., relating to determination and award of franchise; repealing s. 341.3338, F.S., relating to effect of franchise; repealing s. 341.3339, F.S., relating to postfranchise agreements; repealing s. 341.334, F.S., relating to the powers and duties of the Department of Transportation with respect to the act; repealing s. 341.335, F.S., relating to the powers and duties of the Florida Land and Water Adjudicatory Commission sitting as the board; repealing s. 341.336, F.S., relating to the powers and duties of the Department of Environmental Protection, the Department of Community Affairs, and other affected agencies; repealing s. 341.3365, F.S., relating to certification procedures; repealing s. 341.342, F.S., relating to agreements concerning contents of certification application and supporting documentation; repealing s. 341.343, F.S., relating to review of certification applications; repealing s. 341.344, F.S., relating to the establishment, composition, organization, and duties of the Citizens' Planning and Environmental Advisory Committee; repealing s. 341.345, F.S., relating to alternate corridors or transit station locations; repealing s. 341.346, F.S., relating to the powers and duties of an administrative law judge appointed to conduct hearings under the

act; repealing s. 341.3465, F.S., relating to alteration of time limitations specified by the act; repealing s. 341.347, F.S., relating to required combined public meetings and land use and zoning hearings to be conducted by local governments; repealing s. 341.348, F.S., relating to reports and studies required of various agencies by the act; repealing s. 341.351, F.S., relating to publication and contents of notice of certification application and proceedings; repealing s. 341.352, F.S., relating to certification hearings; repealing s. 341.353, F.S., relating to final disposition of certification applications; repealing s. 341.363, F.S., relating to the effect of certification; repealing s. 341.364, F.S., relating to a franchisee's right to appeal to the Florida Land and Water Adjudicatory Commission under specified circumstances; repealing s. 341.365, F.S., relating to associated development; repealing s. 341.366, F.S., relating to recording of notice of certified corridor route; repealing s. 341.368, F.S., relating to modification of certification or franchise; repealing s. 341.369, F.S., relating to fees imposed by the department and the disposition of such fees; repealing s. 341.371, F.S., relating to revocation or suspension of franchise or certification; repealing s. 341.372, F.S., relating to imposition by the department of specified administrative fines in lieu of revocation or suspension of franchise; repealing s. 341.375, F.S., relating to the required participation by women, minorities, and economically disadvantaged individuals in all phases of the design, construction, maintenance, and operation of a high-speed rail transportation system developed under the act, and required plans for compliance by franchisees; repealing s. 341.381, F.S., relating to applicability of the act; repealing s. 341.382, F.S., relating to laws and regulations superseded by the act; repealing s. 341.383, F.S., relating to the authority of local governments to assess specified fees; repealing s. 341.386, F.S., relating to the admissibility of the award of a franchise and of a certification under the act in eminent domain proceedings; providing appropriations; providing an effective date.

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

Referred to the Committees on State Administration; Transportation; Fiscal Policy & Resources; and Transportation & Economic Development Appropriations.

By Representatives Attkisson and Murman—

**HB 509**—A bill to be entitled An act for the relief of Towanna Denise Hopkins, incompetent, by and through Willie Lee Hopkins, her father and legally appointed guardian, Robert Keith Bowman, Jr., son of Towanna Denise Hopkins, and Willie Lee Hopkins, individually; authorizing and directing the Florida Board of Regents, the University of South Florida, and the USF Health Sciences Center Insurance Company to compensate them for injuries and damages sustained as a result of the negligence of agents of the Florida Board of Regents by and through the University of South Florida College of Medicine; providing an effective date.

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

Referred to the Committee on Claims; and Procedural & Redistricting Council.

By Representative Bullard—

**HB 511**—A bill to be entitled An act relating to charter school capital outlay funding; amending s. 228.0561, F.S.; requiring procedures developed by the Commissioner of Education relating to submission and approval of requests for funding to provide for district school board input; providing an effective date.

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

Referred to the Committees on Education Innovation; Fiscal Policy & Resources; Education Appropriations; and Council for Lifelong Learning.

By Representative Bullard—

**HB 513**—A bill to be entitled An act relating to compulsory school attendance; amending s. 232.01, F.S.; establishing a 2-year pilot program in the Miami-Dade school district in which the compulsory

school attendance age will be lowered to include those children who have attained the age of 5 years by a certain date; requiring an appropriation; limiting implementation to the extent specifically funded in the General Appropriations Act; providing an effective date.

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

Referred to the Committees on General Education; Education Appropriations; and Council for Lifelong Learning.

By Representatives Henriquez and Gannon—

**HB 515**—A bill to be entitled An act relating to district school personnel; amending s. 231.40, F.S.; providing for use of employees' sick leave by their family members who also are district employees; providing an effective date.

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

Referred to the Committees on State Administration; General Education; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Henriquez—

**HB 517**—A bill to be entitled An act relating to student financial aid; amending s. 240.40645, F.S.; establishing the Instructional Paraprofessional Scholarship Program to provide tuition reimbursements for eligible program participants; providing limitations on the amount, number of semester hours or equivalent quarter hours, and award of such reimbursements; providing eligibility requirements; limiting implementation to the amount funded in the General Appropriations Act; requiring funds appropriated to be deposited in the State Student Financial Assistance Trust Fund; providing an effective date.

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

Referred to the Committees on Education Innovation; Education Appropriations; and Council for Lifelong Learning.

**HB 519**—Withdrawn

By Representatives Green and Goodlette—

**HB 521**—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering purposes; amending s. 658.12, F.S.; revising a definition of banker's bank; amending s. 658.165, F.S.; providing criteria for formation of a banker's bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; repealing s. 655.81, F.S., relating to deposits in trust; providing effective dates.

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

Referred to the Committees on Banking; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representative Green—

**HB 523**—A bill to be entitled An act relating to the Nursing Student Loan Forgiveness Program; amending ss. 240.4075 and 240.4076, F.S.; including family practice teaching hospitals and specialty hospitals for children as eligible facilities under the program; exempting such hospitals from the fund-matching requirements of the program; providing an effective date.

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

Referred to the Committees on Colleges & Universities; Fiscal Policy & Resources; and Council for Lifelong Learning.

**HB 525**—Withdrawn

By Representatives Wallace, Brown, Stansel, and Baxley—

**HB 527**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for industrial machinery and equipment used in expanding spaceport or manufacturing facilities; removing the restriction that the exemption apply only to expanding facilities; providing for full, rather than partial, exemption; amending s. 212.0805, F.S.; removing provisions relating to qualification for the exemption for machinery and equipment used in expanding phosphate or other solid minerals severance, mining, or processing operations, to conform; providing an effective date.

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

Referred to the Committees on Economic Development & International Trade; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representative Wallace—

**HB 529**—A bill to be entitled An act creating the Outcome-Based Total Accountability Act; amending s. 216.023, F.S.; requiring state agencies to submit additional information in legislative budget requests; providing an effective date.

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

Referred to the Committees on State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representative Gardiner—

**HB 531**—A bill to be entitled An act relating to counterfeit payment instruments; providing a definition; making unlawful the counterfeiting of payment instruments with intent to defraud; providing a felony penalty; specifying prima facie evidence of intent to defraud; providing an exception for law enforcement agencies under certain circumstances; providing an effective date.

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

Referred to the Committees on Banking; Crime Prevention, Corrections & Safety; and Council for Competitive Commerce.

By Representatives Miller and Greenstein—

**HB 533**—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.2281, F.S.; authorizing any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person to use funds in its unlicensed activity account to inform the public of such situation; authorizing a board or profession regulated by the department to transfer funds in its operating fund account to its unlicensed activity account under certain circumstances; providing an effective date.

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

Referred to the Committees on Business Regulation; Agriculture & Consumer Affairs; and Fiscal Responsibility Council.

By Representative Rich—

**HB 535**—A bill to be entitled An act relating to sale or transfer of firearms at gun shows; amending s. 790.001, F.S.; defining “gun show,” “gun show promoter,” and “gun show vendor”; creating s. 790.0653, F.S.; prohibiting the sale or transfer of a firearm by a gun show vendor at a gun show unless a criminal history background check of the prospective transferee has been conducted; requiring approval of the transfer from the Department of Law Enforcement; providing a third degree felony penalty for violation; providing a third degree felony penalty for the willful and knowing provision of false identification or fraudulent information relative to the sale or transfer of a firearm at a gun show; requiring licensed gun dealers conducting criminal history background checks at gun shows to record the transfer of a firearm and retain records as otherwise required by law; requiring gun show promoters to arrange for the services of one or more licensed gun dealers to be on the premises of a gun show for the purpose of obtaining background checks; requiring posting of specified notice at gun shows; providing a first degree misdemeanor penalty for failure to post such notice; exempting antique firearms from the requirements of the act; authorizing licensed gun dealers to charge a fee for conducting background checks at gun shows; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Crime Prevention, Corrections & Safety; Agriculture & Consumer Affairs; and Council for Smarter Government.

By Representative Bendross-Mindingall—

**HB 537**—A bill to be entitled An act relating to student assessment programs; amending s. 229.57, F.S.; prescribing a time for administration of the FCAT examination; providing an effective date.

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

Referred to the Committees on General Education; Fiscal Policy & Resources; and Council for Lifelong Learning.

By Representative Mahon—

**HB 539**—A bill to be entitled An act relating to district courts of appeal; amending s. 35.05, F.S.; providing that the First District Court of Appeal shall establish an annex in Duval County; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Criminal Justice Appropriations; and Fiscal Responsibility Council.

By Representative Rubio—

**HB 541**—A bill to be entitled An act relating to the Beverage Law; amending ss. 562.11 and 562.111, F.S.; providing an exemption for giving or serving to certain underage students alcoholic beverages that are delivered as part of a required curriculum at an accredited institution; providing an exemption for the possession of alcoholic beverages by underage students in specified circumstances; providing an effective date.

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

Referred to the Committees on Business Regulation; Colleges & Universities; and Council for Smarter Government.

By Representatives Wilson and Gannon—

**HB 543**—A bill to be entitled An act relating to the Transition to Teaching Pilot Program; creating the Transition to Teaching Pilot Program with the intent of addressing the need of high-poverty school districts for teachers; defining terms; providing procedures for applying to participate in the program; providing for the award of stipends; requiring the Commissioner of Education to distribute awards equitably; requiring a program participant to serve in a high-poverty

school district for 3 years; requiring the commissioner to establish requirements to ensure that eligible program participants fulfill their service obligation or repay any stipend or financial incentive received; providing funding for the award of stipends; providing for program evaluation; authorizing the adoption of rules; providing an effective date.

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

Referred to the Committees on Education Innovation; Education Appropriations; and Council for Lifelong Learning.

By Representatives Carassas and Berfield—

**HB 545**—A bill to be entitled An act relating to school board service programs; creating the “David Levitt School Food Anti-Hunger Act of 2001”; amending s. 228.195, F.S.; requiring school districts to donate unused food to programs that assist hungry families under certain circumstances; providing exceptions; authorizing the Department of Education to adopt rules; providing an effective date.

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

Referred to the Committee on General Education; and Council for Smarter Government.

By Representatives Harrell, Murman, Maygarden, Wallace, and Bennett—

**HB 547**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; exempting dues and fees paid to private physical fitness facilities from said tax; providing an effective date.

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

Referred to the Committees on Business Regulation; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representative Gottlieb—

**HB 549**—A bill to be entitled An act relating to dependent children; creating s. 39.4087, F.S.; providing for the establishment of a pilot program for the representation of dependent children; providing legislative intent; providing responsibilities of the Statewide Public Guardianship Office; providing for contract with a public or private entity to establish the pilot program; providing for measurable outcomes; providing for a pilot program administrator; providing for employment and training of attorneys; providing for appointment of the pilot program to represent children at shelter hearings; providing for appointment of the guardian ad litem program to represent the child’s best interests, under certain circumstances; directing the Broward County sheriff’s office and the Department of Children and Family Services to provide certain notices and information to the pilot program administrator; directing the Office of the State Courts Administrator to evaluate the pilot program and submit reports to the Legislature; requesting the Supreme Court to adopt rules; providing appropriations; providing an effective date.

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

Referred to the Committees on Juvenile Justice; Elder & Long-Term Care; Fiscal Policy & Resources; and Council for Smarter Government.

By Representatives Gottlieb, Weissman, Slosberg, Meadows, Jennings, Greenstein, Holloway, Sobel, Bucher, Henriquez, Ryan, Cusack, Wilson, Gannon, Rich, and Crow—

**HB 551**—A bill to be entitled An act relating to payments to Florida residents based on certain federal tax credits; providing for an annual payment to a Florida resident equal to a percentage of the federal earned income tax credit allowed to that person; providing duties of the Department of Revenue; providing for transfers from the federal Temporary Assistance to Needy Families program to cover costs of such

payments and providing effect if such payments exceed such transfers; providing an effective date.

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

Referred to the Committees on Fiscal Policy & Resources; Child & Family Security; and Fiscal Responsibility Council.

By Representatives Haridopolos, Sobel, Harrell, Ritter, Rubio, Bense, Bilirakis, Murman, Littlefield, Negron, Atwater, Lacasa, Carassas, and Garcia—

**HB 553**—A bill to be entitled An act relating to medical practice; amending ss. 458.331 and 459.015, F.S.; providing that delegating ocular postoperative responsibilities to a person who is not a licensed physician or osteopathic physician constitutes grounds for disciplinary action; providing penalties; providing an effective date.

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

Referred to the Committees on Health Regulation; Fiscal Policy & Resources; and Council for Healthy Communities.

By Representative Peterman—

**HB 555**—A bill to be entitled An act relating to public school instruction; amending s. 233.061, F.S., relating to required instruction; providing further requirements pertaining to instruction in African-American history; providing an effective date.

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

Referred to the Committees on General Education; Fiscal Policy & Resources; and Council for Lifelong Learning.

By Representative Peterman—

**HB 557**—A bill to be entitled An act relating to drivers’ licenses; amending s. 322.056, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to issue a driver’s license restricted to business or employment purposes only to certain persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; providing an effective date.

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

Referred to the Committees on Transportation; Crime Prevention, Corrections & Safety; and Council for Ready Infrastructure.

By Representative Peterman—

**HB 559**—A bill to be entitled An act relating to the Pinellas County School District; providing for a seven-member district school board, with four members elected from single-member districts and three members elected from the county at large, notwithstanding the provisions of s. 230.061, s. 230.10, or s. 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general election; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member districts; providing for a referendum; providing effective dates.

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

Referred to the Committees on Local Government & Veterans Affairs; and Rules, Ethics & Elections.

By Representative Lynn—

**HB 561**—A bill to be entitled An act relating to Volusia County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to Daytona Beach Racing and Recreational Facilities District, an independent special district in Volusia County; providing legislative intent, and codifying and reenacting provisions of chapter 29588, Laws of Florida, chapter 29590, Laws of Florida, chapter 31343, Laws of Florida, chapter 63-2023, Laws

of Florida, chapter 73-647, Laws of Florida, and chapter 80-494, Laws of Florida; providing a district charter; providing for the severability of provisions deemed invalid; providing for the repeal of prior special acts relating to the Daytona Beach Racing and Recreational Facilities District; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committees on Local Government & Veterans Affairs; and Fiscal Policy & Resources.

By Representative Fasano—

**HB 563**—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; deleting statutory authority for advisory councils; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an effective date.

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

Referred to the Committee on Health Promotion; and Fiscal Responsibility Council.

By Representative Brutus—

**HB 565**—A bill to be entitled An act relating to disciplinary actions against instructional personnel; amending s. 231.2615, F.S.; establishing sanctions for failure of a superintendent to report the commission of certain acts by certified instructional personnel to the department; amending s. 231.085, F.S.; requiring each school principal to report the commission of certain acts by certified instructional personnel to the superintendent of schools; establishing sanctions for noncompliance; providing an effective date.

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

Referred to the Committees on General Education; Crime Prevention, Corrections & Safety; and Council for Lifelong Learning.

By Representatives McGriff, Harrell, and Richardson—

**HB 567**—A bill to be entitled An act relating to state agencies leasing space; amending s. 255.25, F.S.; revising language with respect to the extension of certain existing leases by an agency; providing for direct negotiation with a building owner for leased space in certain areas without competitive bid requirements; providing an effective date.

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

Referred to the Committees on State Administration; Economic Development & International Trade; Fiscal Policy & Resources; and Council for Smarter Government.

By Representatives Garcia and Rubio—

**HB 569**—A bill to be entitled An act relating to violations of probation or community control; amending s. 948.06, F.S.; providing for the period of probation or community control for an offender to be tolled following the filing of an affidavit alleging a violation of the probation or community control and the issuance of a warrant; providing for reinstatement of a previously imposed period of probation or community control following dismissal of such an affidavit; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Judicial Oversight; and Council for Healthy Communities.

By Representative Johnson—

**HJR 571**—A joint resolution proposing a revision of Article XI, Section 5 of the State Constitution requiring the Legislature to provide

by general law for the provision of an economic impact statement of each proposed amendment or revision to the State Constitution prior to its adoption by the voters of the state.

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

Referred to the Committees on Judicial Oversight; Fiscal Policy & Resources; and Procedural & Redistricting Council.

By Representative Gibson—

**HB 573**—A bill to be entitled An act relating to ad valorem taxation; creating s. 193.703, F.S.; providing for a reduction in assessment for living quarters of parents or grandparents of property owners or of their spouses; providing limitations; providing application procedures; providing penalties for making a willfully false statement in the application; providing a contingent effective date.

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

Referred to the Committees on Fiscal Policy & Resources; Local Government & Veterans Affairs; and Council for Smarter Government.

By Representatives Baker, Fiorentino, Detert, Kallinger, Clarke, Hart, Brown, Baxley, Trovillion, Bean, and Green—

**HB 575**—A bill to be entitled An act relating to filing fees; amending s. 15.16, F.S.; authorizing the Department of State to discount certain filing fees under certain circumstances; amending s. 607.193, F.S.; providing an exception to imposition of a late charge for a supplemental corporate fee under certain circumstances; providing an effective date.

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

Referred to the Committees on Banking; Fiscal Policy & Resources; and Council for Competitive Commerce.

By Representatives Atwater and Jordan—

**HB 577**—A bill to be entitled An act relating to high school grades; amending s. 232.2463, F.S.; altering the required ranges of percentage grades that equate to letter grades and grade points; providing an effective date.

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

Referred to the Committees on Education Innovation; Education Appropriations; and Council for Lifelong Learning.

By Representative Crow—

**HB 579**—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creating ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for perfection and priority of security interests; creating ss. 679.4011, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521, 679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619,

679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; specifying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller's interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers' rights to goods on a seller's repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer's right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying rules that determine a securities intermediary's jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Business Regulation; and Council for Smarter Government.

By Representative Brutus—

**HB 581**—A bill to be entitled An act relating to regulating heir finders; providing legislative findings and intent; providing definitions; requiring licensure of heir finders and heir finder businesses; providing for administration by the Department of Business and Professional Regulation; providing powers and duties of the department; providing qualifications; requiring examinations; requiring a bond; providing limitations; providing for license renewal and reactivation; providing for fees; providing for local licensing requirements; providing for licensing of nonresidents; specifying prohibited acts; providing penalties; providing a felony penalty for certain activities; providing for an Heir Finder Recovery Fund as a separate account in the Professional Regulation Trust Fund; providing for administration by the department; providing for duties and responsibilities of the Treasurer; providing for investing moneys of the fund; providing for uses of the

fund; providing conditions for recovery from the fund under certain circumstances; providing for eligibility; providing for a surcharge to license fees; providing assessing licensees under certain circumstances for certain purposes; providing for payments from the fund under certain circumstances; providing for payment of claims; providing for license suspension under certain circumstances; providing for repayment by licensees; providing for expenditure of excess funds for certain purposes; providing an effective date.

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

Referred to the Committees on Business Regulation; Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Brutus—

**HB 583**—A bill to be entitled An act relating to trust funds; creating the Heir Finder Recovery Fund within the Department of Business and Professional Regulation; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

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

Referred to the Committees on Business Regulation; Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Harrell—

**HB 585**—A bill to be entitled An act relating to Martin County; amending sections 1, 2, 3, and 4 of chapter 65-1906, Laws of Florida, as amended; revising authority of the Board of County Commissioners to levy a tax for indigent health care; revising the name of the fund into which the tax is paid; revising the uses of the fund; revising requirements relating to disbursements from the fund and unexpended balances in the fund; revising the name of the review board and the hospital board; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committees on Health Promotion; and Local Government & Veterans Affairs.

**HB 587**—Withdrawn

By Representative Fasano—

**HB 589**—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot local government utilities assistance program; providing for administration by the Department of Environmental Protection; providing for the uses of certain moneys for certain purposes; providing for criteria for grants and allocation of revenues for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for issuing revenue bonds for certain purposes under certain circumstances; authorizing the Department of Environmental Protection to adopt rules; providing an effective date.

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

Referred to the Committees on Utilities & Telecommunications; General Government Appropriations; and Council for Ready Infrastructure.

By Representative Kilmer—

**HB 591**—A bill to be entitled An act relating to historic preservation; creating the "Florida Historical Monuments and Memorials Protection Act"; prohibiting the relocation, removal, disturbance, or alteration of a

monument, memorial, plaque, marker, or historic flag commemorating or memorializing specified wars and military engagements displayed on public property of the state or any of its political subdivisions; prohibiting a person or organization from preventing the public or private body responsible for the protection, preservation, or care of any monument, memorial, plaque, marker, or historic flag from exercising its responsibility to provide such protection, preservation, or care; providing a penalty for violation; prohibiting the renaming or rededication of a street, park, bridge, building, school, preserve, reserve, or other public area of the state or any of its political subdivisions dedicated in memory of or named for any historic figure or event; providing an effective date.

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

Referred to the Committees on Tourism; State Administration; and Council for Competitive Commerce.

By Representative Bowen—

**HB 593**—A bill to be entitled An act relating to law enforcement officers; amending s. 901.252, F.S.; providing authority to municipal law enforcement officers to patrol property and facilities leased by the municipality but located outside its territorial jurisdiction; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Local Government & Veterans Affairs; and Council for Healthy Communities.

By Representative Haridopolos—

**HB 595**—A bill to be entitled An act relating to landlord and tenant; amending s. 83.49, F.S.; increasing the time period within which a landlord must return a security deposit; amending s. 83.67, F.S.; exempting certain landlords from a requirement to give notice to former tenants regarding personal property; amending ss. 715.105, 715.106, and 715.109, F.S.; increasing the value of abandoned personal property that may be kept, sold, or destroyed by a landlord; conforming notice provisions; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Agriculture & Consumer Affairs; and Council for Smarter Government.

By Representative Bean—

**HB 597**—A bill to be entitled An act relating to the Money Transmitters' Code; amending s. 560.119, F.S.; eliminating examination fees; shifting the deposit of funds from one trust fund to another; amending s. 560.205, F.S.; providing for application fees; amending s. 560.206, F.S.; providing for an extended registration period; amending s. 560.207, F.S.; revising renewal dates and fees; amending s. 560.208, F.S.; providing for notice of branch location openings and closings; providing fees for branch locations and authorized vendors; amending s. 560.307, F.S.; providing fees and notice of openings and closings of branch locations or authorized vendors; amending s. 560.308, F.S.; revising renewal dates and fees; repealing s. 560.118(1)(d) and (e), F.S., which provides for examination costs; providing an effective date.

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

Referred to the Committees on Banking; Business Regulation; and Council for Competitive Commerce.

By Representatives Mack, Sobel, Greenstein, Rich, Gottlieb, Seiler, Ritter, and Smith—

**HB 599**—A bill to be entitled An act relating to public records; providing an exemption from the public records requirements for information in the possession of a non-Title IV-D county child support enforcement agency which reveals the identity of applicants for and recipients of child support services; providing for future legislative

review and repeal; providing a finding of public necessity; providing an effective date.

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

Referred to the Committees on Child & Family Security; State Administration; and Council for Healthy Communities.

By Representative Kottkamp—

**HB 601**—A bill to be entitled An act relating to judgment liens on personal property; amending s. 55.201, F.S.; revising language with respect to the central database of judgment liens on certain personal property; amending s. 55.202, F.S.; revising language with respect to liens on personal property which are the result of judgments, orders, and decrees; amending s. 55.203, F.S.; revising language with respect to judgment lien certificates; deleting the requirement of the inclusion of certain information; amending s. 55.204, F.S.; revising language with respect to the duration and continuation of a judgment lien; revising a timeframe for the acquisition of a second judgment lien; increasing the time period for the retention of a lien file by the Department of State; amending s. 55.205, F.S.; revising language with respect to the effect of a judgment lien; providing for certain liens to be superior to a judgment lien; amending s. 55.206, F.S.; revising language with respect to the amendment of a filed judgment lien; amending s. 55.207, F.S.; revising language with respect to the correction of a judgment lien file; amending s. 55.208, F.S.; revising language with respect to the effect of a filed judgment lien on writs of execution previously delivered to a sheriff; amending s. 55.209, F.S.; revising language with respect to the duties of the Department of State in collecting processing fees for filed documents; amending s. 55.604, F.S.; revising language with respect to the recognition and enforcement of certain foreign judgments; amending s. 55.605, F.S.; revising language with respect to grounds for nonrecognition; eliminating the requirement that the department maintain a described list; amending s. 56.21, F.S.; revising language with respect to execution sales; amending s. 56.27, F.S.; revising language with respect to executions; providing effective dates.

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

Referred to the Committees on Judicial Oversight; Fiscal Policy & Resources; and Council for Smarter Government.

By Representative Mahon—

**HB 603**—A bill to be entitled An act relating to unfair insurance trade practices; amending s. 626.9541, F.S.; expanding the exemption to the prohibited advertising, offering, or providing of specified forms of free insurance to include motor vehicle service agreements offered by the manufacturer at the time of sale of a new motor vehicle; providing an effective date.

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

Referred to the Committees on Insurance; Judicial Oversight; and Council for Competitive Commerce.

By Representatives Gibson and Kravitz—

**HB 605**—A bill to be entitled An act relating to nursing homes and related health care facilities; creating ss. 400.1755, 400.4786, 400.55715, and 400.626, F.S.; providing requirements for dementia-specific training for individuals employed by nursing home facilities, home health agencies, adult day care centers, and adult family-care homes that care for persons with Alzheimer's disease or other related disorders; amending s. 400.4178, F.S.; revising training requirements for staff of assisted living facilities that care for persons with Alzheimer's disease or other related disorders; providing an effective date.

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

Referred to the Committees on Elder & Long-Term Care; Health & Human Services Appropriations; and Council for Healthy Communities.

By Representative Mahon—

**HB 607**—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Kharmilia Ferguson, a minor, and for the relief



of Angela Jones and Raymond Ferguson, individually and as the natural parents and guardians of Kharmilia Ferguson; authorizing and directing the Palm Beach County Sheriff's Office to compensate them for injuries they suffered as a result of the negligence of an employee of the sheriff's office; providing for reversion of funds; providing for reimbursement of all unreimbursed medical payments made by Medicaid up to the date that this act becomes a law; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committee on Claims; and Procedural & Redistricting Council.

By Representative Harper—

**HB 609**—A bill to be entitled An act relating to the City of Belle Glade; providing for the relief of Willie Police, III, Cora Donaldson, Willie Police, Sr., and the Estate of Willie Police, Jr.; authorizing and directing the City of Belle Glade to compensate them for injuries suffered as a result of the death of Willie Police, Jr., due to the negligence of employees of the city; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committee on Claims; and Procedural & Redistricting Council.

By Representatives Haridopolos, Ritter, and Siplin—

**HB 611**—A bill to be entitled An act relating to telecommunications network access services; amending s. 364.163, F.S.; revising telecommunications network access services rate requirements; providing for capping certain rates under certain circumstances; providing for reducing certain rates under certain circumstances; providing for petition to reduce certain rates of certain local telecommunications companies; authorizing the Public Service Commission to order certain telecommunications companies to decrease certain rates under certain circumstances; authorizing certain local telecommunications companies to petition the commission to increase certain rates; providing an effective date.

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

Referred to the Committees on Utilities & Telecommunications; Agriculture & Consumer Affairs; General Government Appropriations; and Council for Ready Infrastructure.

By Representative Ross—

**HB 613**—A bill to be entitled An act relating to construction contracts; amending s. 255.05, F.S.; clarifying criteria for performance of bonds; clarifying provisions relating to notice of claim against a bond; amending s. 713.06, F.S.; clarifying provisions relating to notice of claim against a lien; amending s. 713.18, F.S.; revising provisions relating to manner of serving notices and certain instruments; providing for service of notice on corporations or business entities; amending s. 713.23, F.S.; including certain unpaid finance charges under a written notice of nonpayment of a payment bond; correcting a cross reference, to conform; repealing s. 713.245, F.S., relating to conditional payment bonds; amending s. 713.235, F.S.; correcting a cross reference, to conform; providing an effective date.

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

Referred to the Committees on State Administration; Judicial Oversight; and Council for Smarter Government.

By Representatives Kallinger, Bense, and Melvin—

**HB 615**—A bill to be entitled An act relating to payment or performance bonds; amending s. 255.05, F.S.; prohibiting requiring

specific insurance or surety companies, agents, or brokers for payment or performance bonds for certain projects; providing a felony penalty; providing an effective date.

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

Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; and Council for Smarter Government.

By Representative Harper—

**HB 617**—A bill to be entitled An act relating to the sentencing of juveniles; amending s. 985.233, F.S.; providing for the court to sentence a juvenile who has committed a criminal offense to a combination of juvenile and adult sanctions; requiring that the juvenile complete a juvenile commitment program as part of such a sentence; authorizing the court to impose adult sanctions if the juvenile violates any provision of the juvenile commitment program; deleting provisions prohibiting the court from imposing a combination of adult and juvenile punishments; providing an effective date.

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

Referred to the Committees on Juvenile Justice; Crime Prevention, Corrections & Safety; and Council for Healthy Communities.

By Representative Harper—

**HB 619**—A bill to be entitled An act relating to long-term care; creating the "Moses General Miles Act"; authorizing the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University to develop a grant program for pilot projects in assisted living facility long-term care for elderly persons in urban distressed communities; providing for eligibility and priority for funding; creating a review panel to evaluate proposed pilot projects; providing membership of the review panel; directing the institute to provide program technical assistance support; providing rulemaking authority; providing an appropriation; providing an effective date.

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

Referred to the Committees on Elder & Long-Term Care; Colleges & Universities; Health & Human Services Appropriations; and Council for Healthy Communities.

By Representative Fiorentino—

**HB 621**—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.1975, F.S., relating to exemptions for nonprofit homes for the aged; specifying that the exemption applicable to such homes the residents of which meet certain income limitations applies to individual units or apartments of such homes; providing for application of a residency affidavit requirement to applicants for such an exemption; clarifying provisions relating to qualification for the alternative exemption provided by that section for those portions of a home in which the residents do not meet the income limitations; providing that s. 196.195, F.S., relating to requirements and criteria for determining the profit or nonprofit status of an applicant for exemption, and s. 196.196, F.S., relating to criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to that section; providing an effective date.

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

Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representative Mack—

**HB 623**—A bill to be entitled An act relating to government accountability and legal proceedings; amending s. 11.066, F.S.; providing that property of the state or a monetary recovery made on behalf of the state is not subject to a lien unless authorized by law; amending s. 112.3175, F.S.; providing that certain contracts executed in violation of part III of ch. 112, F.S., are presumed void or voidable; amending s. 112.3185, F.S.; prohibiting a state employee from holding

certain employment or contractual relationships following resignation of such employment; amending s. 287.058, F.S.; requiring that certain state contracts be subject to cancellation upon refusal by the contractor to allow access to public records; amending s. 287.059, F.S.; providing additional requirements for contracts for private attorney services; providing requirements for contingency fee contracts; providing requirements if multiple law firms are parties to a contract; providing requirements for private attorneys with respect to maintaining documents and records and making such documents and records available for inspection; creating s. 60.08, F.S.; providing for injunctions without bond when sought by the state or its agencies; providing for severability; amending s. 45.062, F.S.; providing additional requirements with respect to notification of certain settlements or orders; providing that certain settlements or orders shall be contingent upon and subject to legislative appropriation or statutory amendment; providing for the disposition of funds; providing legislative intent; amending s. 216.023, F.S.; providing for an inventory of all litigation in which an agency is involved which may require additional appropriations to the agency or amendments to the law under which the agency operates as a part of legislative budget requests; amending s. 284.385, F.S.; revising provisions relating to the reporting and handling of claims by the Department of Insurance covered by the State Risk Management Trust Fund; providing an effective date.

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

Referred to the Committees on State Administration; Local Government & Veterans Affairs; and Council for Smarter Government.

By Representative Bean—

**HB 625**—A bill to be entitled An act relating to security for public deposits; amending ss. 280.02, 280.04, 280.041, 280.05, 280.051, 280.054, 280.055, 280.07, 280.08, 280.09, 280.10, 280.11, 280.13, and 280.16, F.S.; revising definitions; revising provisions requiring collateral for public deposits; providing for use of certain letters of credit; requiring additional collateral under certain circumstances; providing penalties; specifying certain agreements for use as collateral; prohibiting a qualified public depository from acting as its own custodian; authorizing use of certain letters of credit; providing requirements; revising triggering events for certain actions by the Treasurer; revising powers and duties of the Treasurer; clarifying grounds for suspension or disqualification of a qualified public depository; revising conditions for imposition of an administrative penalty; clarifying criteria for the Treasurer to issue certain orders; providing for contingent liability; clarifying procedures for payment of losses; providing for deposit of draws on letters of credit into the Public Deposits Trust Fund; revising procedures and requirements relating to effect of mergers, acquisitions, or consolidations; providing conditions for eligibility of certain letters of credit as collateral; clarifying requirements of qualified public depositories; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing purposes; requiring the Treasurer to initiate selection of board members; providing for selection of board members by certain qualified public depositories; providing qualifications; providing powers and duties of the board; authorizing the Treasurer to adopt rules for certain purposes; providing an effective date.

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

Referred to the Committees on State Administration; Banking; and Council for Smarter Government.

By Representative Brummer—

**HJR 627**—A joint resolution proposing an amendment to Article V of the State Constitution, relating to the judiciary.

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

Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

By Representative Argenziano—

**HB 629**—A bill to be entitled An act relating to Citrus County; specifying rights of certain employees and appointees of the Citrus

County Sheriff; providing definitions; providing proceedings and provisions with respect to dismissal; providing for transition between administrations; providing for career appeals boards; providing for appeals procedures; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committees on Local Government & Veterans Affairs; State Administration; and Council for Smarter Government.

**HB 631**—Withdrawn

By Representatives Hart, Haridopolos, Waters, and Miller—

**HB 633**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing a full, rather than partial, exemption for machinery and equipment used to produce defense or space technology products or used in defense or space research and development activities; providing an effective date.

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

Referred to the Committees on Economic Development & International Trade; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representatives Hart, Garcia, and Kallinger—

**HB 635**—A bill to be entitled An act relating to drivers' licenses; creating s. 322.0515, F.S.; providing for compliance with federal requirements by certain applicants for drivers' licenses or identification cards; directing the Department of Highway Safety and Motor Vehicles to forward certain information to the federal Selective Service System with respect to certain applicants; providing described notice to applicants; directing the department to include a described statement on certain applications for drivers' licenses or identification cards; providing an effective date.

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

Referred to the Committees on State Administration; Transportation; and Council for Smarter Government.

By Representatives Hart, Henriquez, Joyner, Bilirakis, Littlefield, Alexander, Murman, Byrd, Romeo, Peterman, Cantens, Waters, Mack, Ross, and Baker—

**HB 637**—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; providing for the payment of a portion of cigarette taxes to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to be used for certain purposes; amending s. 210.201, F.S.; providing for a cross reference; providing an effective date.

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

Referred to the Committees on Health Promotion; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representatives Weissman, Greenstein, Smith, Henriquez, Meadows, Siplin, Gelber, Gannon, Slosberg, Bendross-Mindingall, Seiler, and Romeo—

**HB 639**—A bill to be entitled An act relating to local government code enforcement; amending s. 162.09, F.S.; providing that money judgments on liens apply to specified real and personal property; providing an effective date.

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

Referred to the Committee on Local Government & Veterans Affairs; and Council for Smarter Government.

**HB 641**—Withdrawn

By Representative Seiler—

**HB 643**—A bill to be entitled An act relating to the criminal use of personal identification information; amending s. 817.568, F.S.;

providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit resulting from such use is of a specified amount or more; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; Information Technology; and Council for Healthy Communities.

By Representative Henriquez—

**HB 645**—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.501, F.S.; providing an exemption from the surcharge on alcoholic beverages for specified nonprofit organizations; providing an effective date.

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

Referred to the Committees on Business Regulation; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representative Wilson—

**HB 647**—A bill to be entitled An act relating to class size; amending s. 236.687, F.S.; revising priorities for the use of funds for class size reduction; providing funds for the construction of primary learning centers; defining the term “primary learning center”; requiring that funds received for class size reduction be returned to the Department of Education under certain circumstances; providing an effective date.

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

Referred to the Committees on Education Innovation; Fiscal Policy & Resources; Education Appropriations; and Council for Lifelong Learning.

By Representative Bilirakis—

**HB 649**—A bill to be entitled An act relating to law enforcement officers’ disabilities; amending s. 112.18, F.S.; including county law enforcement officers within special provisions creating a presumption relating to causes of certain disabilities; providing an effective date.

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

Referred to the Committees on Crime Prevention, Corrections & Safety; State Administration; Criminal Justice Appropriations; and Council for Healthy Communities.

By Representative Bilirakis—

**HB 651**—A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; providing for a repurchase of prior service credit for certain members of the Special Risk Class or Special Risk Administrative Support Class of the Florida Retirement System who retired or terminated employment before July 1, 2000; providing for actuarial funding of benefits; providing a declaration of an important state interest; providing an effective date.

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

Referred to the Committees on State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

By Representative Bilirakis—

**HB 653**—A bill to be entitled An act relating to medical treatment; creating the “Access to Medical Treatment Act”; authorizing a licensed physician to treat an individual for a life-threatening illness or condition by means of an investigational medical treatment authorized by the individual or the individual’s legal representative; specifying acts and disclosures that are required before a physician may provide such treatment; providing that investigational medical treatment provided in

compliance with the act does not constitute unprofessional conduct; providing an effective date.

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

Referred to the Committees on Health Regulation; Judicial Oversight; and Council for Healthy Communities.

By Representative Baker—

**HJR 655**—A joint resolution proposing amendments to Sections 3, 10, and 11 of Article V and the creation of Section 26 of Article XII of the State Constitution relating to the election of justices of the Supreme Court.

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

Referred to the Committee on Judicial Oversight; Rules, Ethics & Elections; and Procedural & Redistricting Council.

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 657**—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the 2001 regular session are not repealed by this adoption act.

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

Referred to the Calendar of the House.

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 659**—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 11.513, 17.26, 20.12, 20.315, 20.3315, 20.50, 24.113, 39.0015, 39.202, 39.3065, 55.209, 101.545, 110.112, 121.021, 121.051, 125.0108, 163.065, 163.2517, 163.345, 163.458, 166.231, 171.093, 186.504, 192.001, and 212.08, F.S.; renumbering s. 20.171(5)(c), F.S.; reenacting ss. 20.316(4)(f), 162.04(5), and 212.055(2)(c), F.S.; and repealing ss. 20.331(6)(d), 121.091(9)(b)11., 122.20(2), 163.2520(3), and 210.20(2)(b), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

Referred to the Calendar of the House.

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 661**—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 215.96, 216.015, 216.177, 216.181, 216.348, 218.21, 228.082, 228.195, 229.006, 229.085, 229.57, 231.262, 231.6215, 232.50, 233.0655, 233.068, 235.26, 236.1225, 240.145, 240.2995, 240.345, 240.40208, 240.5285, 240.529, 240.711, 252.32, 252.34, 252.35, 252.36, 252.38, 252.46, 252.47, 252.50, 252.52, 253.115, 253.7829, 255.101, 255.102, 255.25, 255.5535, 259.037, 259.101, 265.284, 267.171, 282.303, 283.33, 285.18, 287.042, 287.055, 287.057, 287.0943, 288.012, 288.106, 288.1066, 288.1167, 288.1169, 288.1229, 290.0065, 290.007, 320.0848, 320.20, 320.27, 323.001, 328.16, 331.304, and 348.7543, F.S.; reenacting ss. 216.292(1)(b), 228.056(10), 231.600, 259.032(12),

265.284(4), 287.055(4)(b), and 322.051(1), F.S.; and repealing ss. 236.25(5)(b)1.-3. and 288.7771(1), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

Referred to the Calendar of the House.

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 663**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 370.0603, 370.092, 370.093, 370.12, 372.5712, 372.5715, 373.4135, 375.021, 376.30713, 377.703, 380.012, 380.0555, 381.003, 381.004, 381.0065, 381.0303, 381.90, 383.50, 384.29, 393.0641, 394.875, 395.0163, 395.4045, 395.602, 395.7015, 400.0091, 400.022, 400.023, 400.141, 400.408, 400.464, 400.980, 402.166, 402.28, 402.50, 403.031, 403.714, 403.718, 403.7191, 403.7192, 408.02, 408.0361, 409.145, 409.1685, 409.908, 409.912, 409.946, 414.105, 418.302, 420.506, 420.507, 435.03, 435.05, 435.07, 440.15, 440.381, 440.4416, 443.1715, 445.024, 446.50, 456.025, 456.039, 458.3135, 458.319, and 460.403, F.S.; reenacting ss. 370.021(2), 375.045, 397.405, 409.9122(1), 445.003(6)(b), 445.009(7)(c), 467.001, 467.002, 467.004, 467.011, 467.0125, 467.014, 467.015, 467.016, 467.017, 467.201, 467.203, 467.205, 467.207, and 468.354(3)(b), F.S.; and repealing ss. 373.4593(2)(a)-(c), 381.0045(3), 383.0112(2)(g), 411.01(9)(c), 421.37, 421.38, 421.39, 421.40, 421.41, 421.42, 421.43, 421.44, 421.45, 427.0159(2), and 464.0045, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

Referred to the Calendar of the House.

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 665**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 470.016, 471.025, 472.001, 472.003, 472.005, 472.011, 472.015, 472.021, 472.025, 472.027, 472.031, 472.037, 476.024, 494.0017, 498.025, 499.015, 499.03, 499.05, 501.34, 514.0231, 527.01, 527.02, 538.11, 550.6305, 550.904, 550.912, 553.381, 553.507, 553.902, 569.11, 570.21, 576.045, 589.065, 597.003, 597.0041, 607.1901, 617.1622, 620.8101, 620.9901, 626.112, 626.621, 626.6215, 626.797, 626.844, 626.8734, 626.909, 626.9911, 626.99275, 627.031, 627.062, 627.357, 627.481, 627.6487, 627.6699, 627.6735, 627.736, 627.9403, 627.9407, 627.94072, 627.944, 628.909, 631.718, and 631.911, F.S.; and repealing ss. 489.1136(1)(g), 499.005(26), 550.2633(3) and (4), 624.408(1)(b)1., and 627.0661, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions

unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

Referred to the Calendar of the House.

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 667**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 632.635, 633.021, 633.025, 634.191, 634.281, 641.185, 641.225, 642.032, 642.043, 648.44, 651.095, 651.106, 655.50, 655.962, 663.02, 663.09, 663.14, 715.07, 718.103, 718.111, 718.112, 718.504, 784.075, 817.55, 828.1231, 849.086, 849.0931, 914.27, 921.0022, 943.08, 943.11, 943.125, 960.065, 984.03, 985.201, 985.215, 985.225, and 985.228, F.S.; and reenacting ss. 985.23 and 985.3141, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

Referred to the Calendar of the House.

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 669**—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 17.43(3), 20.2553(3), 61.182, 240.3835, 240.408, 290.0075, 403.8533(3), 442.001, 442.002, 442.003, 442.004, 442.005, 442.006, 442.007, 442.008, 442.009, 442.0105, 442.011, 442.012, 442.013, 442.014, 442.015, 442.016, 442.017, 442.018, 442.019, 442.020, 442.021, 442.022, 442.023, 442.101, 442.102, 442.103, 442.104, 442.105, 442.106, 442.107, 442.108, 442.109, 442.111, 442.112, 442.113, 442.115, 442.116, 442.118, 442.1185, 442.119, 442.121, 442.123, 442.125, 442.126, 442.127, 442.20, 442.21, 570.205(3), and 713.5955, F.S., pursuant to s. 11.242, F.S.; all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the Florida Statutes 2001 only through a reviser's bill duly enacted by the Legislature; repealing s. 290.009(2)(c), F.S., to conform to the repeal of s. 290.0075, F.S.; repealing s. 448.24(2)(d), F.S., to conform to the repeal of chapter 442, F.S.

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

Referred to the Calendar of the House.

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 671**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.90, 228.082, 445.004, 570.61, and 893.138, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

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

Referred to the Calendar of the House.

By Representative Wilson—

**HB 673**—A bill to be entitled An act relating to voter registration; creating s. 97.0584, F.S.; requiring each school district to establish a voter registration program that offers eligible high school students in the district the opportunity to register to vote or to update a voter registration record at least once a year in the spring; providing that participation is mandatory for public high schools and voluntary for

nonpublic high schools; providing requirements of the participating high schools, the school districts, and the supervisors of elections with respect to the program; specifying eligibility requirements; providing for use of county voting equipment in certain school elections; providing an effective date.

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

Referred to the Committees on Rules, Ethics & Elections; State Administration; Education Appropriations; and Procedural & Redistricting Council.

By Representatives Lerner, Detert, Ritter, Henriquez, Greenstein, Heyman, Sobel, and Meadows—

**HB 675**—A bill to be entitled An act relating to juveniles; amending s. 39.013, F.S.; providing for circuit court jurisdiction in dependency proceedings until the child reaches a specified age; providing for an annual review during the time a child remains in the custody of or under the supervision of the Department of Children and Family Services; amending s. 409.145, F.S.; deleting a requirement that foster care services be terminated upon a child's leaving an educational program; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Health & Human Services Appropriations; and Council for Smarter Government.

By Representatives Lerner and Sobel—

**HB 677**—A bill to be entitled An act relating to health insurance coverage for infertility; creating ss. 627.64062 and 627.65742, F.S., and amending s. 641.31, F.S.; requiring coverage by health insurance policies, group, franchise, and blanket health insurance policies, and health maintenance contracts for diagnosis and treatment of infertility under certain circumstances; providing requirements and criteria; providing limitations; providing definitions; providing an exception for certain religious organizations; providing application; excluding payments for donor eggs or certain medical services; amending ss. 627.651, 627.6515, and 627.6699, F.S.; providing for application to group contracts and plans of self-insurance, out-of-state groups, and standard, basic, and limited health benefit plans; providing an effective date.

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

Referred to the Committees on Health Promotion; Insurance; Fiscal Policy & Resources; and Council for Healthy Communities.

By Representatives Lerner, Rich, Ritter, Henriquez, Greenstein, Sobel, Romeo, Gannon, Weissman, McGriff, Joyner, Bendross-Mindingall, Cusack, Gelber, Seiler, Betancourt, Meadows, Jennings, Ausley, Kosmas, and Frankel—

**HB 679**—A bill to be entitled An act relating to the Florida Kidcare Act; amending ss. 409.814, 409.815, 409.8177, 409.818, 409.904, and 624.91, F.S.; deleting references to Medikids program components; revising criteria for Kidcare program components; deleting obsolete provisions; providing for state funding of the Kidcare program; requiring uniform and joint administration of Kidcare program implementation; requiring joint development of a plan for Kidcare eligibility determinations and plan implementation by a date certain; creating s. 409.81753, F.S.; providing for Kidcare program providers; requiring the Department of Health to develop and implement uniform provider standards for Kidcare components; repealing s. 409.811(19), F.S., relating to a definition of Medikids; repealing s. 409.813(2), F.S., relating to the Medikids component of the Kidcare program; repealing s. 409.8132, F.S., relating to the Medikids program component; providing an effective date.

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

Referred to the Committees on Health Promotion; Insurance; Health & Human Services Appropriations; and Council for Healthy Communities.

By Representatives Waters, Flanagan, and Brummer—

**HB 681**—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting therefor the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance, Commissioner of Financial Institutions, and Commissioner of Securities; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction of the commissioners' offices; providing for exercise of executive authority; transferring certain powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that administrative rules of the Department of Banking and Finance and the Department of Insurance become administrative rules of the Department of Insurance and Financial Services; specifying that such rules become administrative rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the Office of Transition Management; specifying powers and duties thereof; providing for appropriations; requiring reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing effective dates.

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

Referred to the Committees on State Administration; General Government Appropriations; and Council for Competitive Commerce.

By Representative Romeo—

**HB 683**—A bill to be entitled An act relating to advanced registered nurse practitioners; amending s. 893.02, F.S.; redefining the term "practitioners" to give advanced registered nurse practitioners the privilege of prescribing controlled substances; providing an effective date.

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

Referred to the Committees on Health Regulation; Health & Human Services Appropriations; and Council for Healthy Communities.

By Representatives Romeo, Gannon, Sobel, Weissman, and Peterman—

**HB 685**—A bill to be entitled An act relating to consumer protection; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term "consumer" for purposes of ch. 501, F.S.; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; eliminating an exemption from regulation under part II of ch. 501, F.S., for persons regulated under laws administered by other agencies; providing an effective date.

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

Referred to the Committees on Agriculture & Consumer Affairs; State Administration; and Council for Competitive Commerce.

By Representatives Romeo, Gannon, Bucher, Sobel, Lerner, McGriff, Greenstein, Gelber, Weissman, Cusack, Peterman, and Betancourt—

**HB 687**—A bill to be entitled An act relating to medically essential electric public utility service; creating s. 366.15, F.S.; defining the term “medically essential”; requiring electric public utilities to provide medically essential service under specified circumstances; providing procedures for certification of medically essential utility service; authorizing utilities to disconnect service under certain circumstances; providing for notice to customers; providing for payment for service; providing for monitoring of customers; providing responsibilities for customers; providing for the identification of sources for funding purposes; providing an effective date.

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

Referred to the Committees on Utilities & Telecommunications; Health Promotion; and Council for Ready Infrastructure.

By Representative Wallace—

**HJR 689**—A joint resolution proposing an amendment to Section 1 of Article VII and the creation of Section 26 of Article XII of the State Constitution relating to a limitation on legislative power to impose or increase taxes, fees, penalties, and fines.

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

Referred to the Committees on Fiscal Policy & Resources; Judicial Oversight; and Fiscal Responsibility Council.

By Representative Allen—

**HB 691**—A bill to be entitled An act relating to telecommunications; amending s. 364.025, F.S.; extending certain time periods for provision of universal service obligations; providing an effective date.

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

Referred to the Committees on Utilities & Telecommunications; Agriculture & Consumer Affairs; and Council for Ready Infrastructure.

By Representatives Meadows and Slosberg—

**HB 693**—A bill to be entitled An act relating to food product dating; requiring that food products display shelf-life expiration dates; providing exceptions; providing an effective date.

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

Referred to the Committees on Agriculture & Consumer Affairs; Business Regulation; and Council for Competitive Commerce.

By Representative Mack—

**HB 695**—A bill to be entitled An act relating to sentencing; amending s. 874.04, F.S.; providing for enhanced penalties for the commission of a felony or misdemeanor, or a delinquent act or violation of law that would be a felony or misdemeanor if committed by an adult, under specified circumstances when the defendant committed the charged offense for the purpose of benefiting, promoting, or furthering the interest of a criminal street gang; amending s. 921.0024, F.S., relating to the Criminal Punishment Code worksheet computations and scoresheets; revising guidelines for applying a specified sentence multiplier for offenses committed for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang; providing an effective date.

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

Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Smarter Government.

By Representative Goodlette—

**HB 697**—A bill to be entitled An act relating to the judiciary; creating ss. 43.201, 43.202, 43.203, 43.204, 43.205, 43.206, 43.207, 43.208,

43.209, F.S.; creating the Capital Case Staff Attorney Program; providing for statewide distribution of capital case staff attorneys; providing for hiring, supervision, and duties of such attorneys; providing for salaries, benefits, and training; providing for assignment of such attorneys across circuit lines; providing an annual report; providing an appropriation; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Council for Smarter Government.

By Representative Goodlette—

**HB 699**—A bill to be entitled An act relating to rural electric cooperatives; amending s. 425.09, F.S.; authorizing cooperative bylaws to permit voting by limited proxy for certain purposes and under certain circumstances; providing criteria and limitations; prohibiting voting by general proxy; providing an effective date.

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

Referred to the Committees on Utilities & Telecommunications; Judicial Oversight; and Council for Ready Infrastructure.

By Representatives Bean and Slosberg—

**HB 701**—A bill to be entitled An act relating to road designations; designating a portion of State Road 16 as the Correctional Officers Memorial Highway; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Referred to the Committees on Transportation; and Transportation & Economic Development Appropriations.

By Representatives Benson, Farkas, and Melvin—

**HB 703**—A bill to be entitled An act relating to insurance coverage for investigational cancer treatments; requiring coverage for investigational cancer treatments under certain circumstances; specifying covered costs; providing exceptions; providing criteria for certain cancer trials; providing an effective date.

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

Referred to the Committees on Health Promotion; Insurance; Health & Human Services Appropriations; and Council for Healthy Communities.

By Representatives Spratt, Alexander, Dockery, Harrington, Greenstein, Cantens, Lacasa, Diaz-Balart, Machek, Sorensen, Barreiro, Diaz de la Portilla, Gottlieb, Ritter, Attkisson, Mayfield, Garcia, Bendross-Mindingall, Miller, Bennett, and Brown—

**HB 705**—A bill to be entitled An act relating to aquifer storage and recovery wells; creating s. 403.065, F.S.; providing findings; providing for classifications and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for an aquifer storage and recovery well that does not meet primary drinking water standards other than those relating to total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within a specified period; providing rulemaking authority; creating s. 373.222, F.S.; providing requirements for certain domestic wells; providing an effective date.

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

Referred to the Committees on Natural Resources & Environmental Protection; General Government Appropriations; and Council for Ready Infrastructure.

By the Committee on Business Regulation; Representative Kyle—

**HB 707**—A bill to be entitled An act relating to the State Lottery Commission; repealing ss. 24.103(3) and 24.106, F.S., relating to the

State Lottery Commission; abolishing the commission; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the commission, to conform; providing an effective date.

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

Referred to the Calendar of the House.

By Representative Ryan—

**HB 709**—A bill to be entitled An act relating to the City of Hialeah; providing for the relief of Jose Pena, as Personal Representative of the Estate of Carmen Pena, deceased, and individually, as surviving father of Katherine Pena and Richard Pena, minor children of Carmen Pena, deceased, and Jose Pena; providing for the relief of Johannes Pena, surviving son of Carmen Pena; providing for an appropriation to compensate them for the death of Carmen Pena, Katherine Pena, and Richard Pena as a result of the negligence of the City of Hialeah; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Meadows—

**HB 711**—A bill to be entitled An act relating to Orange County; providing for the relief of Pamela McMahan San Juan; providing for an appropriation to compensate her for injuries and damages sustained due to the negligence of Orange County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Argenziano—

**HB 713**—A bill to be entitled An act relating to Marion County; creating the Rainbow River Access Point and providing boundaries; providing for limited usage; providing for riparian rights; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Lerner, Detert, Ritter, Henriquez, Greenstein, Heyman, Rich, Weissman, Mahon, Frankel, Sobel, Seiler, Betancourt, Meadows, Ausley, and Kosmas—

**HB 715**—A bill to be entitled An act relating to Medicaid assistance for breast and cervical cancer treatment; amending s. 409.906, F.S.; authorizing Medicaid reimbursement for medical assistance provided to certain persons for treatment of breast or cervical cancer; providing an effective date.

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

By Representative Stansel—

**HB 717**—A bill to be entitled An act relating to assessment of agricultural property; amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain litter containment and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value; providing an effective date.

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

By Representatives Stansel, Spratt, Alexander, and Kendrick—

**HB 719**—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural field crops; providing considerations and limits in award of

damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

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

By Representatives Stansel, Alexander, Kendrick, and Spratt—

**HB 721**—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing an exemption from public records requirements for certain individual agricultural records reported to the Department of Agriculture and Consumer Services in connection with its duties relating to pollution reduction under the total maximum daily load program for water bodies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By Representatives Sobel, Romeo, Frankel, Brutus, Wilson, Gannon, Ryan, Betancourt, Slosberg, Melvin, Peterman, Rich, Fields, Bendross-Mindingall, and Cusack—

**HB 723**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; eliminating the limitation on employment after retirement for retired members who are reemployed by a district school board; providing requirements for reemployment; providing an effective date.

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

By Representatives Sobel, Greenstein, Lee, Henriquez, Gottlieb, Weissman, Gannon, Green, Holloway, Wilson, and Fields—

**HB 725**—A bill to be entitled An act relating to interscholastic athletics; amending s. 232.61, F.S.; requiring the Florida High School Activities Association to adopt bylaws which require students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation prior to participating in interscholastic athletic competition or engaging in practice with an interscholastic athletic team; providing requirements with respect to such evaluation; providing an effective date.

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

By Representatives Stansel, Kilmer, and Kendrick—

**HB 727**—A bill to be entitled An act relating to the Correctional Privatization Commission; abolishing the Correctional Privatization Commission; transferring the powers, duties, personnel, property, and unexpended balances of funds of the Correctional Privatization Commission to the Department of Corrections; repealing ch. 957, F.S., the Correctional Privatization Commission Act; amending ss. 394.9151, 395.002, 408.036, 943.053, 943.13, 943.133, 944.02, 944.023, 944.115, 944.72, 944.8041, 945.215, 946.5025, and 946.503, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

By Representative Argenziano—

**HB 729**—A bill to be entitled An act relating to environmental control; amending s. 253.03, F.S.; providing that the Board of Trustees of the Internal Improvement Trust Fund and the state may not control, regulate, permit, or charge for specified removed organic detrital material; amending s. 369.20, F.S.; requiring the Department of Environmental Protection to develop by rule standards which provide specific criteria for the removal and replanting of vegetation permitted under the Florida Aquatic Weed Control Act; revising an exemption from permitting requirements with respect to removal by a riparian owner of specified herbaceous aquatic plants and semiwoody herbaceous plants in freshwater bodies; including free-floating vegetation, invasive plants, and organic detrital material within such exemption; amending

s. 403.813, F.S.; revising an exemption from permitting requirements under ch. 403, F.S., to include the removal of invasive plants and the removal of organic detrital material from freshwater lakes and rivers under specified conditions; providing an effective date.

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

By Representative Kottkamp—

**HB 731**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified identifying information relating to local government or water management district human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers and their spouses and children; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By Representatives Wiles and Justice—

**HB 733**—A bill to be entitled An act relating to lighthouses; directing the Department of Community Affairs and the Department of State to conduct a study of lighthouses in the state; providing requirements of the study; providing for planning and funding responsibilities; directing each department to make a budget request for funding purposes; providing an effective date.

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

By Representative Gannon—

**HB 735**—A bill to be entitled An act relating to rules of evidence; amending s. 794.022, F.S.; providing for certain rules of evidence applicable to the criminal prosecution of the crime of sexual battery to apply in any civil action brought under the Florida Civil Rights Act involving the perpetration or alleged perpetration of such crime; providing an effective date.

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

By Representatives Lerner, Heyman, Green, and Detert—

**HB 737**—A bill to be entitled An act relating to security of medical facilities and supplies; amending s. 784.07, F.S.; redefining the term “emergency medical care provider” for purposes of enhanced penalties for assaults on such persons; amending s. 812.014, F.S.; providing first-degree felony penalties for theft of certain medical equipment; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; including the offense of theft of medical equipment on the offense severity ranking chart; providing an effective date.

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

By Representative Brown—

**HB 739**—A bill to be entitled An act for the relief of Billie Jo McIntire; providing an appropriation to compensate Billie Jo McIntire, as surviving spouse and Personal Representative of the Estate of Jeffrey Scott McIntire, deceased, and Sarah Ellen Megan McIntire and Christian Jeffrey Taylor McIntire, surviving minor children of Jeffrey Scott McIntire, deceased, for the wrongful death of their husband and father, Jeffrey Scott McIntire, as a result of the negligence of the Florida Department of Transportation; providing an effective date.

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

By Representative Diaz de la Portilla—

**HB 741**—A bill to be entitled An act relating to campaign financing; amending s. 106.08, F.S.; providing that only individuals may contribute to candidates for election to or retention in office; raising the contribution limits; eliminating limits on contributions to political committees; providing penalties; amending ss. 106.011, 106.021, 106.04, 106.06, 106.07, and 106.071, F.S., relating to the definition of “political

committee,” the appointment and duties of campaign treasurers, the contributions of committees of continuous existence, the inspection of campaign accounts, the contents of campaign finance reports, and the filing of independent expenditures, to conform; reenacting ss. 106.075(2) and 106.19(1)(a), F.S., relating to the limitation on contributions to pay loans and the penalty for acceptance of excess contributions, to incorporate the amendment to s. 106.08, F.S., in references thereto; amending s. 106.1437, F.S.; prohibiting advertisements intending to influence public policy or the vote of a public official from mentioning, showing, or using the voice of any candidate for office during a specified period preceding the general election; providing for a civil fine; amending ss. 420.503 and 420.512, F.S.; eliminating provisions regulating or prohibiting campaign contributions for the offices of Governor and member of the Cabinet sitting on the State Board of Administration from service providers under the Florida Housing Finance Corporation Act; repealing ss. 106.082, 627.0623, and 655.019, F.S., to eliminate provisions regulating campaign contributions from the offices of Commissioner of Agriculture, Treasurer, and Comptroller for persons or entities regulated by such officers; providing an effective date.

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

By Representative Kosmas—

**HB 743**—A bill to be entitled An act relating to Medicaid prescription drugs; amending s. 409.91195, F.S.; providing for the development of a restricted drug formulary by the Medicaid Pharmaceutical and Therapeutics Committee; revising membership of the committee; requiring the Agency for Health Care Administration to establish a restricted drug formulary upon recommendation by the committee; providing for revisions to the formulary by the committee and the agency; requiring the agency to publish and disseminate the formulary to all Medicaid providers in the state; amending s. 409.912, F.S.; revising the method of determining reimbursement to pharmacies for Medicaid-prescribed drugs under the Medicaid-prescribed drug spending-control program implemented by the agency; authorizing the agency to establish a restricted formulary and to negotiate supplemental rebates from manufacturers; providing an effective date.

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

By Representative Diaz de la Portilla—

**HB 745**—A bill to be entitled An act relating to elections; providing a short title; amending s. 97.055, F.S.; eliminating the book-closing period for voter registration; providing for registration and changes in registration at the polls on election day; amending ss. 97.021, 97.053, 97.071, 98.065, 98.081, 98.231, 101.045, 101.64, and 101.663, F.S., to conform; amending s. 101.657, F.S.; requiring the office of the supervisor of elections and any branch office to be open on the Saturday prior to any statewide election or other election held in conjunction therewith, for the purpose of allowing early in-person absentee voting for that election; amending ss. 97.057 and 97.058, F.S.; requiring supervisors of elections to provide assistance necessary to ensure the timely forwarding of completed voter registration applications processed or received by the Department of Highway Safety and Motor Vehicles and voter registration agencies; creating s. 101.005, F.S.; providing for a uniform statewide voting system and ballots; providing rulemaking authority to the Department of State to implement and adopt standards for the system, including ballot requirements; amending ss. 102.111 and 102.112, F.S.; providing that county returns submitted to the Department of State after the required deadline must be ignored and the results shown by the returns on file certified; amending s. 102.141, F.S.; requiring a manual recount of all ballots in all counties for any election in which a candidate for statewide or multidistrict office was defeated or eliminated by one-half of a percent or less of the votes cast for such office; amending s. 102.166, F.S.; defining the terms “error in the vote tabulation” and “affect the outcome of the election” for purposes of establishing the grounds for conducting a manual recount that is not automatically required; requiring all manual recounts to be open to the public and follow certain procedures; creating s. 102.1665, F.S.; providing standards for the manual recount of punchcard ballots; providing effective dates.

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



By Representative Brown—

**HB 747**—A bill to be entitled An act relating to credit insurance; amending s. 626.321, F.S.; authorizing certain individuals or entities to sell credit insurance; revising requirements for licensure; amending s. 626.9551, F.S.; excluding sales of credit insurance from application of a limitation on sales of insurance in connection with certain loans; amending s. 627.679, F.S.; revising disclosure requirements for sales of credit life insurance; providing an effective date.

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

By Representative Dockery—

**HB 749**—A bill to be entitled An act relating to absentee ballots; amending s. 101.62, F.S.; deleting the requirement that a person requesting an absentee ballot disclose his or her social security number and the last four digits of the elector's social security number; amending ss. 101.64 and 101.65, F.S.; revising the voter's certificate and the instructions to absent electors to delete the requirement that an absent elector provide the last four digits of the elector's social security number; amending s. 101.68, F.S.; deleting the requirement that the last four digits of the elector's social security number be provided for an absentee ballot to be considered legal; providing an effective date.

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

By Representatives McGriff, Murman, Bean, Henriquez, and Miller—

**HB 751**—A bill to be entitled An act relating to financial responsibility for indigent hospital patients; amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county's financial responsibility for such hospital care; requiring the county of residence to accept the hospital's documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria; providing an effective date.

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

By Representative Meadows—

**HB 753**—A bill to be entitled An act relating to defamation actions; allowing law enforcement officers to bring defamation actions against persons who have filed certain false complaints against the officers; providing an effective date.

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

By Representative Flanagan—

**HB 755**—A bill to be entitled An act relating to ad valorem tax exemption; creating s. 196.1987, F.S.; providing that real and personal property used as a nonprofit family wellness center is exempt from ad valorem taxation under specified conditions; providing an effective date.

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

By Representative Barreiro—

**HB 757**—A bill to be entitled An act relating to wrecker liens; creating s. 319.227, F.S.; providing for notice of transfer of motor vehicle or mobile home; amending s. 320.03, F.S.; including a cross reference; providing that the term "civil penalties and fines" does not include reference to a wrecker operator's lien; amending s. 713.78, F.S.; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator's lien has been issued; providing procedures with respect to such liens; creating s. 328.25, F.S.; providing for notice of transfer of vessel; providing an effective date.

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

By the Committee on Crime Prevention, Corrections & Safety; Representative Bilirakis—

**HB 759**—A bill to be entitled An act relating to character evidence; amending s. 90.404, F.S.; revising a provision of law governing character evidence to permit the admission of certain evidence of the defendant's commission of acts of child molestation under certain circumstances; providing a definition; providing an effective date.

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

By Representative Bullard—

**HB 761**—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Hilda De Paz; authorizing and directing Miami-Dade County to compensate Hilda De Paz for injuries suffered due to the negligence of county employees; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Sorensen—

**HB 763**—A bill to be entitled An act relating to Monroe County; amending chapter 69-1191, Laws of Florida, as amended; revising provisions relating to the Utility Board of the City of Key West; authorizing the board to sell tangible personal property related to its utility services under certain circumstances; providing for salaries of board members to be set by resolution; authorizing the board to extend beyond the limits of Monroe County any public utilities under its jurisdiction under certain circumstances; providing for issuance of refunding revenue bonds by the board; authorizing the board to issue commercial paper notes and variable rate bonds and enter into interest rate swap transactions; revising notice provisions relating to sale of bonds; providing for sale of bonds at competitive or negotiated sale rather than public sale; revising eligibility requirements for a special utility rate; authorizing the board to make expenditures for advertising the utility system; authorizing the board to expend funds for emergency purchases; changing a time period for delivery of annual audits to the City Commission of the City of Key West; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Harrington—

**HB 765**—A bill to be entitled An act relating to liens on commercial real estate by brokers and appraisers; creating chapter 714, F.S., the "Broker's and Appraiser's Lien on Commercial Real Estate Act"; providing applicability; providing definitions; specifying conditions under which a commission is earned and payable; providing address requirements for required notices to brokers; specifying conditions under which a broker is entitled to a lien on commercial real estate and requiring disclosure of such right in the commission agreement; providing requirements relating to waiver, release, or discharge of a lien and assumption of an obligation for a commission; providing for affidavit identifying brokers due a commission; providing for filing of notice of lien; providing for contents of notice of lien; providing for service of notice of lien; providing for date of inception of lien; providing for priority of liens; providing applicability to mixed-use real estate; providing for change in use of real estate; providing time limits to file a notice of lien; providing for suit to foreclose lien; providing a statute of limitations on suits to foreclose a lien; providing for assessment of costs, fees, and interest in suits to foreclose a lien; providing for release of lien; providing for escrow accounts; providing for named escrow agent; providing for costs of interpleader actions; providing conditions under which a party may not refuse to close a transaction; providing the term of an escrow account; providing for extinguishment of a lien on commercial real estate and transfer of the lien to the proceeds of the escrow account upon establishment thereof; providing for the filing of a bond to indemnify against a lien; providing bond requirements; providing for notice of bond; providing for recording of bond and notice; providing for action on bond; providing owner's or tenant's remedies;

providing broker's remedies; amending s. 475.42, F.S.; providing that brokers may place liens on property as provided by law; providing an effective date.

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

By Representatives Brown and Ross—

**HB 767**—A bill to be entitled An act relating to the transfer of structured settlements; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured settlement payment rights; requiring that any such transfer be approved by a court or judge of compensation claims; requiring that the court or judge make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured settlement payment rights; providing for penalties to be imposed for certain violations of the act; authorizing the state attorney to bring an action for injunctive relief; providing that the act does not authorize transfers that contravene other applicable law; providing an effective date.

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

By Representative Bullard—

**HJR 769**—A joint resolution proposing amendments to Section 15 of Article III, Section 5 of Article IV, and Sections 4 and 7 of Article VI of the State Constitution; revising the terms of office for certain elected constitutional officers; providing for staggered terms of office; revising limitations on the number of consecutive years during which certain elected constitutional officers may hold office; limiting the amount that a person or other entity may contribute to a candidate for local or statewide public office or to a political party.

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

By Representative Rubio—

**HB 771**—A bill to be entitled An act relating to health care regulation; amending s. 395.002, F.S.; revising definitions relating to hospital licensing and regulation; amending ss. 395.003 and 400.102, F.S.; restricting persons who may initiate or intervene in an action on an application for licensure of a health care facility, program, or service; creating s. 395.0095, F.S.; providing minimum standards for specified inpatient services; specifying requirements for cardiac catheterization and angioplasty, open heart surgery, inpatient comprehensive medical rehabilitation, inpatient general psychiatric services, inpatient substance abuse services, neonatal intensive care services, specialty burn units, heart transplantation, liver transplantation, kidney transplantation, and bone marrow transplantation; amending s. 400.071, F.S.; providing additional requirements for application for a nursing home license; amending s. 400.121, F.S.; restricting persons who may initiate or intervene in an action on an application for licensure of a nursing home facility, program, or service; providing penalties for failure of a nursing home to demonstrate financial feasibility in its application for licensure; amending s. 400.605, F.S.; providing for an expedited licensure process for community-based hospice services; amending s. 400.606, F.S.; providing additional requirements for application for licensure of a hospice; deleting language relating to certificate of need to conform to the act; restricting persons who may initiate or intervene in an action or application for licensure of a hospice; providing penalties for failure of a hospice to demonstrate financial feasibility in its application for licensure; repealing ss. 408.031, 408.032(2), (3), (4), (6), and (7), 408.034, 408.035, 408.036, 408.0361, 408.037, 408.038, 408.039, 408.040, 408.041, 408.042, 408.043, 408.044, 408.045, 408.0455, and 651.118, F.S., relating to requirements for certificate-of-need review and approval for health care facilities and services; repealing s. 154.245, F.S., relating to certificates of need required as a condition of certain bond validation; amending s. 408.033, F.S.; revising provisions relating to local and state

health planning; amending ss. 20.42, 154.205, 154.213, 154.219, 159.27, 189.415, 395.0191, 395.1055, 395.603, 395.604, 395.605, 400.23, 400.602, 400.6085, 430.705, 430.708, and 651.021, F.S., to conform to the repeal of certificate-of-need requirements and the process of certificate-of-need review; amending ss. 383.50, 394.4787, 395.602, 395.701, 400.051, 409.905, 468.505, and 766.316, F.S.; correcting cross references; providing a grandfather clause for specified inpatient services; providing an effective date.

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

By Representative Sorensen—

**HB 773**—A bill to be entitled An act relating to the Florida Windstorm Underwriting Association; prohibiting the association from requiring flood insurance under certain circumstances; authorizing certain premium reductions under certain circumstances; providing an effective date.

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

By Representative Goodlette—

**HB 775**—A bill to be entitled An act relating to Collier Mosquito Control District, an independent special tax district in Collier County, Florida; ratifying and confirming the creation of Collier Mosquito Control District pursuant to chapter 390, F.S. (1949), as an independent mosquito control district; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S.; providing legislative intent; providing for applicability of chapters 388 and 189, F.S., and other general laws; providing a district charter; providing for amended district boundaries on October 1, 2001; providing for liability and group insurance; providing for repeal of prior special acts related to Collier Mosquito Control District; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Hart, Murman, Byrd, Bennett, Romeo, Peterman, Joyner, Henriquez, Wallace, Bilirakis, Littlefield, and Alexander—

**HB 777**—A bill to be entitled An act relating to Hillsborough County; compiling, codifying, and revising chapter 83-423, Laws of Florida, as amended, relating to the Public Transportation Commission; removing gender-specific references; providing legislative intent; protecting the rights of commission employees; creating the commission; providing the commission is an independent special district; prohibiting discriminatory practices; providing for, amending, and adding definitions; providing for the composition of the commission and its procedures; providing for, amending, and adding mandatory and discretionary powers, including the addition of civil penalties and an automatic lien under certain circumstances; providing for commission staff; providing for and amending an application for certificate process, including establishing public convenience and necessity and procedures for resubmission upon denial; providing for a public vehicle driver's license and adding that a person convicted of being a sexual offender or sexual predator may be denied such licensure and that any such licensure must be revoked upon conviction as a sexual offender or sexual predator; providing penalties; adding provisions relating to citations, administrative hearings in connection with citations, and appeals procedures; adding procedures relating to variances and waivers and an appeals procedure; providing for county responsibility in funding the commission; adding a provision relating to recodification; adding a limited savings clause for rules of the commission; providing for dissolution; providing a severance clause; repealing chapters 83-423, 87-496, 88-493, 95-490, and 2000-441, Laws of Florida, relating to the public transportation commission; providing a savings clause; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Fields—

**HB 779**—A bill to be entitled An act relating to municipal firefighters' pension trust funds; amending s. 175.101, F.S.; authorizing the

consolidated City of Jacksonville to qualify for state excise tax on all insurance premiums collected on property insurance policies covering property within the boundaries of the consolidated government, regardless of whether the properties are located within one or more separately incorporated areas within the consolidated government, so long as the consolidated City of Jacksonville is providing fire protection services to the properties within that area; providing an effective date.

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

By Representative Fields—

**HB 781**—A bill to be entitled An act relating to education; creating the “Education Investment Act”; providing definitions; providing legislative intent for certain investments and enhancements; authorizing certain programs; authorizing improved curriculum; requiring improved counseling ratios in certain schools; authorizing a test-preparation program for certain students; providing for separation of open-enrollment programs within schools for certain purposes; authorizing expanded student assistance programs at universities; authorizing fee waivers for students and former students of certain schools; providing for rulemaking by the Department of Education; authorizing state-funded test-preparation courses for certain students; providing an effective date.

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

By Representative Johnson—

**HJR 783**—A joint resolution proposing the amendment of Sections 3, 10, and 11 of Article V and the creation of Section 26 of Article XII of the State Constitution relating to the election of justices and judges.

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

Referred to the Committees on Judicial Oversight; Rules, Ethics & Elections; and Council for Smarter Government.

By Representative Richardson—

**HB 785**—A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; revising the method of calculating the monthly benefit for members of the Regular Class of the Florida Retirement System; providing for contribution rate increases to fund this act; requesting the Division of Statutory Revision to adjust contribution rates set forth in s. 121.071, F.S.; declaring that this act fulfills an important state interest; providing an effective date.

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

By Representative Richardson—

**HB 787**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term “average final compensation” to be the average of the 3 highest fiscal years of compensation and the term “normal retirement date” to mean attainment of 5 years of creditable service; providing for funding of the revision of the system by this act; revising contribution rates; providing a finding of important state interest; providing an effective date.

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

By Representative Mealor—

**HB 789**—A bill to be entitled An act relating to copyright of governmental data processing software; creating s. 119.084, F.S.; providing definitions; authorizing governmental agencies to hold and enforce copyrights for data processing software they create; authorizing sale or license of such software and providing for fees; providing requirements for electronic recordkeeping systems and for access to public records in such systems; providing for fees; prohibiting contracts for public records databases that impair public access to such records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By Representative Hogan—

**HB 791**—A bill to be entitled An act relating to property exempt from legal process; amending s. 222.25, F.S.; exempting certain debtor’s interests from attachment, garnishment, or legal process; providing an effective date.

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

By Representative Hogan—

**HB 793**—A bill to be entitled An act relating to elderly persons and disabled adults; requiring that the Department of Children and Family Services select professional guardians on a rotating basis from a list of guardians who have agreed to serve; requiring that any such guardian agree to accept a certain proportion of indigent cases; amending s. 825.101, F.S.; defining the term “position of trust and confidence”; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; providing an effective date.

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

By Representative Justice—

**HB 795**—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Harrell, Melvin, Romeo, Sobel, Littlefield, Negron, Kallinger, Fiorentino, and Murman—

**HB 797**—A bill to be entitled An act relating to insurance; amending s. 627.736, F.S.; modifying time period for providers of certain medical services under personal injury protection coverage to provide an insurer with a statement of charges; providing an effective date.

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

By Representative Spratt—

**HB 799**—A bill to be entitled An act relating to the Barron Water Control District, an independent special district in Glades County and Hendry County, codifying the District’s charter pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting the special laws relating to the Barron Water Control District as a single act; declaring the status of the District; providing for the corporate life of the District and the term of office of the supervisors of the District; repealing chapters 84-436 and 2000-416, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Diaz de la Portilla—

**HB 801**—A bill to be entitled An act relating to the Monroe County School District; providing for the relief of Joshua England, a minor, by and through his natural and custodial parent and next best friend, Zerhade Jackson; authorizing and directing the District School Board of Monroe County to compensate Joshua England for personal injuries that he suffered due to the negligence of Monroe County district school board employees; specifying use of funds; providing for reversion of funds; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Negron—

**HB 803**—A bill to be entitled An act relating to physician collective negotiations; providing legislative findings; providing definitions; authorizing competing physicians within a health plan service area to meet and communicate for collective negotiation of certain contract terms and conditions; providing a prohibition; providing an exception; imposing criteria on such collective negotiations; providing requirements for physicians' representatives; providing duties of the Department of Insurance; providing for antitrust application; providing an effective date.

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

By Representative Benson—

**HB 805**—A bill to be entitled An act relating to swimming pool/spa servicing contracting; amending s. 489.111, F.S.; providing alternative eligibility requirements to take the examination for certification as a swimming pool/spa servicing contractor; providing an effective date.

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

By Representative Gardiner—

**HB 807**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; amending s. 316.228, F.S.; requiring strobe lights to be placed on the exterior of a commercial vehicle transporting unprocessed forest products extending more than 4 feet beyond the rear of the vehicle; providing an alternate method for placing strobe lights in certain instances; requiring the use of a red flag on the load; amending s. 316.2397, F.S.; authorizing the emergency response vehicles of the Department of Health to use red flashing lights; amending s. 316.520, F.S.; clarifying that a violation of a provision governing loads on vehicles is a moving rather than a nonmoving violation; amending s. 319.001, F.S.; providing definitions; amending s. 319.14, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to place a decal on a rebuilt vehicle so as to clarify its identity; providing a penalty for the removal of the decal; amending s. 319.23, F.S.; conforming the requirements for the transfer of ownership on an antique vehicle to that of any other motor vehicle; amending s. 319.28, F.S.; deleting the requirement that a copy of a contract for processing an application for title based on a contractual default be provided; amending s. 319.30, F.S.; clarifying the major component parts of a motor vehicle; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in chapter 316, F.S.; amending s. 320.023, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.025, F.S.; conforming the vessel registration law to the motor vehicle registration law; requiring a decal to be affixed to a vessel that is registered under a fictitious name and operated by any law enforcement agency; amending s. 320.05, F.S.; conforming the vessel registration law to the motor vehicle registration law; providing instructions for the release of information regarding a vessel to the public; amending s. 320.055, F.S.; correcting the registration period for nonapportioned vehicles; amending s. 320.06, F.S.; providing for the placement of only one decal rather than two on a license plate; amending s. 320.072, F.S.; reducing the timeframe a registrant can use a previous license plate for the initial registration fee exemption; amending s. 320.0805, F.S.; reducing the timeframe for a personalized license plate to remain out of circulation prior to reassignment; amending s. 320.08056, F.S.; including two more colleges to the discontinuance exemptions provided for collegiate specialty license plates; amending s. 320.08062, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.083, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the Amateur Radio Operator specialty license plate; amending s. 320.089, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the EX-POW or Purple Heart specialty license plate; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; deleting the requirement for a licensee to have the certificate of title or ownership indicia in his or her possession at an auction; amending s. 322.05, F.S.;

correcting a statutory reference regarding the requirements for an individual under 18 years of age to apply for a driver's license; amending s. 322.081, F.S.; conforming this section to the Florida Single Audit Act; amending s. 322.126, F.S.; revising the requirements for reporting a disability which could affect an individual's ability to drive a motor vehicle; creating s. 322.222, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to hold a hearing when an individual's driver's license has been suspended or revoked due to medical reasons; amending s. 322.25, F.S.; correcting a cross reference; amending s. 322.2615, F.S.; complying the USDOT's drunk driving prevention incentive program; reducing the timeframe for a temporary permit that is allotted when an individual is charged with driving with an unlawful blood-alcohol level; amending s. 322.27, F.S.; clarifying the time period for a driver's license revocation of a habitual traffic offender; amending s. 322.28, F.S.; deleting obsolete language regarding the revocation of a driver's license; repealing s. 322.282, F.S., relating to the procedure when the court revokes or suspends license or driving privilege and orders reinstatement; amending s. 322.292, F.S.; adding the requirement that DUI programs must be governmental programs or not-for-profit corporations; amending s. 322.61, F.S.; complying with the Federal Motor Carrier Safety Regulations; adding two more violations for which a commercial motor vehicle may be disqualified of driving privileges; amending s. 322.64, F.S.; reducing the timeframe for a temporary permit allotted when an individual holding a commercial driver's license is charged with an unlawful blood-alcohol level; repealing s. 322.331, F.S., relating to the reinstatement of a license of an habitual traffic offender; amending s. 328.01, F.S.; deleting the requirement for a copy of a contract upon which a claim of ownership of a vessel is made on a contractual default; amending s. 328.42, F.S.; authorizing the department to deny or cancel any vessel registration, license plate, or fuel use decal when given a dishonored check by the customer; amending s. 328.56, F.S.; deleting the terms "commercial" and "recreational" when referring to vessels operated on the waters of this state; amending s. 328.72, F.S.; deleting the requirements for the transfer of ownership of an antique vessel; amending s. 328.76, F.S.; providing for the appropriation allotted for fiscal year 2000-2001 to be deposited into the Highway Safety Operating Trust Fund; amending s. 713.78, F.S.; adding the insurance company to the list of individuals to be contacted when a vehicle has been towed; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending s. 715.07, F.S.; conforming the vessel registration law to the motor vehicle registration law; defining the term "vessel"; authorizing the removal of an undocumented vessel parked on private property; amending s. 832.09, F.S.; authorizing the department to create a standardized form to be used for notification of satisfaction of a worthless check; providing effective dates.

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

By Representatives Murman, Waters, Benson, Harrell, Ritter, Sobel, Slosberg, Farkas, Simmons, Negron, Romeo, Prieguez, Melvin, Kallinger, Ross, Clarke, Bucher, and Cusack—

**HB 809**—A bill to be entitled An act relating to insurance and health care service organizations; amending ss. 626.9541, 641.3903, F.S.; prohibiting coercion or certain other actions against a provider who does not participate in other plans or programs of the insurer or organization; providing an effective date.

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

By Representative Clarke—

**HB 811**—A bill to be entitled An act relating to criminal history records; amending ss. 943.0585 and 943.059, F.S.; prohibiting a court from expunging or sealing the criminal history record of a person who has been found guilty of or pled guilty or nolo contendere to distributing or showing obscene material to a minor or who has been found guilty of or pled guilty or nolo contendere to certain activities involving computer pornography; providing an effective date.

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

By Representative Justice—

**HB 813**—A bill to be entitled An act relating to pharmacists; defining the term "pharmaceutical adverse incident" and requiring that such

incidents be reported to the Department of Health; providing for the adoption of rules and forms; providing an effective date.

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

By Representative Cantens—

**HB 815**—A bill to be entitled An act relating to state employees; requiring the Department of Management Services and the Board of Regents to contract with a private vendor for a tax-sheltered plan for state employees who are eligible for payment for accumulated sick leave, annual leave, and special compensation payment upon termination of employment; providing conditions; providing for continuous quality-assurance oversight; authorizing employees to withdraw such funds upon termination of employment; providing for a tax-sheltered plan for certain career service employees and employees participating in the Deferred Retirement Option Program; creating s. 110.1315, F.S.; providing for alternative benefits for other-personal-services employees; providing an effective date.

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

By Representative Cantens—

**HB 817**—A bill to be entitled An act relating to bail bonds; amending s. 648.29, F.S.; providing for build-up funds to be maintained in government bonds, certificates, or certain other obligations; providing that the limitation on build-up funds be established by the rate of premium filed by the insurance company; amending s. 648.33, F.S.; permitting certain fees to be charged with regard to transfers or use of credit cards; requiring certain notice of such fees; amending s. 648.34, F.S.; requiring separate entrances for each bail bond agency and branch office; amending s. 648.385, F.S.; revising language relating to continuing education requirements for bail bond agents; amending s. 648.386, F.S.; prohibiting the use of certain video instruction tapes in continuing education classes; increasing the number of years of experience as a manager or officer required for department approval as a supervising instructor; amending s. 648.44, F.S.; prohibiting certain contact by a bail bond agent or runner; providing penalties; amending s. 648.571, F.S.; permitting a bail bond agent to charge certain fees when accepting a credit card for collateral; requiring the fee to be stated and the fee schedule to be posted; amending s. 903.045, F.S.; providing for exoneration of the surety upon failure of the state to extradite the principal on a bail bond under certain circumstances; amending s. 903.046, F.S.; providing that a defendant charged with a second or subsequent felony within a certain period shall forfeit the presumption in favor of nonmonetary release, under certain circumstances; amending s. 903.21, F.S.; providing penalties for an official who refuses to take a defendant into custody; amending s. 903.26, F.S.; requiring the clerk to provide a certified copy of warrant or capias at no cost under certain circumstances; deleting provision relating to prohibition of the discharge of a forfeiture; providing circumstances for discharge of forfeiture of bond, discharge of bond, and assessment of costs for defendants arrested outside the county or state of jurisdiction; amending s. 903.28, F.S.; providing for interest to accrue on remission of forfeiture under certain circumstances; amending s. 903.31, F.S.; revising provisions relating to cancellation of bond; providing circumstances under which an appearance bond does not guarantee a defendant's conduct or appearance in court; amending s. 907.041, F.S.; requiring certification to the court in writing of certain information prior to release on nonmonetary conditions; providing an effective date.

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

By Representative Harper—

**HB 819**—A bill to be entitled An act relating to the Palm Beach County Health Care District; providing for the relief of James Torrence; authorizing and directing the Palm Beach County Health Care District to compensate him for personal injuries resulting from surgery negligently performed by a health care district employee; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Arza—

**HB 821**—A bill to be entitled An act relating to the City of Miami; providing for the relief of Oscar Ortiz; providing for an appropriation to compensate Oscar Ortiz for injuries and damages sustained as a result of the negligence of the City of Miami; providing for reversion of funds; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Fields—

**HB 823**—A bill to be entitled An act relating to the City of Clearwater; providing for the relief of Eva Skowronek as the widow of Wieslaw Skowronek and as Personal Representative of the Estate of Wieslaw Skowronek and for the relief of Anna Marie Skowronek, Victor Skowronek, and Hubert Alexander Skowronek, minor children of Wieslaw Skowronek; authorizing and directing the City of Clearwater to compensate them for the death of Wieslaw Skowronek as a result of the negligence of the City of Clearwater; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Gardiner—

**HJR 825**—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution relating to approval of constitutional amendments.

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

By Representative Brummer—

**HJR 827**—A joint resolution proposing an amendment to Section 11 of Article V of the State Constitution; requiring judicial nominating commissions to forward to the Governor a list of all eligible candidates for judicial vacancies rather than a list of three to six persons; requiring judicial nominating commissions to provide the Governor with information relative to each eligible person; requiring that judicial appointees be confirmed by the State Senate; authorizing the convening of the Senate in special session for such purpose; transferring rulemaking authority for judicial nominating commissions to the Governor from the commissions; permitting the Legislature to repeal any portion of such rules by joint resolution.

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

Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

By Representative Ritter—

**HB 829**—A bill to be entitled An act relating to Broward County; extending the corporate limits of the Town of Lauderdale-By-The-Sea; amending chapter 99-465, Laws of Florida; providing for an interlocal agreement between Broward County and the Town of Lauderdale-By-The-Sea; providing for the effective date of annexation; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 831**—A bill to be entitled An act relating to the City of Pompano Beach, Broward County; amending chapter 2000-476, Laws of Florida; providing for an interlocal agreement which would include provisions to jointly fund program infrastructure improvements between the City of Pompano Beach and Broward County, provided the city is not limited in its ability to receive anticipated utility taxes, franchise fees, or other fees; providing that calculations of population census of the City of Pompano Beach begin with the fiscal year 2000 and include all new

residents added to the city as a result of chapter 2000-476, Laws of Florida; providing for retroactive application to September 15, 2000; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 833**—A bill to be entitled An act relating to Broward County; directing the Board of County Commissioners to issue a certificate of public convenience and necessity to any municipality within the county that is an applicant for licensure as a basic life support or advanced life support service; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 835**—A bill to be entitled An act relating to Broward County, Florida; amending chapter 2000-475, Laws of Florida; providing for deannexation of certain lands from the Town of Davie; providing for annexation of certain lands into the Town of Southwest Ranches; providing for the transfer of all public roads and rights-of-way on the Broward County Road System lying within the corporate boundaries of the Town of Southwest Ranches as of June 6, 2000; excluding certain portions of Sheridan Street and Griffin Road from the transfer; providing for confirmation of corporate existence of the Town of Southwest Ranches on June 6, 2000; providing for retroactive application; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 837**—A bill to be entitled An act relating to the Sunshine Drainage District, in Broward County, amending chapter 63-609, Laws of Florida, in order to provide for the creation of a board of supervisors separate from the provisions of ch. 298, F.S., to create a five-member board; providing for elections by electors residing within the district; providing for the appointment of a Coral Springs City Commissioner as a board member; providing for the establishment of regular and special board meetings; providing for a quorum; providing for severability of the provisions of the act; providing that the act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 839**—A bill to be entitled An act relating to Broward County; authorizing each municipality within the county to adopt an ordinance regulating in public places the control and confinement of certain dogs; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 841**—A bill to be entitled An act relating to Broward County; amending chapter 91-355, Laws of Florida, the Broward County Natural Resource Protection Act; clarifying legislative intent to include authority of Board to issue notices to assess a civil penalty for violations of the act; amending provisions relating to enforcement and civil penalties; authorizing the Board of County Commissioners of Broward County to prescribe procedures for the issuance of notices of hearing to assess a civil penalty for violation of ordinances protecting the natural

resources of Broward County; identifying certain violations; providing factors to be considered in assessing civil penalties; providing for recovery of costs and attorney's fees; amending provisions relating to issuance of citations; authorizing natural resource enforcement officers to collect civil penalties as prescribed in the code by the Board of County Commissioners; prohibiting the issuance of a citation under certain circumstances; providing for recovery of costs and attorney's fees; amending provisions relating to liens; providing that orders imposing certain costs or requiring corrective actions or mitigation may be recorded by Broward County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 843**—A bill to be entitled An act relating to the City of Coral Springs, Broward County; extending and enlarging the corporate limits of the City of Coral Springs to include specified unincorporated lands within said corporate limits; providing for land use and zoning designations; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 845**—A bill to be entitled An act relating to the West Lauderdale Water Control District; repealing section 9.02 of chapter 96-472, Laws of Florida; providing for the dissolution of the West Lauderdale Water Control District on a specified date; providing for the assumption of its assets and liabilities by the Bonaventure Development District; providing for continuance of certain contracts; providing for limitations and restrictions on the use of the assets and revenues of the West Lauderdale Water Control District; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Kendrick—

**HB 847**—A bill to be entitled An act relating to the Dog Island Conservation District, Franklin County; providing for codification of special laws relating to the Dog Island Conservation District; providing legislative intent; codifying and reenacting chapters 75-374, 79-461, and 84-430, Laws of Florida; providing for the repeal of all prior special acts related to the Dog Island Conservation District; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Crow—

**HB 849**—A bill to be entitled An act relating to Pinellas County; amending chapter 80-585, Laws of Florida, as amended; increasing the number of members of the Emergency Medical Services Authority required for a quorum from three to four; correcting terminology; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Murman, Byrd, Romeo, Peterman, Joyner, Henriquez, Wallace, Bilirakis, Littlefield, Alexander, and Hart—

**HB 851**—A bill to be entitled An act relating to the Hillsborough County Hospital Authority; amending subsection (10) of section 5, relating to facilitating an employee advisory committee, subsection (2) of section 6, relating to an employee advisory committee, subsection (3) of section 7, relating to reimbursement for services to indigents, and section 9, relating to parking and office facilities of chapter 96-449, Laws

of Florida; providing that those subsections and section are applicable only when a hospital is operated by the hospital authority; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Carassas—

**HB 853**—A bill to be entitled An act relating to Pinellas County; providing for the composition of members of the Pinellas County Tourist Development Council appointed pursuant to section 125.0104, Florida Statutes, the “Local Option Tourist Development Act”; providing a contingent effective date.

Proof of publication of the required notice was attached.

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

By Representative Argenziano—

**HB 855**—A bill to be entitled An act relating to Citrus County; amending chapter 99-442, Laws of Florida, the charter of the Citrus County Hospital Board; reducing the time a member may hold office on the board; revising borrowing authority of the board; revising provisions relating to indebtedness of the board; revising a provision relating to outstanding bonds payable from ad valorem taxes; repealing an obsolete provision; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Harper—

**HB 857**—A bill to be entitled An act relating to Palm Beach County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to Highland Glades Water Control District, a special tax district in Palm Beach County; providing legislative intent; codifying and reenacting special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 8885 (1921) and 89-466, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Harper—

**HB 859**—A bill to be entitled An act relating to Gladeview Water Control District, an independent special tax district in Palm Beach County; providing legislative intent; codifying, reenacting, amending, and repealing special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Harper—

**HB 861**—A bill to be entitled An act relating to Palm Beach County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to Shawano Water Control District, a special tax district in Palm Beach County; providing legislative intent; codifying, repealing, amending, and reenacting special acts relating to the district; providing district status and

boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 863**—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 71-580, Laws of Florida, as amended; increasing the board of supervisors to a total of five members; providing for elections by electors residing within the district; providing for the appointment of a city commissioner from the City of Coral Springs and a city commissioner from the City of Parkland as board members; providing for regular and special board meetings instead of landowner meetings; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Harper—

**HB 865**—A bill to be entitled An act relating to Indian Trail Improvement District, Palm Beach County; providing for codification of special laws relating to the Indian Trail Improvement District, a special tax district of the State of Florida; providing legislative intent; codifying, repealing, reenacting, and amending special acts relating to the district; providing for minimum charter requirements; amending the boundaries of the District to include additional lands; providing for Supervisor qualifications, terms of office, and election procedures; providing for provisions of other laws made applicable; providing for ratification of prior actions; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Romeo, Murman, Byrd, Peterman, Joyner, Henriquez, Wallace, Bilirakis, Littlefield, Alexander, and Hart—

**HB 867**—A bill to be entitled An act relating to Hillsborough County; providing that, notwithstanding any provision of general law, the Hillsborough County Tourist Development Council shall consist of 11 members; providing that an elected municipal official shall be appointed to the council from each municipality within the county; providing that seven members shall be persons involved in the tourist industry; providing that the additional members shall be appointed within 30 days of the effective date of this act; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 869**—A bill to be entitled An act relating to Broward County; authorizing local governments in the county to grant an exception from the concurrency requirement for transportation facilities under s. 163.3180, F.S., for certain developments; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 871**—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Fort Lauderdale or the City of Plantation; providing for annexation of the unincorporated area known as Melrose Park; providing for an election; providing for an effective date of annexation; providing for an interlocal

agreement; providing legislative intent; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Frankel—

**HB 873**—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending section 16 of chapter 24981, Laws of Florida, as amended, relating to the West Palm Beach Police Pension Fund; revising the provision for age and service requirements for retirement; revising the provisions for early retirement; revising the provisions of the share accounts related to death of a member; revising the provisions of the deferred retirement option plan; revising the death benefit provisions; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Bucher—

**HB 875**—A bill to be entitled An act relating to Palm Beach County; amending chapter 93-367, Laws of Florida, as amended; defining “career service employee” and providing restrictions for reduction in rank of certain employees; providing applicability; specifying rights of such employees; revising procedures for appeal of disciplinary actions and complaints against employees of the Sheriff; revising provisions for the appointment of boards to hear appeals and procedures with respect thereto; revising provisions relating to monetary emoluments based on performance; extending collective bargaining status to deputy sheriffs; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Machek—

**HB 877**—A bill to be entitled An act relating to Palm Beach, Hendry, and Glades Counties; providing for codification of special laws relating to the Everglades Agricultural Area Environmental Protection District, a special tax district in Palm Beach, Hendry, and Glades Counties; providing legislative intent; amending, codifying, reenacting, and repealing chapters 89-423 and 90-423, Laws of Florida, relating to the Everglades Agricultural Area Environmental District; re-creating and reenacting the district’s charter; providing district status and boundaries; providing for applicability of chapters 373 and 403, Florida Statutes, and other general laws; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Atwater—

**HB 879**—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; providing for codification of special laws relating to the South Indian River Water Control District; amending, codifying, reenacting, and repealing all prior special acts; providing for creation, status, charter amendments, and boundaries; providing for a board of supervisors and powers and duties; providing minimum charter requirements in accordance with s. 189.404, F.S.; providing for construction and effect; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Lee—

**HB 881**—A bill to be entitled An act relating to Martin County; providing for the relief of Margaret B. Helm for injuries and damages

sustained as a result of the negligence of the Martin County Volunteer Fire Department; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Mayfield—

**HB 883**—A bill to be entitled An act relating to the City of Vero Beach; providing for the relief of Joseph Arvay; providing for an appropriation to compensate Joseph Arvay for injuries caused by the negligence of a City of Vero Beach police officer; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Murman, Romeo, Peterman, Joyner, Henriquez, Wallace, Bilirakis, Littlefield, Alexander, and Hart—

**HB 885**—A bill to be entitled An act relating to Hillsborough County; amending chapter 98-499, Laws of Florida, relating to liens authorized by ordinance in favor of hospitals providing medical care, treatment, or maintenance to a patient, and in favor of the County when it pays for medical care, treatment, or maintenance of a patient; providing definitions; providing optional and mandatory components, both substantive and procedural, of any such implementing ordinance including establishing limitations on lien amounts, and providing for the treatment of other claims, noneconomic damages, and attorney’s fees; requiring the ordinance to provide identical procedural remedies to hospitals and the County; providing for an offset for the cost of an insurance policy resulting in payment of any part of the lien amount; barring a lienholder or the lienholder’s legal representative from additional compensation from the patient and others in relation to the charges covered by a lien; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Melvin, Miller, and Brown—

**HB 887**—A bill to be entitled An act relating to Okaloosa County; amending chapter 99-478, Laws of Florida, relating to the Ocean City-Wright Fire Control District; providing for the annexation of certain unincorporated areas of Okaloosa County into the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Bucher—

**HB 889**—A bill to be entitled An act relating to the City of West Palm Beach; providing for the relief of Rosemary Falkinburg; authorizing and directing the City of West Palm Beach to compensate Rosemary Falkinburg for personal injuries she suffered due to the negligence of a city employee; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Wiles, Kosmas, and Cusack—

**HB 891**—A bill to be entitled An act relating to the City of Daytona Beach, Volusia County; providing for the lease of certain submerged lands to the city by the state; providing for the duration of the lease; specifying the amount of the lease; providing for the purpose of the lease; providing that the lease is contingent upon the city’s acquisition of the pier situated upon the leased lands; providing additional terms of the lease; prohibiting transfer of lease without legislative action; providing for severability; requiring written submission of acceptance of



terms to the Department of Environmental Protection; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Siplin—

**HB 893**—A bill to be entitled An act relating to Halifax Hospital Medical Center, a special taxing district in Volusia County d/b/a Halifax Medical Center; providing for the relief of Steven Mitchell; authorizing and directing Halifax Hospital Medical Center to compensate Steven Mitchell for personal injuries that he suffered while at Halifax Medical Center; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Murman, Byrd, Romeo, Peterman, Joyner, Littlefield, Henriquez, and Alexander—

**HB 895**—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending s. 3(B), chapter 23559, Laws of Florida, 1945, as amended; providing for membership in Division B of the General Employees' Retirement Plan; amending s. 7, chapter 23559, Laws of Florida, 1945, as amended; providing for certain employees to elect to receive credit in the General Employees' Retirement Plan under certain conditions; amending s. 17, chapter 23559, Laws of Florida, 1945, as amended; providing for certain elective officers, department heads, and appointive officers, to elect to receive credit in the General Employees' Retirement Plan under certain conditions; repealing chapter 86-405, Laws of Florida, and all other laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Wiles, Hogan, Kravitz, and Pickens—

**HB 897**—A bill to be entitled An act relating to Clay County; providing for codification of special acts pursuant to s. 189.429, F.S., relating to the Clay County Development Authority, an independent special district; providing legislative intent; codifying, reenacting, and amending chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida; providing for minimum charter requirements; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida, 10 days after effective date of act; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Murman, Romeo, Peterman, Joyner, Henriquez, Wallace, Bilirakis, Littlefield, Alexander, and Hart—

**HB 899**—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to provide for an increase in the accrual of benefits from 2.5 percent to 2.75 percent for each year of service; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Davis and Kravitz—

**HB 901**—A bill to be entitled An act relating to the City of Jacksonville; extending the operation of chapters 89-439 and 91-362, Laws of Florida, relating to the Council of the City of Jacksonville and

the City of Jacksonville Environmental Protection Board, notwithstanding the board's scheduled expiration on October 1, 2001; providing for the use of procedures under chapter 120, Florida Statutes, including the hiring of administrative law judges, for proceedings involving air or water pollution in which the board seeks to impose a penalty; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Davis, Fields, Mahon, and Jordan—

**HB 903**—A bill to be entitled An act relating to the Consolidated City of Jacksonville; creating and establishing separate airport and seaport authorities; providing for governing bodies, appointment of members, terms, staggered terms, rules of procedure; providing for employment of a managing director and other employees, providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees; establishing the separate authorities as county authorities; providing for participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; providing for transfer of assets and liabilities from the Jacksonville Port Authority to the separate seaport and airport authorities and for assumption of responsibilities; making the Port Facilities Financing Act applicable to seaport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; repealing certain existing local laws relative to the creation and operation of the Jacksonville Port Authority; providing for conforming amendments to sections 18.07 and 24.04, of chapter 92-341, Laws of Florida, being the Charter of the City of Jacksonville, to replace references to the Jacksonville Port Authority with references to the Jacksonville Seaport Authority and the Jacksonville Airport Authority; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 905**—A bill to be entitled An act relating to the Pine Tree Water Control District, Broward County; codifying, repealing, amending, and reenacting special acts relating to the district; providing legislative intent; deleting gender specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 907**—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Pembroke Park; providing for annexation of unincorporated areas within Broward County; providing for revision of the Charter of the Town of Pembroke Park; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ausley—

**HB 909**—A bill to be entitled An act relating to Gulf County; providing for the relief of Elizabeth Linton, as personal representative of the estate of her father, Harold Armstrong, deceased; providing an appropriation in compensation for the death of Harold Armstrong as a result of the negligence of Gulf County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Murman, Romeo, Peterman, Hart, Alexander, Littlefield, Bilirakis, Henriquez, and Joyner—

**HB 911**—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising certain death benefits; repealing all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Murman, Romeo, Peterman, Joyner, Henriquez, Wallace, Bilirakis, Littlefield, Alexander, and Hart—

**HB 913**—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to provide for the purchase of creditable service for past service; amending chapter 23559, Laws of Florida, 1945, as amended, relating to the General Employees' Pension Plan of the City of Tampa; revising the benefits to certain firefighters and police officers; confirming in part the City of Tampa Firefighters and Police Officers Pension Contract; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 915**—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the cities of Fort Lauderdale and Dania Beach; providing for annexation of specified unincorporated land; providing for an election; providing for an effective date of annexation; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Bucher—

**HB 917**—A bill to be entitled An act relating to Palm Beach County; amending chapter 90-445, Laws of Florida, as amended; providing for the uniform implementation, interpretation, and enforcement of building code requirements pursuant to the Florida Building Code; providing and amending definitions; providing for enforcement; providing for repeal of conflicting laws; providing for interpretation of codes and revision; deleting provisions relating to appointments; providing for authority for building code amendments; providing for amending provisions for product and system evaluation, including application fees and revocation and renewal of product and system compliance; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Miller, Maygarden, Melvin, and Benson—

**HB 919**—A bill to be entitled An act relating to Escambia County; codifying, repealing, amending, and reenacting special laws relating to the Escambia County Utilities Authority; providing legislative intent; declaring the authority to be an independent special district; restoring words inadvertently omitted in the preparation of House Bill 1517, which was enacted as chapter 97-364, Laws of Florida; repealing obsolete provisions; deleting gender-specific references; providing a district charter; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Bennett—

**HB 921**—A bill to be entitled An act relating to the Cedar Hammock Fire Control District and the Southern Manatee Fire and Rescue

District, Manatee County; providing for merger of the two districts pursuant to s. 191.014, F.S.; creating the South Manatee Fire & Rescue District; providing legislative intent; providing for incorporation as a special fire control district; providing district boundaries; providing for election and duties of a governing board of said district; providing for non-ad valorem assessments and impact fees; providing a schedule of non-ad valorem assessments; providing for district powers, functions, and duties; authorizing employees of the South Manatee Fire & Rescue District to exercise certain choices with regard to retirement plans; providing for construction and effect; providing for repeal of chapters 2000-391 and 2000-402, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Bennett—

**HB 923**—A bill to be entitled An act relating to Bayshore Gardens Park and Recreation District, Manatee County; codifying, reenacting, amending, and repealing special acts relating to the district; providing legislative intent; providing district status and boundaries; providing for applicability of chapters 418 and 189, F.S., and other general laws; providing a district charter; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Betancourt—

**HB 925**—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Jessica Ann Calderon, personal representative of the Estate of Roberto Luis Calderon, Sean Ryan Calderon, minor child of Roberto Luis Calderon and Jessica Ann Calderon, and Lily Ann Calderon, minor child of Roberto Luis Calderon and Jessica Ann Calderon; providing for an appropriation to compensate them for the wrongful death of Roberto Luis Calderon as a result of the negligence of a Miami-Dade County employee; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Waters—

**HB 927**—A bill to be entitled An act relating to Pinellas Park Water Management District, Pinellas County; providing for codification of special laws relating to Pinellas Park Water Management District pursuant to s. 189.429, F.S.; providing legislative intent; amending, repealing, codifying, and reenacting special acts relating to the district; providing a title; providing definitions; providing for creation of the Pinellas Park Water Management District Authority and amendment of its charter; providing for a governing body for the authority; providing for reimbursement of expenses pursuant to s. 112.061, F.S.; providing duties and powers; providing for a budget; providing boundaries of the authority; providing for elections and referenda; providing for amendment of authority boundaries; providing tax exemptions; providing construction and effect; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Mayfield—

**HB 929**—A bill to be entitled An act relating to the Rupert J. Smith Law Library of Saint Lucie County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to the Rupert J. Smith Law Library of Saint Lucie County; providing legislative intent; codifying, amending, and reenacting chapter 57-1790, Laws of Florida, as amended; declaring the district to be an independent special district; providing a district charter; repealing chapters 57-1790, 71-895, 83-512, and 88-516, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Ritter—

**HB 931**—A bill to be entitled An act relating to the Coral Springs Improvement District, Broward County; providing for codification of special laws regarding special districts pursuant to s. 189.429, Florida Statutes, relating to the Coral Springs Improvement District; codifying, reenacting, amending, and repealing special acts relating to the Coral Springs Improvement District; providing legislative intent; deleting gender-specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Miller, Maygarden, Melvin, and Benson—

**HB 933**—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 99-474, Laws of Florida, as amended by chapter 2000-470, Laws of Florida; converting said act as amended to an ordinance of the City of Pensacola; revising definitions; revising provisions relating to designation of employee contributions; revising provisions relating to refund of contributions with less than 10 years of credited service; revising provisions relating to disability injury or illness in line of duty and for disability injury or illness not in the line of duty; revising provisions relating to other benefit provisions; providing for protection of benefits from legal process; revising provisions for investment of funds; providing for repeal of conflicting laws; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Miller, Maygarden, Melvin, and Benson—

**HB 935**—A bill to be entitled An act relating to the Civil Service System of the City of Pensacola, Escambia County, Florida; converting chapter 84-510, Laws of Florida, as amended by chapters 88-537, 86-447, and 90-473, Laws of Florida, into an ordinance of the City of Pensacola; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Miller, Maygarden, Melvin, and Benson—

**HB 937**—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 4 of chapter 15425, Laws of Florida, 1931, as amended; providing for clarification of the qualifications for a candidate for election to or appointment to fill a vacancy on the city council; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Miller, Maygarden, Melvin, and Benson—

**HB 939**—A bill to be entitled An act relating to Escambia County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the Pensacola-Escambia Governmental Center Authority, a special district in Escambia County; providing legislative intent; amending, repealing, codifying, and reenacting special acts related to the district; declaring the Authority to be a dependent special district; providing a district charter; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Jordan, Kravitz, and Davis—

**HB 941**—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended;

clarifying exemptions provided in the Charter of the City of Jacksonville to the civil service status of designated positions; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Argenziano—

**HB 4001**—A bill to be entitled An act relating to protection of water resources; repealing ss. 373.616 and 373.6161, F.S., relating to liberal construction and enforcement of state laws relating to the protection of water resources under ch. 373, F.S.; providing an effective date.

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

Referred to the Committee on Natural Resources & Environmental Protection; and Council for Ready Infrastructure.

By Representative Argenziano—

**HB 4003**—A bill to be entitled An act relating to illegal fishing devices; repealing s. 372.321, F.S., relating to liberal construction and enforcement of state laws prohibiting the illegal use of nets, traps, or fishing devices under ss. 372.31-372.319, F.S.; providing an effective date.

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

Referred to the Committee on Natural Resources & Environmental Protection; and Council for Ready Infrastructure.

By Representative Ball—

**HB 4005**—A bill to be entitled An act relating to motor fuel marketing practices; amending s. 526.303, F.S.; repealing the definitions of the terms “direct labor cost,” “nonrefiner,” “nonrefiner cost,” “reasonable rental value,” and “refiner cost” with respect to regulating motor fuel marketing practices; repealing s. 526.304, F.S., relating to unlawful predatory practices; repealing s. 526.309, F.S., relating to exempt sales; amending s. 526.305, F.S.; deleting an obsolete cross-reference; providing an effective date.

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

Referred to the Committees on Business Regulation; Agriculture & Consumer Affairs; and Council for Competitive Commerce.

By Representative Mahon—

**HB 4007**—A bill to be entitled An act relating to obsolete, expired, or repealed provisions of law; repealing various provisions of law that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; repealing s. 20.055(2)(b), F.S., relating to assessment of information on performance measures and standards provided by agencies to be submitted to the Governor by agency inspectors general; repealing s. 20.171(5)(c), F.S., relating to Department of Labor and Employment Security; deleting the Division of Blind Services from the Department of Labor and Employment Security to conform to the transfer of said division by chapter 99-240, Laws of Florida; repealing s. 34.021(3), F.S., relating to qualifications of county court judges; amending s. 39.824, F.S.; deleting obsolete provision relating to adoption of rules of criminal procedure; repealing s. 193.102(1), F.S., relating to obsolete provisions relating to lands subject to tax sale certificates and assessments; repealing s. 206.9825(2), F.S., relating to limitation on aviation fuel tax; amending s. 212.08, F.S.; repealing obsolete provisions relating to the sales, rental, use, consumption, distribution, and storage tax; amending s. 220.1501, F.S., relating to rulemaking authority to implement s. 220.15(2)(c), (4)(c), and (8), F.S.; deleting obsolete provision relating to report by Board of Regents; repealing s. 255.259(3), F.S.; deleting obsolete provision relating to xeriscape landscaping on public property; repealing s. 373.0361(3), F.S.; deleting obsolete provision relating to regional water supply planning; repealing s. 381.895(7), F.S., relating to standards for compressed air used for recreational diving; deleting

obsolete effective date for said section; amending s. 394.4985, F.S.; deleting obsolete provision relating to implementation plan for a districtwide comprehensive child and adolescent mental health information and referral network; repealing s. 409.2559, F.S., relating to state disbursement unit; repealing s. 414.70(5), F.S.; deleting obsolete provision relating to evaluations and recommendations relating to the drug-screening and drug-testing program; amending s. 420.504, F.S.; repealing obsolete provision relating to changes in membership categories; amending s. 440.4416, F.S.; repealing obsolete provision relating to a report to the Legislature by the Workers' Compensation Oversight Board; amending s. 456.072, F.S.; repealing obsolete provision relating to convictions, findings, adjudications, and pleas; repealing s. 468.609(6)(b), F.S.; deleting obsolete provision relating to building code administrators, plans examiners, and building code inspectors; repealing s. 570.381(1), F.S., relating to legislative findings relating to Appaloosa racing and breeding; repealing s. 624.4085(11), F.S., relating to risk-based capital reports; repealing s. 624.4392(2), F.S., relating to multiple-employer welfare arrangements; amending s. 626.2815, F.S.; repealing obsolete provision relating to establishment of criteria by the continuing education advisory board; amending s. 626.918, F.S.; repealing obsolete provisions relating to the required surplus as to policyholders for surplus lines insurers; repealing s. 627.4145 (6)(e), F.S., relating to obsolete exception to provisions relating to readable language in insurance policies; repealing s. 627.4147(3), F.S., relating to expired provision relating to medical malpractice insurance contracts; amending s. 627.6492, F.S.; repealing obsolete provision relating to operating losses by insurers; amending s. 629.401, F.S.; deleting obsolete provisions relating to capitalization by underwriting members and certain investments existing prior to July 2, 1987; repealing s. 631.911(1), F.S., relating to creation of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated, merger, and effect of merger; repealing s. 631.912(3), F.S., relating to board of directors of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated; deleting references to s. 631.911(1), F.S., to conform; repealing s. 631.929, F.S., relating to election of remedies; amending s. 636.016, F.S.; repealing obsolete provision relating to prepaid limited health service organizations licensed prior to October 1, 1993; amending s. 636.043, F.S.; repealing obsolete provisions relating to financial statements required by certain prepaid limited health service organizations; repealing s. 655.963, F.S., relating to access devices; repealing s. 713.5955, F.S., relating to acquisition of title to unclaimed molds; repealing s. 717.104, F.S., relating to traveler's checks and money orders; amending s. 717.105, F.S., and repealing s. 717.118(4), F.S., relating to notice and publication of lists of abandoned property; deleting cross references, to conform; amending s. 721.24, F.S.; repealing obsolete provisions relating to delay of installation of firesafety equipment for timeshare units of timeshare plans; amending s. 744.7021, F.S.; repealing obsolete provision relating to submission of report relating to the Statewide Public Guardianship Office; repealing s. 753.004, F.S., relating to supervised visitation projects; providing an effective date.

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

Referred to the Committee on Rules, Ethics & Elections.

By Representative Brutus—

**HB 4009**—A bill to be entitled An act relating to wrongful death; amending s. 768.21, F.S.; deleting a provision precluding recovery for pain and suffering for wrongful death with respect to medical malpractice by certain persons; providing an effective date.

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

Referred to the Committees on Judicial Oversight; Health Regulation; and Council for Healthy Communities.

#### First Reading of Council and Committee Substitutes by Publication

By the Committee on Crime Prevention, Corrections & Safety; Representatives Ball and Bean—

**CS/HB 3**—A bill to be entitled An act relating to offenses by public servants; creating the "Citizens' Right to Honest Government Act";

amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to prosecute violations of ch. 838, F.S.; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending ss. 838.015 and 838.016, F.S.; increasing penalties; creating ss. 838.022, 838.20, 838.21, 838.22, 838.23, and 838.24, F.S.; providing criminal penalties for official misconduct, criminal misuse of official position, disclosure or use of confidential criminal justice information, and bid tampering; providing status of confidential informants or confidential sources; authorizing public servants who are subjected to an investigation for official misconduct to recover attorney's fees; amending s. 837.02, F.S.; providing a criminal penalty for perjury in an official proceeding by a public servant; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code offense severity ranking chart; repealing s. 838.15, F.S., relating to commercial bribe receiving; repealing s. 838.16, F.S., relating to commercial bribery; repealing s. 839.25, F.S., relating to official misconduct; amending ss. 112.3173, 112.534, 117.01, and 121.091, F.S.; deleting and conforming cross references to changes made by the act; providing an effective date.

By the Committee on Crime Prevention, Corrections & Safety; Representatives Heyman and Fields—

**CS/HB 11**—A bill to be entitled An act relating to State Uniform Traffic Control; amending s. 316.655, F.S.; providing for enhanced penalties for certain violations of chapter 316, F.S.; creating s. 318.211, F.S.; providing for the disposition of such enhanced penalties; providing an effective date.

By the Committee on Local Government & Veterans Affairs; Representatives Greenstein and Fields—

**CS/HB 19**—A bill to be entitled An act relating to the Fair Housing Act; amending s. 760.29, F.S.; providing that a facility or community claiming an exemption from said act with respect to familial status for housing for older persons shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements; providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

By the Fiscal Responsibility Council; Representatives Fasano, Ritter, and Fiorentino—

**CS/HB 55**—A bill to be entitled An act relating to public medical assistance; amending s. 395.701, F.S.; reducing the annual assessment on hospital outpatient services to fund public medical assistance; limiting the financial information that may be required to determine the amount of the assessment; amending s. 395.7015, F.S.; reducing the annual assessment on certain other health care entities to fund public medical assistance; amending s. 395.7016, F.S.; providing for annual appropriations to replace funds lost due to such reductions; providing an effective date.

By the Committee on Crime Prevention, Corrections & Safety; Representatives Slosberg, Prieguez, Cantens, Gottlieb, Gannon, Romeo, Weissman, Garcia, Meadows, Greenstein, and Rich—

**CS/HB 67**—A bill to be entitled An act relating to the Florida Safety Belt Law; creating the "Dori Slosberg Act of 2001"; amending s. 316.614, F.S.; deleting obsolete language; providing for all persons in a motor vehicle to wear a safety belt; revising the Florida Safety Belt Law to eliminate the requirement that the law be enforced as a secondary action when a driver of a motor vehicle has been detained for another violation; providing restrictions on authority to search based on a safety belt violation; providing an effective date.

By the Committee on Local Government & Veterans Affairs; Representative Sorensen—

**CS/HB 77**—A bill to be entitled An act relating to the Key Largo Hammocks State Botanical Site; changing the name of the site; providing an effective date.

By the Committee on Transportation; Representatives Greenstein, Bucher, Gannon, McGriff, Crow, and Slosberg—

**CS/HB 79**—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 320.03, F.S.; imposing a fee for the registration of certain trucks, trailers, and motorcycles and for tag transfers and temporary tags to be deposited into the Transportation Disadvantaged Trust Fund; providing an effective date.

By the Committee on Banking; Representatives Prieguez, Cantens, and Gottlieb—

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

By the Council for Healthy Communities; Representatives Lynn, Crow, Harrington, Ross, and Gannon—

**CS/HB 141**—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining "adoption entity," "legal custody," "parent," and "relative"; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective

adoptive parents; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent's right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; providing an effective date.

By the Committee on Crime Prevention, Corrections & Safety; Representatives Machek and Slosberg—

**CS/HB 175**—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving

resulting in damage to property or person or serious bodily injury; providing a definition; amending s. 782.071, F.S., relating to vehicular homicide; providing penalties; amending ss. 921.0022 and 960.03, F.S.; conforming cross references; providing an effective date.

By the Committee on State Administration; Representatives Cusack, Bendross-Mindingall, Joyner, Frankel, Murman, Byrd, and Gottlieb—

**CS/HB 215**—A bill to be entitled An act relating to parental rights; amending s. 61.13, F.S.; providing that specified rights apply to both parents; providing an effective date.

By the Council for Healthy Communities; Representative Brummer—

**CS/HB 245**—A bill to be entitled An act relating to the Parole Commission; creating the “Parole Commission Reform Act of 2001”; amending s. 20.055, F.S.; deleting the requirement that the Parole Commission have an inspector general; amending s. 944.605, F.S.; requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to notify certain entities prior to inmate release; amending s. 947.04, F.S.; permitting Parole Commission staff to establish and maintain field offices within existing department facilities; amending s. 947.1405, F.S.; providing for deferral of conditional release supervision to probation or community control; providing for automatic revocation of conditional release supervision and forfeiture of gain-time under certain circumstances; providing for reversion to conditional release supervision under certain conditions; requiring the Department of Corrections to review an inmate’s program participation and other records prior to conditional release, to conduct a personal interview with the inmate, to forward the inmate’s release plan to the Parole Commission, and to make recommendations to the commission; authorizing the commission to impose requirements relating to curfews; correcting references; clarifying the requirement that the commission impose restrictions relating to contact with children; authorizing the commission to require electronic monitoring for certain releasees; authorizing the Parole Commission to adopt rules necessary to implement the Conditional Release Program Act; amending s. 947.24, F.S.; requiring the department to provide to the commission information for parole or release reviews; repealing s. 947.175, F.S., relating to notice to local agencies by the Parole Commission; repealing s. 947.177, F.S., relating to inmate release, notice by Department of Corrections, Control Release Authority, or Parole Commission; providing for a reduction in the number of existing full-time positions within the commission; providing an effective date.

By the Committee on Education Appropriations; Representatives Murman, Lacasa, Byrd, Mack, Melvin, Diaz-Balart, Cantens, Bense, Argenziano, and Lynn—

**CS/HB 269**—A bill to be entitled An act relating to school district best financial management practices reviews; creating the “Sharpening the Pencil Act”; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report issued by OPPAGA to be provided to additional entities; requiring public meetings; revising provisions relating to eligibility for the “Seal of Best Financial Management”; establishing requirements relating to status reports; requiring OPPAGA to review a district’s status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature

upon failure to implement an adopted action plan; clarifying provisions relating to the award of the “Seal of Best Financial Management”; requiring school districts that are reviewed to maintain certain records; requiring school districts to direct cost savings to the classroom; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

By the Council for Lifelong Learning; Committee on Education Appropriations; Representatives Murman, Lacasa, Byrd, Mack, Melvin, Diaz-Balart, Cantens, Bense, Argenziano, Lynn, Atwater, Alexander, Harrington, Farkas, Brummer, Fiorentino, Diaz de la Portilla, Kilmer, Andrews, Henriquez, and Lerner—

**CS/CS/HB 269**—A bill to be entitled An act relating to school district best financial management practices reviews; creating the “Sharpening the Pencil Act”; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report issued by OPPAGA to be provided to additional entities; requiring public meetings; revising provisions relating to eligibility for the “Seal of Best Financial Management”; establishing requirements relating to status reports; requiring OPPAGA to review a district’s status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; providing for citizen appeals to the department; providing rulemaking authority; providing legislative intent; clarifying provisions relating to the award of the “Seal of Best Financial Management”; requiring school districts that are reviewed to maintain certain records; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

By the Council for Lifelong Learning; Representatives Negron, Melvin, Diaz de la Portilla, Alexander, Harrington, Farkas, and Brummer—

**CS/HB 271**—A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; providing definitions; providing a credit against said tax for contributions to a nonprofit scholarship funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain children and providing requirements and limitations with respect thereto; providing for annual funding through the General

Appropriations Act; providing for allocation; providing duties of the Department of Revenue and Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; providing an effective date.

By the Committee on Rules, Ethics & Elections; Representatives Ross and Goodlette—

**CS/HB 273**—A bill to be entitled An act relating to reporting requirements under the Florida Election Code; amending s. 106.011, F.S.; modifying the definitions of “political committee” and “communications media”; amending s. 106.03, F.S.; requiring additional information for registration of political committees; amending s. 106.04, F.S.; requiring additional information for certification of committees of continuous existence; revising reporting periods and requirements; requiring electronic filing under certain circumstances; requiring membership dues of committees of continuous existence to be reported in the same manner as regular contributions; removing requirement to provide a membership list for inspection purposes; removing requirement for filing duplicate copies of reports; providing penalties; amending s. 106.07, F.S., relating to campaign treasurer's reports; revising reporting periods and requirements; removing requirement for duplicate reports; providing penalties; creating s. 106.0705, F.S.; requiring campaign treasurer's reports that are to be filed with the Division of Elections to be filed electronically when aggregate contributions or expenditures exceed a specified amount; providing filing requirements; providing penalties; providing rulemaking authority; amending s. 106.071, F.S.; revising provisions relating to the reporting of certain independent expenditures; providing penalties; creating s. 106.073, F.S.; requiring certain organizations that sponsor campaign-related advertisements to register under certain circumstances; providing a definition; requiring certain reports; providing requirements for such advertisements, including a disclaimer; providing penalties; providing rulemaking authority; amending s. 106.12, F.S.; revising the petty cash fund limit to conform to the revised reporting periods; amending s. 106.29, F.S., relating to reports by political parties; requiring electronic filing under certain circumstances; removing requirement for duplicate reports; providing penalties; amending ss. 105.08, 106.025, 106.08, 106.141, and 106.18, F.S., relating to reporting requirements applicable to candidates for retention to judicial office, campaign fund raisers held on behalf of a political party by its state or county executive committee, nonallocable, in-kind contributions by candidates and political parties, disposition of surplus funds by candidates, and the granting of certificates of election, to conform; providing severability; providing effective dates.

By the Procedural & Redistricting Council; Committee on Rules, Ethics & Elections; Representatives Ross, Goodlette, and Mayfield—

**CS/CS/HB 273**—A bill to be entitled An act relating to reporting requirements under the Florida Election Code; amending s. 106.011, F.S.; modifying the definitions of “political committee” and “communications media”; amending s. 106.03, F.S.; requiring additional information for registration of political committees; amending s. 106.04, F.S.; requiring additional information for certification of committees of continuous existence; revising reporting periods and requirements; requiring electronic filing under certain circumstances; requiring membership dues of committees of continuous existence to be reported in the same manner as regular contributions; removing requirement to provide a membership list for inspection purposes; removing requirement for filing duplicate copies of reports; providing penalties; amending s. 106.07, F.S., relating to campaign treasurer's reports; revising reporting periods and requirements; removing requirement for duplicate reports; providing penalties; creating s. 106.0705, F.S.; requiring campaign treasurer's reports that are to be filed with the Division of Elections to be filed electronically when aggregate contributions or expenditures exceed a specified amount; providing filing requirements; providing penalties; providing rulemaking authority; amending s. 106.071, F.S.; revising provisions relating to the reporting of certain independent expenditures; providing penalties;

creating s. 106.073, F.S.; requiring certain organizations that sponsor campaign-related advertisements to register under certain circumstances; providing definitions; requiring certain reports; providing requirements for such advertisements, including a disclaimer; providing penalties; providing rulemaking authority; amending s. 106.12, F.S.; revising the petty cash fund limit to conform to the revised reporting periods; amending s. 106.29, F.S., relating to reports by political parties; requiring electronic filing under certain circumstances; removing requirement for duplicate reports; providing penalties; amending ss. 105.08, 106.025, 106.08, and 106.18, F.S., relating to reporting requirements applicable to candidates for retention to judicial office, campaign fund raisers held on behalf of a political party by its state or county executive committee, nonallocable, in-kind contributions by candidates and political parties, and the granting of certificates of election, to conform; providing severability; providing effective dates.

By the Committee on Rules, Ethics & Elections; Representatives Ross and Goodlette—

**CS/HB 275**—A bill to be entitled An act relating to public records exemption for certain identification and computer security algorithms in connection with campaign treasurer's reports; creating s. 106.0706, F.S.; providing exemptions from public records requirements for personal identification numbers of and computer security algorithms required to maintain the security of information submitted or received through an electronic filing system for campaign treasurer's reports; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

By the Council for Lifelong Learning; Representatives Atwater, Lynn, Melvin, Negron, Wallace, Betancourt, Garcia, Jordan, Diaz de la Portilla, Gardiner, Mahon, Pickens, Haridopolos, Paul, Mack, Davis, Bennett, Kravitz, Attkisson, Bowen, Alexander, Harrington, Farkas, Brummer, and Fiorentino—

**CS/HB 277**—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; reducing temporary cash assistance based on failure to meet certain education participation requirements; requiring conferences between Learnfare participants and school officials; requiring the development of an electronic data transfer system; amending s. 228.041, F.S., relating to definitions; correcting a cross reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

By the Committee on Education Appropriations; Representatives Lynn, Atwater, Murman, Wilson, Mayfield, Rich, Justice, Fiorentino, Arza, Gottlieb, and Frankel—

**CS/HB 279**—A bill to be entitled An act relating to teacher and certain school administrator death benefits; creating the “Barry Grunow Act”; creating s. 112.1915, F.S.; providing definitions; providing death benefits with respect to certain teachers and school administrators; providing for payment of certain health insurance premiums; providing for the waiver of certain educational expenses for children of certain deceased teachers and school administrators; providing for rules; amending s. 732.402, F.S.; providing that the teacher and school administrator death benefits are exempt property under the Florida Probate Code; providing for reimbursement of benefits previously paid; providing for funding; providing for retroactive application; providing an effective date.

By the Committee on Education Innovation; Representatives Lacasa, Diaz de la Portilla, Melvin, Diaz-Balart, Murman, Mealor, Baxley, Rubio, Andrews, Brown, and Byrd—

**CS/HB 303**—A bill to be entitled An act relating to relief from overcrowded schools; creating s. 235.063, F.S.; establishing the S.C.R.I.P.T. grants program for school overcrowding relief; providing a short title; providing findings, intent, and purposes; providing a definition; providing school district, parent, and Department of Education obligations; providing private school eligibility requirements; providing for the initial award, renewal, and disbursement of S.C.R.I.P.T. grants; limiting the liability of the state relating to the award or use of a S.C.R.I.P.T. grant; providing an effective date.

By the Committee on Rules, Ethics & Elections; Representative Mahon—

**CS/HB 4007**—A bill to be entitled An act relating to obsolete, expired, or repealed provisions of law; repealing various provisions of law that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; repealing s. 20.171(5)(c), F.S., relating to Department of Labor and Employment Security; deleting the Division of Blind Services from the Department of Labor and Employment Security to conform to the transfer of said division by chapter 99-240, Laws of Florida; repealing s. 34.021(3), F.S., relating to qualifications of county court judges; amending s. 39.824, F.S.; deleting obsolete provision relating to adoption of rules of criminal procedure; repealing s. 193.102(1), F.S., relating to obsolete provisions relating to lands subject to tax sale certificates and assessments; repealing s. 206.9825(2), F.S., relating to limitation on aviation fuel tax; amending s. 212.08, F.S.; repealing obsolete provisions relating to the sales, rental, use, consumption, distribution, and storage tax; amending s. 220.1501, F.S., relating to rulemaking authority to implement s. 220.15(2)(c), (4)(c), and (8), F.S.; deleting obsolete provision relating to report by Board of Regents; repealing s. 255.259(3), F.S.; deleting obsolete provision relating to xeriscape landscaping on public property; repealing s. 373.0361(3), F.S.; deleting obsolete provision relating to regional water supply planning; repealing s. 381.895(7), F.S., relating to standards for compressed air used for recreational diving; deleting obsolete effective date for said section; amending s. 394.4985, F.S.; deleting obsolete provision relating to implementation plan for a districtwide comprehensive child and adolescent mental health information and referral network; repealing s. 409.2559, F.S., relating to state disbursement unit; repealing s. 414.70(5), F.S.; deleting obsolete provision relating to evaluations and recommendations relating to the drug-screening and drug-testing program; amending s. 420.504, F.S.; repealing obsolete provision relating to changes in membership categories; amending s. 440.4416, F.S.; repealing obsolete provision relating to a report to the Legislature by the Workers' Compensation Oversight Board; repealing s. 468.609(6)(b), F.S.; deleting obsolete provision relating to building code administrators, plans examiners, and building code inspectors; repealing s. 570.381(1), F.S., relating to legislative findings relating to Apalooosa racing and breeding; repealing s. 624.4085(11), F.S., relating to risk-based capital reports; repealing s. 624.4392(2), F.S., relating to multiple-employer welfare arrangements; amending s. 626.2815, F.S.; repealing obsolete provision relating to establishment of criteria by the continuing education advisory board; amending s. 626.918, F.S.; repealing obsolete provisions relating to the required surplus as to policyholders for surplus lines insurers; repealing s. 627.4145 (6)(e), F.S., relating to obsolete exception to provisions relating to readable language in insurance policies; repealing s. 627.4147(3), F.S., relating to expired provision relating to medical malpractice insurance contracts; amending s. 627.6492, F.S.; repealing obsolete provision relating to operating losses by insurers; amending s. 629.401, F.S.; deleting obsolete provisions relating to capitalization by underwriting members and certain investments existing prior to July 2, 1987; repealing s. 631.911(1), F.S., relating to creation of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated, merger, and effect of merger; repealing s. 631.912(3), F.S., relating to board of directors of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated; deleting references to s. 631.911(1), F.S., to conform; repealing s. 631.929, F.S., relating to election of remedies; amending s. 636.016, F.S.; repealing obsolete provision relating to prepaid limited health service organizations licensed prior to October 1, 1993; amending s. 636.043, F.S.; repealing obsolete provisions relating to financial statements required by certain prepaid limited health service organizations; repealing s. 713.5955, F.S., relating to acquisition of title to unclaimed molds; amending s. 721.24, F.S.; repealing obsolete provisions relating to delay of installation of firesafety equipment for timeshare units of timeshare plans; amending s. 744.7021, F.S.; repealing obsolete provision relating to submission of report relating to the Statewide Public Guardianship Office; repealing s. 753.004, F.S., relating to supervised visitation projects; providing an effective date.

## Reports of Councils and Standing Committees

### Council Reports

#### Received February 21:

The Fiscal Responsibility Council recommends the following pass:  
HB 21

**The above bill was placed on the Calendar.**

#### Received February 22:

The Council for Lifelong Learning recommends the following pass:  
CS/HB 279

**The above bill was placed on the Calendar.**

The Council for Smarter Government recommends the following pass:

CS/HB 77

CS/HB 215

HB 383

HB 385

HB 387

HB 389

HB 391

HB 393

HB 395

HB 397

HB 399

HB 401

HB 403

HB 405

HB 407

**The above bills were placed on the Calendar.**

The Council for Lifelong Learning recommends council substitutes for the following:

CS/HB 269

HB 271

HB 277

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 269; HBs 271 and 277 were laid on the table.**

#### Received February 28:

The Fiscal Responsibility Council recommends a council substitute for the following:

HB 55

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 55 was laid on the table.**

#### Received March 5:

The Procedural & Redistricting Council recommends the following pass:

CS/HB 275

**The above bill was placed on the Calendar.**

The Council for Healthy Communities recommends council substitutes for the following:

HB 141

HB 245

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 141 and 245 were laid on the table.**

The Procedural & Redistricting Council recommends a council substitute for the following:



CS/HB 273

The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 273 was laid on the table.

**Committee Reports**

**Received January 26:**

The Committee on Agriculture & Consumer Affairs recommends the following pass:  
HB 45

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

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:  
HB 131, with 4 amendments (fiscal note attached)

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

The Committee on State Administration recommends the following pass:  
HB 47  
HB 73, with 3 amendments

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

The Committee on State Administration recommends the following pass:  
HB 3, with 3 amendments

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

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:  
HB 29 (fiscal note attached)

**The above bill was referred to the Committee on Transportation.**

**Received February 6:**

The Committee on Rules, Ethics & Elections recommends a committee substitute for the following:  
HB 275

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 275 was laid on the table.**

**Received February 7:**

The Committee on General Education recommends the following pass:  
HB 269, with 6 amendments  
HB 279, with 1 amendment

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

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:  
HB 245, with 1 amendment (fiscal note attached)

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

The Committee on Education Innovation recommends the following pass:  
HB 271, with 3 amendments (fiscal note attached)  
HB 277, with 4 amendments (fiscal note attached)

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

The Committee on Health Regulation recommends the following pass:  
HB 69, with 1 amendment

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

The Committee on Judicial Oversight recommends the following pass:  
HB 109  
HB 137, with 7 amendments

**The above bills were referred to the Committee on Banking.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
HB 115

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

The Committee on Local Government & Veterans Affairs recommends the following pass:  
HB 7

**The above bill was referred to the Committee on Education Innovation.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
HB 113

**The above bill was referred to the Committee on General Education.**

The Committee on Child & Family Security recommends the following pass:  
HB 85, with 1 amendment  
HB 141, with 12 amendments

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

**Received February 8:**

The Committee on Judicial Oversight recommends the following pass:  
HB 141

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

The Committee on State Administration recommends the following pass:  
HB 61

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

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:  
HB 25 (fiscal note attached)  
HB 147, with 1 amendment (fiscal note attached)

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

**Received February 9:**

The Committee on Fiscal Policy & Resources recommends the following pass:  
HB 21

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
HB 245

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

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

HB 277

**The above bill was referred to the Council for Lifelong Learning.**

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

HB 271

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

The Committee on General Education recommends the following pass:  
HB 1

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

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

HB 55, with 3 amendments

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

The Committee on Child & Family Security recommends the following pass:

HB 95, with 2 amendments

**The above bill was referred to the Committee on State Administration.**

**Received February 13:**

The Committee on State Administration recommends the following pass:

CS/HB 275

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

The Committee on Rules, Ethics & Elections recommends a committee substitute for the following:

HB 273

**The above committee substitute was referred to the Procedural & Redistricting Council, subject to review under Rule 6.3, and, under the rule, HB 273 was laid on the table.**

The Committee on Local Government & Veterans Affairs recommends a committee substitute for the following:

HB 77

**The above committee substitute was referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HB 77 was laid on the table.**

The Committee on State Administration recommends a committee substitute for the following:

HB 215

**The above committee substitute was referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HB 215 was laid on the table.**

The Committee on Banking recommends a committee substitute for the following:

HB 107

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 107 was laid on the table.**

The Committee on Crime Prevention, Corrections & Safety recommends a committee substitute for the following:

HB 11 (fiscal note attached)

**The above committee substitute was referred to the Committee on Transportation, subject to review under Rule 6.3, and, under the rule, HB 11 was laid on the table.**

**Received February 16:**

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

HB 55

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on Education Appropriations recommends the following pass:

HB 271, with 2 amendments

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Education Appropriations recommends a committee substitute for the following:

HB 279

**The above committee substitute was referred to the Council for Lifelong Learning, subject to review under Rule 6.3, and, under the rule, HB 279 was laid on the table.**

The Committee on Local Government & Veterans Affairs recommends a committee substitute for the following:

HB 19

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 19 was laid on the table.**

**Received February 20:**

The Committee on Education Appropriations recommends a committee substitute for the following:

HB 269

**The above committee substitute was referred to the Council for Lifelong Learning, subject to review under Rule 6.3, and, under the rule, HB 269 was laid on the table.**

**Received February 21:**

The Committee on Education Innovation recommends the following pass:

HB 7 (fiscal note attached)

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

**Received February 22:**

The Committee on Transportation recommends the following pass:  
HB 29

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

The Committee on General Education recommends the following pass:  
HB 113, with 1 amendment

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

The Committee on Judicial Oversight recommends the following pass:  
HB 5

HB 211, with 1 amendment

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

The Committee on Agriculture & Consumer Affairs recommends the following pass:

HB 101, with 1 amendment  
 HB 103, with 1 amendment

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

The Committee on Judicial Oversight recommends the following pass:  
 HB 201, with 1 amendment  
 HB 223, with 1 amendment

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

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 HJR 209

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

The Committee on Transportation recommends the following pass:  
 CS/HB 11, with 1 amendment

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

The Committee on Utilities & Telecommunications recommends the following pass:  
 HB 41

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

The Committee on Agriculture & Consumer Affairs recommends the following pass:  
 HB 157

**The above bill was referred to the Committee on Transportation.**

The Committee on Crime Prevention, Corrections & Safety recommends a committee substitute for the following:  
 HB 175 (fiscal note attached)

**The above committee substitute was referred to the Committee on Transportation, subject to review under Rule 6.3, and, under the rule, HB 175 was laid on the table.**

**Received February 23:**

The Committee on Natural Resources & Environmental Protection recommends the following pass:  
 HB 143, with 1 amendment

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

The Committee on Tourism recommends the following pass:  
 HB 163

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

**Received February 27:**

The Committee on Economic Development & International Trade recommends the following pass:

HB 83, with 2 amendments  
 HB 145  
 HB 205, with 1 amendment

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

The Committee on Transportation recommends a committee substitute for the following:  
 HB 79

**The above committee substitute was referred to the Committee on Local Government & Veterans Affairs, subject to review under Rule 6.3, and, under the rule, HB 79 was laid on the table.**

**Received February 28:**

The Committee on Education Innovation recommends a committee substitute for the following:  
 HB 303 (fiscal note attached)

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 303 was laid on the table.**

The Committee on Crime Prevention, Corrections & Safety recommends a committee substitute for the following:  
 HB 67 (fiscal note attached)

**The above committee substitute was referred to the Committee on Insurance, subject to review under Rule 6.3, and, under the rule, HB 67 was laid on the table.**

**Received March 5:**

The Committee on Rules, Ethics & Elections recommends a committee substitute for the following:  
 HB 4007

**The above committee substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 4007 was laid on the table.**

The Committee on General Education recommends the following pass:  
 HB 409, with 1 amendment

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

**Received March 6:**

The Committee on Crime Prevention, Corrections & Safety recommends a committee substitute for the following:  
 HB 3 (fiscal note attached)

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 3 was laid on the table.**

**Pages and Messengers  
for the week of  
March 5-9**

PAGES—Akeem Brutus, Miami Shores; Elisa Epstein, Weston; Spencer Galloway, Tallahassee; Britney J. Grice, Wewahitchka; Mary Anne Hybart, Tallahassee; Lauren Klein, Boca Raton; Benji Adam Mendelsohn, Hollywood; Claudia Pollock, Lakeland; Shelbi Reffitt, Crawfordville; P. Justin Rossi, New Port Richey; Cara L. Weldon, Longwood.

MESSENGERS—Nathan D. Cooner, North Fort Myers; Kathryne Copeland, Celebration; Sarah Cripe, Vandalia, Illinois; Nicholas R. Crush, Pensacola; Dru W. Gainey, Bartow; Francis Lagor, Tampa; Brittany Lane, Miami; Reanna Levinson, Boca Raton; Rodney Lewis II, Quincy; Jennifer Leigh Martino, Lakeland; Natalie E. Pararo, Tallahassee; Jennifer Johanna Ryan, Dania Beach; William N. Spicola, Tampa; Rodney C. Watson, Trenton; Mamie Wise, Zephyrhills.

## The Committees

(as of March 6, 2001)

[Republicans in roman      *Democrats in italic*]

### Council for Competitive Commerce (Group B)

JD Alexander (Chair), *James "Hank" Harper, Jr.* (Vice Chair), Bob Allen, Jeffrey H. "Jeff" Atwater, Anna Holliday "Holly" Benson, Mark G. Flanagan, *Will S. Kendrick, Frank Peterman, Jr.*, Manuel Prieguez, *Stacy J. Ritter*, Joseph R. "Joe" Spratt, Allen Trovillion, Leslie Waters

Committees

**Agriculture & Consumer Affairs:** Joseph R. "Joe" Spratt (Chair), *Will S. Kendrick* (Vice Chair), Randy John Ball, Marsha L. "Marty" Bowen, Hugh H. Gibson III, Jeffrey D. "Jeff" Kottkamp, *Cindy Lerner, Dwight Stansel*

**Banking:** Mark G. Flanagan (Chair), *Phillip J. Brutus* (Vice Chair), Aaron P. Bean, Gaston I. Cantens, Nancy C. Detert, *Kenneth Allan "Ken" Gottlieb, Nan H. Rich, Sara Romeo, Marco Rubio*

**Economic Development & International Trade:** Manuel Prieguez (Chair), Jeffrey H. "Jeff" Atwater (Vice Chair), Anna Holliday "Holly" Benson, *Annie Betancourt, John Carassas, James "Hank" Harper, Jr., Bev Kilmer, Mark Mahon, Matthew J. "Matt" Meadows, Joe H. Pickens, Frederica S. "Freddi" Wilson*

**Insurance:** Leslie Waters (Chair), David Simmons (Vice Chair), Kim Berfield, Donald D. "Don" Brown, Donna Clarke, *Terry L. Fields, Jim Kallinger, E. Denise Lee, Perry C. McGriff, Jr., Jerry G. Melvin, Joe Negron, Dennis A. Ross, Eleanor Sobel, Doug Wiles*

**Tourism:** Allen Trovillion (Chair), *Sally A. Heyman* (Vice Chair), Bob Allen, *Edward B. "Ed" Bullard, Don Davis, Charlie Justice*

### Council for Healthy Communities (Group C)

Nancy Argenziano (Chair), *Curtis B. Richardson* (Vice Chair), Allan G. Bense, Gus Michael Bilirakis, Nancy C. Detert, Frank Farkas, Mike Fasano, *Dan Gelber, Carole Green, Sally A. Heyman, Cindy Lerner, Kenneth W. "Ken" Littlefield, Evelyn J. Lynn, Sandra L. "Sandy" Murman, Eleanor Sobel*

Committees

**Child & Family Security:** Nancy C. Detert (Chair), *Cindy Lerner* (Vice Chair), Dennis K. Baxley, Rene Garcia, Stan Jordan, *Charlie Justice, E. Denise Lee, Evelyn J. Lynn, Mark Mahon, Sandra L. "Sandy" Murman, Nan H. Rich*

**Crime Prevention, Corrections & Safety:** Gus Michael Bilirakis (Chair), Aaron P. Bean (Vice Chair), *Sally A. Heyman, Bev Kilmer, Dick Kravitz, Mitch Needelman, Joseph R. "Joe" Spratt, Dwight Stansel, Frederica S. "Freddi" Wilson*

**Elder & Long-Term Care:** Carole Green (Chair), *Mark Weissman* (Vice Chair), Jeffrey H. "Jeff" Atwater, *Phillip J. Brutus, Hugh H. Gibson III, Suzanne M. Kosmas, Richard A. Machek, Joe Negron, Jerry Paul, David D. Russell, Jr., David Simmons, Leslie Waters*

**Health Promotion:** Kenneth W. "Ken" Littlefield (Chair), Mike Hogan (Vice Chair), Bob Allen, Frank Attkisson, Anna Holliday "Holly" Benson, *Susan Bucher, Joyce Cusack, Renier Diaz de la Portilla, Arthenia L. Joyner, Stan Mayfield, Manuel Prieguez, Sara Romeo, Irving L. "Irv" Slosberg*

**Health Regulation:** Frank Farkas (Chair), *Eleanor Sobel* (Vice Chair), JD Alexander, Heather Fiorentino, Mike Haridopolos, Gayle B. Harrell, Randy Johnson, *Stacy J. Ritter, Marco Rubio, Gary Siplin, Roger B. Wishner*

### Council for Lifelong Learning (Group A)

Jerry G. Melvin (Chair), *Frederica S. "Freddi" Wilson* (Vice Chair), JD Alexander, William F. "Bill" Andrews, Frank Attkisson, *Dorothy Bendross-Mindingall, Frederick C. "Fred" Brummer, Renier Diaz de la*

*Portilla, Frank Farkas, Heather Fiorentino, Kenneth Allan "Ken" Gottlieb, Lindsay M. Harrington, Bob "Coach" Henriquez, Bev Kilmer, Doug Wiles*

Committees

**Colleges & Universities:** Bev Kilmer (Chair), Dennis K. Baxley (Vice Chair), *Annie Betancourt, Phillip J. Brutus, Lindsay M. Harrington, Sally A. Heyman, Jim Kallinger, Perry C. McGriff, Jr., David J. Mealor, Mitch Needelman, Allen Trovillion, Leslie Waters*

**Education Innovation:** Renier Diaz de la Portilla (Chair), Frank Attkisson (Vice Chair), Rafael "Ralph" Arza, Randy John Ball, Marsha L. "Marty" Bowen, *Edward B. "Ed" Bullard, Rene Garcia, Andy Gardiner, James "Hank" Harper, Jr., Edward L. "Ed" Jennings, Jr., Stan Jordan, Cindy Lerner, Connie Mack, Joe Negron, Mark Weissman*

**General Education:** Heather Fiorentino (Chair), Dick Kravitz (Vice Chair), Aaron P. Bean, Gus Michael Bilirakis, *Joyce Cusack, Nancy C. Detert, Frank Farkas, Charlie Justice, Matthew J. "Matt" Meadows, Joe H. Pickens, Nan H. Rich, Curtis B. Richardson*

**Workforce & Technical Skills:** William F. "Bill" Andrews (Chair), *Dorothy Bendross-Mindingall* (Vice Chair), Bob Allen, Carey Baker, Gustavo A. Barreiro, Michael S. "Mike" Bennett, *Terry L. Fields, Ron L. Greenstein, Sandra L. "Sandy" Murman, Rob Wallace*

### Council for Ready Infrastructure (Group B)

Allan G. Bense (Chair), *Christopher L. "Chris" Smith* (Vice Chair), Aaron P. Bean, *Phillip J. Brutus, Paula Bono Dockery, J. Dudley Goodlette, Lindsay M. Harrington, Chris Hart IV, Bob "Coach" Henriquez, Sally A. Heyman, Wilbert "Tee" Holloway, Jim Kallinger, Suzanne M. Kosmas, Kenneth W. "Ken" Littlefield, Evelyn J. Lynn, Mark Mahon, Jerry Louis Maygarden, Jefferson B. "Jeff" Miller, David D. Russell, Jr., Dwight Stansel*

Committees

**Information Technology:** Chris Hart IV (Chair), Connie Mack (Vice Chair), *Loranne Ausley, Heather Fiorentino, Anne M. "Annie" Gannon, Dan Gelber, Carole Green, Gayle B. Harrell, Edward L. "Ed" Jennings, Jr., David J. Mealor, Rob Wallace*

**Natural Resources & Environmental Protection:** Lindsay M. Harrington (Chair), *Richard A. Machek* (Vice Chair), Nancy Argenziano, Rafael "Ralph" Arza, Dennis K. Baxley, *Dorothy Bendross-Mindingall, Frederick C. "Fred" Brummer, Ron L. Greenstein, Dick Kravitz, Mitch Needelman, Frank Peterman, Jr., John P. "Jack" Seiler, Ken Sorensen*

**Transportation:** David D. Russell, Jr. (Chair), Andy Gardiner (Vice Chair), William F. "Bill" Andrews, Carey Baker, Michael S. "Mike" Bennett, *Susan Bucher, Joyce Cusack, Paula Bono Dockery, Wilbert "Tee" Holloway, Stan Jordan, Bruce Kyle, Stan Mayfield, Irving L. "Irv" Slosberg, Roger B. Wishner*

**Utilities & Telecommunications:** Jefferson B. "Jeff" Miller (Chair), *Stacy J. Ritter* (Vice Chair), Frank Attkisson, Gustavo A. Barreiro, Renier Diaz de la Portilla, Rene Garcia, J. Dudley Goodlette, Mike Haridopolos, Mike Hogan, Randy Johnson, *Arthenia L. Joyner, Suzanne M. Kosmas, Kenneth W. "Ken" Littlefield, Jerry Paul, Timothy M. "Tim" Ryan, Gary Siplin, Christopher L. "Chris" Smith*

### Council for Smarter Government (Group C)

Gaston I. Cantens (Chair), *Kenneth Allan "Ken" Gottlieb* (Vice Chair), Gustavo A. Barreiro, Frederick C. "Fred" Brummer, Larry Crow, Mario Diaz-Balart, *James "Hank" Harper, Jr., Bruce Kyle, Richard A. Machek, Jerry G. Melvin, Stacy J. Ritter, Ken Sorensen*

## Committees

**Business Regulation:** Bruce Kyle (Chair), Jim Kallinger (Vice Chair), Rafael "Ralph" Arza, Kim Berfield, Donna Clarke, *Terry L. Fields*, *Anne M. "Annie" Gannon*, *Ron L. Greenstein*, *James "Hank" Harper, Jr.*, Chris Hart IV, *Edward L. "Ed" Jennings, Jr.*, Connie Mack

**Judicial Oversight:** Larry Crow (Chair), Jeffrey D. "Jeff" Kottkamp (Vice Chair), Nancy Argenziano, *Loranne Ausley*, Allan G. Bense, J. Dudley Goodlette, Jerry G. Melvin, Joe H. Pickens, Dennis A. Ross, *Timothy M. "Tim" Ryan*, *John P. "Jack" Seiler*

**Juvenile Justice:** Gustavo A. Barreiro (Chair), Carey Baker (Vice Chair), Randy John Ball, Marsha L. "Marty" Bowen, *Edward B. "Ed" Bullard*, Mark G. Flanagan, *Dan Gelber*, *Frank Peterman, Jr.*

**Local Government & Veterans Affairs:** Ken Sorensen (Chair), John Carassas (Vice Chair), Michael S. "Mike" Bennett, *Annie Betancourt*, Don Davis, Andy Gardiner, *Bob "Coach" Henriquez*, *Matthew J. "Matt" Meadows*, David J. Mealor

**State Administration:** Frederick C. "Fred" Brummer (Chair), Paula Bono Dockery (Vice Chair), Donald D. "Don" Brown, *Will S. Kendrick*, *Perry C. McGriff, Jr.*

## Fiscal Responsibility Council (Group E)

Carlos A. Lacasa (Chair), Sandra L. "Sandy" Murman (Vice Chair), JD Alexander, Frank Attkisson, Randy John Ball, Allan G. Bense, Johnnie B. Byrd, Jr., Gaston I. Cantens, Larry Crow, Paula Bono Dockery, *Kenneth Allan "Ken" Gottlieb*, *Ron L. Greenstein*, Lindsay M. Harrington, Randy Johnson, *Will S. Kendrick*, *Suzanne M. Kosmas*, Evelyn J. Lynn, Jerry Louis Maygarden, *Timothy M. "Tim" Ryan*, Rob Wallace, *Doug Wiles*, *Frederica S. "Freddi" Wilson*

## Committees

**Criminal Justice Appropriations:** Randy John Ball (Chair), *Matthew J. "Matt" Meadows* (Vice Chair), *Loranne Ausley*, Gustavo A. Barreiro, Gus Michael Bilirakis, Marsha L. "Marty" Bowen, *Edward B. "Ed" Bullard*, Mitch Needelman, Joe Negron, Jerry Paul, *John P. "Jack" Seiler*, Allen Trovillion

**Education Appropriations:** Evelyn J. Lynn (Chair), *Dwight Stansel* (Vice Chair), JD Alexander, Rafael "Ralph" Arza, Dennis K. Baxley, *Susan Bucher*, Nancy C. Detert, Mark G. Flanagan, Stan Jordan, *Charlie Justice*, *Perry C. McGriff, Jr.*, David J. Mealor, Jerry G. Melvin, Joe H. Pickens, *Curtis B. Richardson*, *Christopher L. "Chris" Smith*

**Fiscal Policy & Resources:** Rob Wallace (Chair), Mike Haridopolos (Vice Chair), Jeffrey H. "Jeff" Atwater, Carey Baker, *Annie Betancourt*, Frederick C. "Fred" Brummer, John Carassas, Renier Diaz de la Portilla, *Anne M. "Annie" Gannon*, Connie Mack, *Timothy M. "Tim" Ryan*, *Gary Siplin*, *Mark Weissman*

**General Government Appropriations:** Paula Bono Dockery (Chair), *Ron L. Greenstein* (Vice Chair), Nancy Argenziano, Michael S. "Mike" Bennett, Donald D. "Don" Brown, *Kenneth Allan "Ken" Gottlieb*, Gayle B. Harrell, *Wilbert "Tee" Holloway*, *Will S. Kendrick*, *E. Denise Lee*, Stan Mayfield, Jefferson B. "Jeff" Miller, Ken Sorensen, Joseph R. "Joe" Spratt

**Health & Human Services Appropriations:** Jerry Louis Maygarden (Chair), Frank Farkas (Vice Chair), Anna Holliday "Holly" Benson, *Phillip J. Brutus*, Heather Fiorentino, Rene Garcia, Hugh H. Gibson III, Carole Green, Kenneth W. "Ken" Littlefield, *Nan H. Rich*, *Irving L. "Irv" Slosberg*, *Eleanor Sobel*

## Transportation &amp; Economic Development Appropriations:

Randy Johnson (Chair), William F. "Bill" Andrews (Vice Chair), Bob Allen, Allan G. Bense, Kim Berfield, *Joyce Cusack*, Don Davis, Chris Hart IV, *Bob "Coach" Henriquez*, *Edward L. "Ed" Jennings, Jr.*, *Arthenia L. Joyner*, Mark Mahon, Manuel Prieguez, Marco Rubio, David D. Russell, Jr., *Doug Wiles*, *Roger B. Wishner*

## Procedural &amp; Redistricting Council

Johnnie B. Byrd, Jr. (Chair), Mario Diaz-Balart (Vice Chair), Frederick C. "Fred" Brummer, Larry Crow, Mike Fasano, J. Dudley Goodlette, Randy Johnson, *Will S. Kendrick*, Bev Kilmer, Bruce Kyle, Carlos A. Lacasa, *Stacy J. Ritter*, Marco Rubio, *Timothy M. "Tim" Ryan*, David Simmons, *Christopher L. "Chris" Smith*, *Eleanor Sobel*, Leslie Waters, *Doug Wiles*

## (Group A)

## Committees

**Claims:** Marco Rubio (Chair), *Gary Siplin* (Vice Chair), John Carassas, Mike Hogan, Jeffrey D. "Jeff" Kottkamp, *E. Denise Lee*, Jerry Paul, *John P. "Jack" Seiler*

**Joint Administrative Procedures:** Donna Clarke (Alternating Chair), Nancy Argenziano, *Wilbert "Tee" Holloway*

**Joint Legislative Auditing:** Kim Berfield (Alternating Chair), *Annie Betancourt*, Hugh H. Gibson III, Gayle B. Harrell, *Irving L. "Irv" Slosberg*

**Joint Legislative Committee on Article V:** Johnnie B. Byrd, Jr. (Alternating Chair), Anna Holliday "Holly" Benson, Larry Crow, *Dan Gelber*

**Joint Legislative Committee on Everglades Oversight:** Stan Mayfield (Alternating Chair), *Richard A. Macheke*, *Frank Peterman, Jr.*

**Joint Legislative Committee on Intergovernmental Relations:** Mike Haridopolos (Alternating Chair), *Loranne Ausley*, Donald D. "Don" Brown, *Sara Romeo*

**Rules, Ethics & Elections:** J. Dudley Goodlette (Chair), Dennis A. Ross (Vice Chair), Gaston I. Cantens, Paula Bono Dockery, *Anne M. "Annie" Gannon*, Carole Green, Chris Hart IV, *Arthenia L. Joyner*, Mark Mahon, Jefferson B. "Jeff" Miller, *Timothy M. "Tim" Ryan*, David Simmons, *Christopher L. "Chris" Smith*, *Dwight Stansel*

## (Group D)

## Committees

**Congressional Redistricting:** Mario Diaz-Balart (Chair), Sandra L. "Sandy" Murman (Vice Chair), *Dorothy Bendross-Mindingall*, Gus Michael Bilirakis, Donna Clarke, Don Davis, Mark G. Flanagan, Mike Hogan, Stan Mayfield, *Matthew J. "Matt" Meadows*, Jefferson B. "Jeff" Miller, *Sara Romeo*, *John P. "Jack" Seiler*, *Roger B. Wishner*

**House Redistricting:** Randy John Ball (Co-Chair), Larry Crow (Co-Chair), William F. "Bill" Andrews, Dennis K. Baxley, *Phillip J. Brutus*, *Terry L. Fields*, Andy Gardiner, Bev Kilmer, Jeffrey D. "Jeff" Kottkamp, *Richard A. Macheke*, Connie Mack, Mitch Needelman, Manuel Prieguez, *Curtis B. Richardson*, Joseph R. "Joe" Spratt, *Mark Weissman*, *Frederica S. "Freddi" Wilson*

**Senate Redistricting:** Bruce Kyle (Co-Chair), Jerry Louis Maygarden (Co-Chair), *Joyce Cusack*, Rene Garcia, *Edward L. "Ed" Jennings, Jr.*, Jim Kallinger, *Suzanne M. Kosmas*, Dick Kravitz, Carlos A. Lacasa, *E. Denise Lee*, Jerry G. Melvin, *Stacy J. Ritter*, Dennis A. Ross

**RULES  
of the  
FLORIDA HOUSE OF REPRESENTATIVES**

**RULE ONE**

**LEGISLATIVE ORGANIZATION**

**1.1—General Officers**

(a) The general officers of the Florida House of Representatives are the following:

- (1) Speaker.
- (2) Speaker pro tempore.
- (3) Majority Leader.
- (4) Minority Leader.
- (5) Clerk.
- (6) Sergeant at Arms.

(b) The Speaker and the Speaker pro tempore shall each be elected by a majority of the duly elected and certified Members of the House. For each office, the vote shall be recorded and, if a majority vote is not received on the first ballot, the Members voting shall vote on the two names receiving the highest number of votes on the first ballot until a majority vote is received.

(c) The Majority Leader shall be selected by the Speaker, and the Minority Leader shall be selected by the Minority Conference.

(d) The Clerk shall be elected by the House to serve at its pleasure.

(e) The Sergeant at Arms shall be appointed by the Speaker, with the advice and consent of the Members.

**1.2—Political Party Conferences**

The political party with the largest number of Members who are registered voters of such party shall form the Majority Conference. The political party with the second largest number of Members who are registered voters of such party shall form the Minority Conference. The members of each political party conference may adopt rules to govern the affairs of their conference.

**1.3—Councils and Standing Committees**

Thirty-four standing committees of the House are hereby created. Each committee shall be placed in one of seven councils as follows:

(a) The Council for Competitive Commerce shall have oversight responsibility for the following substantive standing committees:

- (1) Agriculture & Consumer Affairs.
- (2) Banking.
- (3) Economic Development & International Trade.
- (4) Insurance.
- (5) Tourism.

(b) The Council for Healthy Communities shall have oversight responsibility for the following substantive standing committees:

- (1) Child & Family Security.
- (2) Crime Prevention, Corrections & Safety.
- (3) Elder & Long-Term Care.
- (4) Health Promotion.
- (5) Health Regulation.

(c) The Council for Lifelong Learning shall have oversight responsibility for the following substantive standing committees:

- (1) Colleges & Universities.
- (2) Education Innovation.
- (3) General Education.
- (4) Workforce & Technical Skills.

(d) The Council for Ready Infrastructure shall have oversight responsibility for the following substantive standing committees:

- (1) Information Technology.
- (2) Natural Resources & Environmental Protection.
- (3) Transportation.
- (4) Utilities & Telecommunications.

(e) The Council for Smarter Government shall have oversight responsibility for the following substantive standing committees:

- (1) Business Regulation.
- (2) Judicial Oversight.
- (3) Juvenile Justice.
- (4) Local Government & Veterans Affairs.
- (5) State Administration.

(f) The Fiscal Responsibility Council shall have oversight responsibility for the following fiscal standing committees:

- (1) Criminal Justice Appropriations.
- (2) Education Appropriations.
- (3) Fiscal Policy & Resources.
- (4) General Government Appropriations.
- (5) Health & Human Services Appropriations.
- (6) Transportation & Economic Development Appropriations.

(g) The Procedural & Redistricting Council shall have oversight responsibility for the statutory joint committees and the following standing committees:

- (1) Claims.
- (2) Congressional Redistricting.
- (3) House Redistricting.
- (4) Rules, Ethics & Elections.
- (5) Senate Redistricting.

### 1.4—Qualifications and Elections of Members

(a) As specified in Section 2 of Article III of the Florida Constitution, the House is the sole judge of the qualifications, elections, and returns of its Members.

(b) In cases of contest for a seat in the House, notice setting forth the specific grounds of such contest and the supporting evidence must be received by the Clerk not less than 5 days before the Organization Session of the Legislature. No motion to disqualify a Member shall be in order at the Organization Session until a Speaker has been elected in accordance with the Florida Constitution. In the case of a special election, notice must be received by the Clerk not less than 5 days before the next regular or special session convenes. If the election is during a session or less than 5 days before the next session, the notice must be on the next legislative day following the receipt of certified election results. Any contest setting forth facts sufficient to warrant review shall be referred by the Speaker to an appropriate committee. The committee shall hold a hearing and report its findings and recommendations as soon as reasonably possible. Upon receipt of the committee report, the House shall with all dispatch, upon motion, determine the contest by a majority vote.

## RULE TWO

### DUTIES AND RIGHTS OF THE SPEAKER

#### 2.1—Speaker to Enforce Rules; Questions of Order

(a) The Speaker shall enforce, apply, and interpret the Rules of the House in all deliberations.

(b) All questions of order shall be presented to the Speaker for determination; however, any decision of the Speaker on a point of order is subject to an appeal to the House made by any five Members. The Speaker may require the Member raising a point of order to cite the Rule or other authority in support of the question. The Speaker may decide the question of order, put such question to the House, or refer such question to the Committee on Rules, Ethics & Elections for a recommendation to the House. When a decision of the Speaker on a question of order is appealed, the Speaker shall put the appeal to the House or refer the appeal to the Committee on Rules, Ethics & Elections for a recommendation to the House. No Member may speak more than once on an appeal unless given leave by the House by majority vote. Responses to parliamentary inquiries and decisions of recognition made by the Speaker may not be appealed.

#### 2.2—Speaker to Bring Business Before the House

The Speaker shall lay all business before the House, reserve times for the committee and council meetings in compliance with these Rules, and receive motions made by Members and put them to the House.

#### 2.3—Preservation of Order and Decorum; Control Over Chamber and Other Rooms Assigned to the House

(a) The Speaker shall preserve order and decorum in the Chamber of the House. The Speaker shall see that the Members conduct themselves in a civil manner in the Chamber of the House in accordance with accepted standards of parliamentary conduct and may, when necessary, order the Sergeant at Arms to clear the aisles and seat the Members so that business may be conducted in an orderly manner.

(b) In case of disturbance or disorderly conduct in the galleries or lobby of the Chamber, the Speaker may order the Sergeant at Arms to clear these areas.

(c) Presentations on the large video screen in the Chamber of the House shall be permitted only upon approval of the Speaker.

(d) Except as otherwise provided in Rule 14.4, the Speaker shall have general control of the Chamber of the House, its lobby, galleries, corridors, and passages, and other rooms in those parts of the Capitol assigned to the use of the House. The Chamber and meeting rooms of the

House may not be used for any meeting other than a legislative meeting unless specifically authorized by the Speaker.

#### 2.4—Appointment of Temporary Presiding Officer

The Speaker may appoint any Member to perform the duties of presiding officer for a temporary period of time not to extend beyond a single legislative day. If the Speaker is absent and has not made such an appointment, the Speaker pro tempore shall act as presiding officer during the Speaker's absence. However, if the Speaker pro tempore is also absent and has not made such an appointment, the Chair of the Committee on Rules, Ethics & Elections shall act as presiding officer during the absence of both the Speaker and Speaker pro tempore or may appoint another Member to perform such duties.

#### 2.5—House Employees Serve at the Pleasure of the Speaker

The Speaker shall employ all employees of the House and shall determine their qualifications, hours of work, and compensation, including perquisites and other benefits. All employees serve at the pleasure of the Speaker. The Speaker has the right to dismiss any employee of the House, and the pay of such employee shall stop on the designated day of dismissal.

#### 2.6—Speaker to Sign Papers and Authorize Counsel in Suits Affecting the House

(a) The Speaker shall sign all acts, joint resolutions, concurrent resolutions, resolutions, memorials, writs, subpoenas, vouchers for expenditures chargeable to the House, contracts binding on the House, or other papers issued by the House. The Speaker may delegate the authority to sign papers of an administrative nature.

(b) The Speaker may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the House, a committee or council of the House, a Member of the House (whether in the legal capacity of Member or taxpayer), a former Member of the House, or an officer or employee of the House when such suit is determined by the Speaker to be of significant interest to the House and the Speaker believes that the interest of the House would not be otherwise adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the Speaker.

## RULE THREE

### MEMBERS

#### 3.1—Disclosures of Interest and Disqualification from Voting

(a) No Member may vote on any measure that the Member knows or believes would inure to the Member's special private gain. The Member must disclose the nature of the interest for which the Member is required to refrain from voting. Disclosure shall be done in a timely manner by filing a memorandum with the Clerk, which shall be printed in the *Journal* if the vote is taken on the floor. If the vote is taken in a committee or council, the memorandum shall be filed with the committee or council administrative assistant, who shall attach such memorandum to the committee or council report.

(b) A Member, when voting on any measure that the Member knows or believes would inure to the special private gain of a family member of the Member, or to the special private gain of any principal by whom the Member or a family member of the Member is retained or employed, must disclose the nature of the interest of such person in the outcome of the vote. Disclosure shall be done in a timely manner by filing a memorandum with the Clerk, which shall be printed in the *Journal* if the vote is taken on the floor. If the vote is taken in a committee or council, the memorandum shall be filed with the committee or council administrative assistant, who shall attach such memorandum to the committee or council report. For the purpose of this Rule, family members include the Member's spouse, parents, and children.



**3.2—Attendance Upon Meetings Required**

A Member shall attend all meetings of committees and councils to which appointed, unless excused by the Chair of the committee or council or by the Speaker. Excuse from House session shall constitute excuse from that day's committee and council meetings. Failure to attend two consecutive meetings, unless excused, shall constitute automatic removal from the committee or council and create a vacancy. Upon notification by the Chair of the committee or council, the Speaker shall make an appointment to fill such vacancy.

**3.3—Attendance at Sessions**

A Member may not be absent from the sessions of the House without approval from the Speaker.

**3.4—Excused Absence**

Upon written request of a Member submitted in a timely manner, the Speaker may, by written notice to the Clerk, excuse the Member from attendance on the House for any stated period. Such excused absence shall be noted in the *Journal*.

**3.5—Leave of Absence**

Any Member granted a leave of absence due to a meeting of a committee, conference committee, or council that has authority to meet while the House is in session shall be so noted in the *Journal*. It shall be the responsibility of the excused Member to advise the Clerk when leaving and returning to the Chamber.

**3.6—Members Presumed Present Unless Excused or Necessarily Prevented; Failure to Answer Roll Call**

(a) Any Member who has answered roll call (either orally or by electronic means) at the opening of any daily session, or who enters after the initial quorum call and informs the Clerk of the Member's presence, shall thereafter be presumed present unless necessarily prevented or leave of absence is obtained from the Speaker. The Speaker shall make each determination as to whether a Member was necessarily prevented.

(b) Any Member who is present and who fails or refuses to record on a roll call after being requested to do so by the Speaker shall be recorded as present by the Speaker and shall be counted for the purpose of making a quorum.

**3.7—Possession of Bills**

No Member or other person may take possession of an original bill, after filing, with the intention of depriving the Legislature of its availability for consideration.

**3.8—Open Meetings**

(a) Subject to order and decorum, each Member shall provide reasonable access to members of the public to any meeting between such Member and more than one other Member of the Legislature, if such members of the public have requested admission and such meeting has been prearranged for the purpose of agreeing to take formal legislative action on pending legislation or amendments at such meeting or at a subsequent time. No such meeting shall be conducted in the Members' Lounge, at any location that is closed to the public, or at any location that the Member knows prohibits admission on the basis of race, religion, gender, national origin, physical handicap, or similar classification.

(b) Meetings conducted in the Chamber of either the House or the Senate while such body is in session shall be considered to be held at a location providing reasonable access to, and to be reasonably open to, the public. When the number of persons must be limited because of space considerations or otherwise for the maintenance of order or decorum, at least one representative each of the print, radio, and

television media shall be included among the members of the public admitted, if such persons have requested admission.

(c) For the purpose of this Rule, and as used in Section 4 of Article III of the Florida Constitution, legislation shall be considered pending if filed with the Clerk. An amendment shall be considered pending if it has been delivered to the administrative assistant of a committee or council in which the legislation is pending or to the Clerk, if the amendment is to a bill that has been reported favorably by each committee or council of reference, and the term "formal legislative action" shall include any vote of the House or Senate, or of a committee or council of either house, on final passage or on a motion other than a motion to adjourn or recess.

**RULE FOUR****DUTIES OF THE CLERK, SERGEANT AT ARMS, AND EMPLOYEES****4.1—Clerk**

(a) The Clerk shall:

(1) Be the custodian of all bills, resolutions, and memorials. The responsibility for the safekeeping of original filed bills, resolutions, and memorials shall vest in the Clerk, except when such legislation has been committed to a committee or council.

(2) Provide for the keeping of a complete record of introduction and action on all bills, resolutions, and memorials, including the number, the author, a brief description of the subject matter, and each committee or council reference.

(3) Provide to the committee or council Chair each measure referred to a committee or council along with all official attachments thereto.

(4) Keep a correct journal of proceedings of the House. The *Journal* shall be numbered serially and published from the first day of each session of the Legislature.

(5) Keep open the Office of the Clerk during and between sessions of the Legislature.

(6) Superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials.

(7) Not permit any records or papers belonging to the House to be taken out of the Clerk's custody other than in the regular course of business and only then upon receipt. All such records in the custody of the Clerk shall be available for public inspection.

(8) Report any missing papers to the Speaker.

(9) Prepare Daily and Interim Calendars necessary to provide public notice of consideration of bills, resolutions, and memorials by the House and its committees and councils.

(10) Prepare the copy for all printed forms used by the House in the process of considering legislation. The Clerk shall have the responsibility for distribution of documents required by these Rules to be originated in the Office of the Clerk.

(11) Examine bills, resolutions, and memorials upon their tender for introduction to determine whether facially they meet the requirements of the Florida Constitution for the presence of the enacting or resolving clause or the provision in local bills, including local claim bills, for advertising or for referendum; however, beyond calling an apparent defect to the attention of the sponsor, the obligation of the Clerk shall end.

(12) Sign and receive necessary papers in the name of the House between a general election and election of the Speaker.

(b) It shall be a ministerial duty of the Clerk to attest to all writs, issued by order of the House, and to the passage of all bills, resolutions, and memorials.

**4.2—Sergeant at Arms**

The Sergeant at Arms shall:

(a) Attend the House during its sittings and maintain order under the direction of the Speaker or Member performing the duties of the presiding officer.

(b) Ensure that no person is admitted to the House Chamber except in accordance with these Rules.

(c) Be under the direct supervision and execute all commands of the Speaker.

(d) Be the custodian of furniture, books, and property of the House and shall annually take an inventory of all property under the Sergeant at Arms' charge.

(e) Perform all other duties pertaining to the Sergeant at Arms' Office as prescribed by law or these Rules.

**4.3—Employees Forbidden to Lobby; Restriction on Employee Campaign Activities**

(a) An employee of the House may not, directly or indirectly, be interested in or concerned with the passage or consideration of any bill without direction from a Member with authority over the designated staff member. If any employee exhibits an improper interest in or concern with any bill, it shall be grounds for dismissal.

(b) An employee of the House may not engage in campaign activities during regular work hours, except when on approved leave, and may neither hold, nor be a candidate for, public office (other than a political party executive committee office) while in the employ of the House.

**RULE FIVE****FORM AND INTRODUCTION OF BILLS****5.1—"Bill" Stands for All Legislation**

Except when the context otherwise indicates, "bill," as used in these Rules, means a bill, joint resolution, concurrent resolution, resolution, memorial, or other measure upon which a committee or council may be required to report.

**5.2—Filing Deadlines**

(a) No local bill originating in the House shall be given first reading unless filed with the Clerk by 12:00 noon of the first day of the regular session.

(b) No general bill, joint resolution, concurrent resolution (except one relating to extension of a session or legislative organization or procedures), or memorial originating in the House shall be given first reading unless filed with the Clerk by 12:00 noon of the fourteenth day of the regular session.

(c) Bills, resolutions, and memorials introduced by committees or councils are exempt from the requirements of this Rule.

**5.3—Limitation on Member Bills Filed**

(a) A Member may not file more than six bills for a regular session. For purposes of this Rule, the Member considered to have filed a bill is the first-named sponsor of the bill or the first-named Member sponsor of a committee or council substitute for the bill, and bills that have been withdrawn from further consideration prior to the filing deadline shall not be considered filed.

(b) Bills not counted toward these limits include:

(1) Local bills, other than local claim bills.

(2) House resolutions.

(3) Concurrent resolutions relating to extension of a session or legislative organization or procedures.

(4) Trust fund bills adhering to another bill.

(5) Public records or public meetings exemption bills adhering to another bill.

(6) Bills introduced by a committee under Rule 7.30.

(7) Bills that only repeal or delete, without substantive replacement, provisions of the Florida Statutes or Laws of Florida.

**5.4—Forms of Measures**

(a) To be acceptable for introduction, all bills shall be produced in accordance with standards approved by the Speaker. The original bill shall be backed with a folder-jacket, and three copies of the original bill shall also be backed with jackets. On these jackets shall be inscribed the name of the sponsor and enough of the title for identification, and on the original folder-jacket shall be inscribed the signature and district number of the first-named sponsor and each other sponsor agreed to by the first-named sponsor. All signatures and respective district numbers must be on a numbered line as provided on the bill jacket. After bill filing, those Members desiring to be cosponsors must fill out a cosponsor form to be agreed to by the first-named sponsor.

(b) No Member may be added or deleted as a sponsor or cosponsor of a bill without the Member's written consent on forms provided by the Clerk.

(c) Bills that propose to amend existing provisions of law shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the Florida Constitution shall contain the full text of the section to be amended. As to those portions of general bills and joint resolutions that propose to amend existing provisions of the Florida Statutes or the Florida Constitution, new words shall be inserted in the text underlined and words to be deleted shall be lined through with hyphens. If the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it is not necessary to use the coded indicators of words added or deleted, but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the affected section of the bill: "Substantial rewording of section. See s. . . ., F.S., for present text." When such a notation is used, the notation, as well as the substantially reworded text, shall be underlined. The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and do not constitute a part of the bill under consideration. Numerals in the margins of the line-numbered paper do not constitute a part of the bill and are shown on the page only for convenience in identifying lines. Section catchlines of existing text shall not be underlined, nor shall any other portion of a bill covered by this Rule other than new material.

**5.5—Bills and Joint Resolutions**

(a) All bills shall contain a proper title, as defined in Section 6 of Article III of the Florida Constitution, and the enacting clause "Be It Enacted by the Legislature of the State of Florida:".

(b) All joint resolutions shall contain a title and the resolving clause "Be It Resolved by the Legislature of the State of Florida:".

**5.6—Local Bills**

(a) If a committee or council determines that the substance of a local bill may be enacted into law by ordinance of a local governing body, the committee or council shall not report the bill to the Clerk. However, if a local governing body would be required to call a referendum to enact the substance of a local bill into law, the committee or council may report the local bill.

(b) A local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills.

(c) All local bills, including local claim bills, must either, as required by Section 10 of Article III of the Florida Constitution, embody

provisions for a ratifying referendum (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement, securely attached to the original bill ahead of its first page.

#### 5.7—Claim Bills

(a) Claim bills may be referred by the Speaker to any committee or council for review. If the Speaker determines that a *de novo* hearing is necessary to determine any issue, including liability, proximate cause, or damages, the Speaker may appoint a Special Master to conduct such hearing pursuant to reasonable notice. The Special Master may administer an oath to all witnesses, accept relevant documentary and tangible evidence offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the Special Master, who shall be available, in person, to explain his or her report to any committee or council of reference.

(b) Stipulations entered by the parties are not binding on the Special Master or the House or its committees or councils.

(c) The hearing and consideration of a claim, any element of which is pending in litigation, shall be held in abeyance until all judicial activity thereon, including any appellate proceedings, shall have come to rest.

#### 5.8—Reviser's Bills

(a) Reviser's bills are nonsubstantive bills initiated by the Office of Legislative Services pursuant to section 11.242, Florida Statutes, for any of the following purposes:

- (1) To reduce the number and bulk of the statutes.
- (2) To remove inconsistencies and redundancies in the statutes.
- (3) To improve the clarity and facilitate the correct and proper interpretation of the statutes.

(b) Reviser's bills shall be introduced by the Committee on Rules, Ethics & Elections, which may request prior review by another substantive committee. They shall be filed as soon as possible prior to or during each legislative session. Except by report of the Committee on Rules, Ethics & Elections, reviser's bills may be amended only by making deletions.

#### 5.9—Memorials

A memorial expresses the opinion of the Legislature to the Federal Government. All memorials shall contain the resolving clause "Be It Resolved by the Legislature of the State of Florida:".

#### 5.10—House Resolutions and Concurrent Resolutions

(a) All House resolutions and all concurrent resolutions originating in the House shall contain a title and a resolving clause. In the case of House resolutions, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida:". In the case of concurrent resolutions originating in the House, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:". Concurrent resolutions originating in the House shall present only questions pertaining to extension of a session, enactment of joint rules, ratification of federal constitutional amendments, communications with the judiciary, or other procedural legislative matters.

(b) Copies of House resolutions directed in the resolution to be furnished to any person after adoption shall be prepared only by the Clerk. The Secretary of State shall be requested to prepare certified copies of concurrent resolutions after their adoption.

#### 5.11—Prefiled Bills

During the period between the Organization Session and the convening of the first regular session of the legislative biennium and during the period between the first and second regular sessions of the legislative biennium, Members may file with the Clerk for introduction bills that have been prepared or reviewed by the House Bill Drafting Service.

#### 5.12—Requirements for Introduction

(a) All bills (other than a General Appropriations Bill, concurrent resolutions relating to organization of the Legislature, resolutions relating to organization of the House, reviser's bills, reapportionment bills or resolutions, and recall of acts from the Governor) shall either be prepared or, in the case of local bills, reviewed by the House Bill Drafting Service. After completion and delivery by the House Bill Drafting Service, no change may be made in the text or title of the bill without returning the bill to the House Bill Drafting Service prior to filing with the Clerk.

(b) The Director of the House Bill Drafting Service shall notify any Member proposing a bill if an identical or similar bill has been filed and, if so, the name of the sponsor of such bill.

#### 5.13—Printing

Upon introduction, all bills (including committee bills and committee or council substitutes) shall be printed for the information of the House and the public, except that reviser's bills and House resolutions shall be printed only upon the order of the Committee on Rules, Ethics & Elections. The Clerk shall have sufficient copies printed for the needs of the House and the public and shall furnish the copy for all such printing. Except as provided in Section 19(d) of Article III of the Florida Constitution, the absence of a printed copy shall not delay the progress of any bill at any stage of its consideration.

#### 5.14—Identification

All bills shall be introduced in the order they are received by the Clerk and shall be serially numbered, in an odd-number sequence, as filed; however, House resolutions shall be serially numbered separately, in an odd-number sequence. The Clerk shall validate the original copy of each bill, and each page thereof, to ensure its identification as the item introduced in order to prevent unauthorized or improper substitutions therefor. Any device used for such validation shall be used by and at all times shall be in the secure custody of the Clerk, and its use by any person not authorized by this Rule shall be prohibited.

#### 5.15—Companion Measures

A companion Senate bill must be substantially similar in wording, and identical as to specific intent and purpose, to the House bill for which it is being substituted. Whenever a House bill is reached on the floor for consideration, either on second or third reading, and there is also pending on the Calendar of the House a companion bill already passed by the Senate, it shall be in order to move that the Senate companion bill be substituted and considered in lieu of the House bill. Such motion may be adopted by a majority vote, provided the Senate bill is on the same reading, otherwise the motion shall be to waive the Rules by two-thirds vote of the Members present and voting and substitute such Senate bill. At the moment the House substitutes the Senate companion bill or takes up a Senate bill in lieu of a House bill, the House bill so replaced shall be automatically tabled. Recommitment of a House bill shall automatically carry with it any Senate companion bill then on the Calendar of the House.

**RULE SIX****REFERENCE****6.1—Speaker to Refer Legislation**

The authority to make bill referrals rests with the Speaker, except as otherwise provided in these Rules.

**6.2—Reference: Generally**

(a) Bills, upon first reading, whether House or Senate, shall be referred by the Speaker either to committee or to the Calendar of the House. The order of reference shall be first to substantive committees and then to appropriate fiscal committees. If a bill is referred to more than one fiscal committee, the Speaker shall specify which shall first consider the bill.

(b) A bill or committee substitute therefor, upon receiving a favorable report from each committee of reference, shall automatically be referred to the council of the committee of first reference for the original bill, unless otherwise determined by the Speaker at the time of the original reference. For the purpose of this Rule, the first committee of reference for a committee bill is the committee introducing the bill.

(c) References of bills and the nature of any documents referred shall be recorded in the *Journal*.

**6.3—Reference: Exception; Additional or New References**

(a) All bills, whether House or Senate, may be referred by the Speaker to the appropriate committees. A Senate bill with a House companion may be paired with the companion House bill at whatever its stage of consideration, provided both bills are on the same reading.

(b) If a bill is reported with an amendment that contains, or is reported as a committee or council substitute that contains, an issue that was not in the original bill and that issue is within the jurisdiction of another committee, the Speaker may refer the bill or committee or council substitute to the other committee having jurisdiction over the additional subject and, if given an additional reference, such bill or committee or council substitute shall be considered by such committee prior to its consideration by any fiscal committee or council.

(c) Although a committee substitute for a single bill retains all other references of the original bill, a committee substitute for two or more bills shall have all other references of the original bills rescinded, and the Speaker shall make any subsequent references of the committee substitute, if needed.

(d) A council may, during any legislative session or during the interim, refer bills in its possession to a standing committee within its jurisdiction with a request for further consideration, including, but not limited to, combining two or more bills into a committee substitute.

**6.4—Reference of Resolutions, Concurrent Resolutions: Exception**

All resolutions shall be referred by the Speaker to the Committee on Rules, Ethics & Elections, except that resolutions on House organization and concurrent resolutions pertaining to extension of the session may be taken up upon motion and adopted at the time of introduction without reference. Concurrent resolutions of a substantive nature, as authorized under Rule 5.10, shall first be referred to an appropriate substantive committee.

**6.5—Reference of Appropriations or Tax Measures; General Appropriations and Implementing Bills**

(a) All bills carrying or affecting appropriations or mandating the expenditure of funds by county or city government, all claim bills, and all bills affecting tax matters, whether state or local, may be referred to the appropriate fiscal committee, in addition to substantive committee referrals. If the original bill did not affect an appropriation or a tax

matter, and an amendment is adopted that calls for or affects an appropriation or a tax matter, then the bill with the amendment may, upon the recommendation of the Chair of the Fiscal Responsibility Council and at the Speaker's discretion, be referred to the appropriate fiscal committee. The bill, if then reported favorably without further amendment, shall be returned to the same reading as when referred. If further amendments are recommended by committee, the bill shall be returned to second reading.

(b) The Fiscal Responsibility Council shall consider the General Appropriations Bills and implementing bills proposed by the appropriations committees within its jurisdiction and, after consideration and amendment, may combine such proposed committee bills into a single General Appropriations Bill and a single implementing bill, which shall be reported to the Clerk.

**6.6—Reference of Prefiled Bills**

Prefiled bills shall be numbered by the Clerk and presented to the Speaker for reference as otherwise provided under these Rules. After the Speaker has referred a prefiled bill to a committee or council, the Clerk shall notify each committee or council receiving the reference.

**6.7—Reference of Veto Messages**

The Speaker shall refer veto messages to the appropriate committee or council for recommendations.

**RULE SEVEN****COMMITTEES AND COUNCILS—ORGANIZATION, MEETINGS, AND OVERSIGHT****Part One—Organization****7.1—Standing Committee and Council Appointments**

(a) The Speaker shall appoint the Chair, the Vice Chair, and any Co-Chairs deemed necessary for each standing House committee and shall also appoint the remaining membership of each such committee. The Speaker shall also appoint the Chair and Vice Chair of each council and may appoint other council members as needed. The Speaker shall give notice of each such appointment in writing to the Clerk for publication in an Interim Calendar and the Session *Journal*.

(b) If the need arises, the Speaker may appoint a temporary Chair for any standing committee or council.

(c) All standing committee or council Chairs, Vice Chairs, and members serve at the pleasure of the Speaker.

(d) All standing committee and council appointments shall be made by the Speaker prior to the convening of each regular session and shall expire on August 1 of odd-numbered years or, if the Legislature is convened in special or extended session on that date, upon adjournment *sine die* of such session.

**7.2—Appointment of Select and Conference Committees**

(a) The Speaker may at any time create a select committee and shall appoint the membership and name the Chair and Vice Chair thereof. A select committee has the jurisdiction, authority, and duties and exists for the period of time specified by the Speaker. A select committee has the powers granted by these Rules to a standing committee except as limited by the Speaker. The Speaker shall give notice of the creation of a select committee in writing to the Clerk for publication in an Interim Calendar and the Session *Journal*.

(b) The Speaker shall appoint the House managers of all conference committees. The Speaker shall determine the number as need appears and shall appoint no less than a majority who generally supported the House position as determined by the Speaker. In addition, the Speaker shall name the House Chair of each conference committee and may also name the House Vice Chair thereof.

**7.3—Vacancies on Standing Committees and Councils**

If a vacancy occurs on a standing committee or council after its organization, the Speaker shall appoint an eligible Member to fill the vacancy. The Speaker shall give notice of the appointment in writing to the Clerk for publication in an Interim Calendar and the Session *Journal*.

**7.4—Ex Officio Members**

The Speaker may designate the Speaker pro tempore or the Majority Leader as an *ex officio*, voting member of any standing committee or council. Alternatively, the Speaker may designate the council Chair as an *ex officio*, voting member of any committee within that council. No standing committee or council may have more than one *ex officio* member voting at any one time. For the purpose of a quorum, an *ex officio* member shall not be included in the membership of a committee or council. The Speaker shall give notice of the designation of any such *ex officio* member in writing to the Member so designated and to the committee or council Chair.

**Part Two—Meetings; Powers, Duties, and Procedure****7.5—Powers of the Chair**

(a) The committee or council Chair shall sign all notices, vouchers, subpoenas as provided under Rule 16.1, or reports required or permitted by these Rules. Except as otherwise provided in these Rules, the Chair has all authority necessary to ensure an efficient operation of the committee or council, including, but not limited to, presiding over the committee or council, establishing the agenda for the committee or council, deciding all questions of order in committee or council, and determining the order in which matters are considered in committee or council.

(b) Questions of order are subject to an appeal by any committee or council member, and the appeal shall be certified by the Chair to the House for a decision by the Speaker during the daily session of the House next following such certification. The ruling shall be entered in the *Journal* and shall be subject to appeal as any other question. The Chair may, or on majority vote of the committee or council shall, certify a question of parliamentary procedure to the Speaker as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the Speaker as if it had been on appeal. The certification of an appeal or of a question of parliamentary procedure pursuant to this Rule does not constitute an automatic stay to further legislative action on the measure under consideration.

(c) The responsibility for the safekeeping of original filed bills committed to a committee or council shall vest in the committee or council Chair. The committee or council Chair may authorize a staff member to sign for receipt of bills referred to the committee or council.

**7.6—Absence of the Chair**

For the purpose of convening or presiding over a meeting in the absence of the Chair, the Vice Chair shall assume all duties of the Chair until the Chair's return or replacement, unless a temporary Chair has been appointed by the Speaker to assume those duties instead.

**7.7—Meetings of Committees and Councils**

Committees and councils shall meet at the call of the Chair, within the dates and times reserved by the Speaker.

**7.8—Notice of Room Assignment to the Public**

Each committee or council shall regularly meet in the room assigned for its use by the Sergeant at Arms, and notice of such assignment shall be posted.

**7.9—Time for Meetings**

A committee or council Chair may arrange with the Sergeant at Arms for an evening or other special meeting; however, no committee or council meeting shall begin before 8:00 a.m. or last beyond 8:00 p.m. unless granted special leave by the Speaker to do so.

**7.10—Committees and Councils Meeting During House Session**

No committee or council shall meet while the House is in session without the consent of the House, except the Procedural & Redistricting Council and the Committee on Rules, Ethics & Elections, when meeting to consider matters other than legislation, and conference committees.

**7.11—Consideration of Bills, Including Proposed Committee Bills and Proposed Committee or Council Substitutes**

(a) The Chair of any committee or council shall give prior notice in writing of the intention to take up any bill or proposed bill or substitute.

(b) Proposed committee bills (PCBs) shall be treated as other bills in meeting the requirements for notice under Rules 7.12-7.14. The committee administrative assistant shall provide a copy of any PCB to each committee member no later than the time of posting of notice and make copies of PCBs available, upon request, to other Members of the Legislature and to the general public. Delivery to committee members shall be by mail or other, appropriate, electronic means during the interim and shall be to House offices when the House is in session. A PCB taken up without the committee conforming to this Rule shall be regarded as being considered in workshop session only, with final action carried over to a future meeting of the committee at which the requirements of this Rule have been met.

(c) Proposed committee or council substitutes (PCSs) shall meet the notice requirements that apply to PCBs.

(d) Before a standing committee may consider a proposed committee bill, the Speaker must approve the consideration by the committee of the proposed bill. A proposed committee bill that does not receive Speaker approval of its consideration may not be noticed for consideration. However, this subsection does not apply to proposed committee bills that re-create trust funds, reviser's bills, resolutions that pertain to rules, procedures, or sessions, or other bills of an entirely technical nature as determined by the Procedural & Redistricting Council.

**7.12—Meetings of Committees and Councils: Time Required for Advance Notice**

(a) During the first 45 calendar days of a regular session, prior notice shall be given 2 days (excluding Saturday and Sunday) in advance of a committee or council meeting for the purpose of considering legislation. If the notice is given by 4:30 p.m. to the Sergeant at Arms and the Clerk, a bill or proposed bill or substitute may be heard at any time on the second succeeding day. After the 45th calendar day and during any extended or special session, the notice shall be given at least 1 day in advance of the committee or council meeting.

(b) If a committee or council is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be filed with the Clerk and posted on the committee or council door.

(c) Except when sitting to consider the substance of legislation, the Committee on Rules, Ethics & Elections and the Procedural & Redistricting Council shall be exempt from the requirements of this Rule.

**7.13—Nature and Distribution of Notice**

(a) A notice shall include a listing and sufficient title for identification of any and all bills or proposed bills to be considered by the committee or council holding the meeting, including, time permitting, those pending on reconsideration. However, failure to include a bill pending on reconsideration in the notice does not preclude the motion to reconsider from being made as provided under Rule 7.17(b).

(b) A notice shall state the date, time, and place of a meeting and be provided to the Clerk, the Sergeant at Arms, the sponsor, and the members of the committee or council. The notice shall also be provided to any Member who has given the Chair, on a form provided by the committee or council and signed by the Chair, timely written notice of the Member's desire to be notified on a specific bill. The Sergeant at Arms, in receiving such notices, shall show on a receipt the day and hour received.

(c) Whenever timely, the Clerk shall enter such notices in the Calendar of the House.

#### **7.14—Notices of Meetings Between Sessions**

During the period when the Legislature is not in session, before any committee or council holds a meeting for the purpose of considering a prefiled bill, a proposed committee bill (PCB), or a proposed committee or council substitute (PCS), a notice of such meeting shall be filed with the Clerk and the Sergeant at Arms no later than 7 calendar days before the Friday preceding the week of the meeting. If a committee or council is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be filed. The committee or council administrative assistant shall send copies of the notice to the members of the committee or council, to the first-named sponsor of the bill, and to such sponsors and others who have requested notice. This notice shall state the date, time, and place of the meeting, the bill number, and a portion of the title sufficient for identification. Whenever timely, the Clerk shall enter such notices in an Interim Calendar. When two meetings have been scheduled by a committee or council during a 30-day period when the Legislature is not in session, the Chair may provide in the notice for the first meeting that bills placed on the agenda for the first meeting and not reported out shall be available for consideration at the second meeting without further notice.

#### **7.15—Notices Furnished to Majority and Minority Offices**

In addition to any other provisions of these Rules, notices required to be filed with the Clerk shall be furnished to the Majority Office and the Minority Office.

#### **7.16—Continuation of Meetings on Same Day**

A committee or council may continue the consideration of properly noticed legislation after the expiration of the time set for the meeting if a majority agree to continue or to temporarily recess to continue the meeting at a time and place certain on the same day, provided there is no conflict with another scheduled committee or council meeting.

#### **7.17—Reconsideration in Committee or Council**

The Rules of the House shall govern proceedings in committee or council insofar as they are applicable, except that a motion for reconsideration shall be treated in the following manner:

(a) When a main question has been decided by a committee or council, any Member voting with the prevailing side, or any Member when the vote was a tie or by voice, may move for reconsideration *instanter* or leave the motion pending. By a two-thirds vote of the Members present and voting, the committee or council may take up for immediate disposition any such motion to reconsider left pending. The motion to reconsider may be made at any time during the same meeting prior to the adoption of a motion to rise or to the committee's or council's rising without motion upon the time of adjournment having arrived.

(b) A motion to reconsider that has been made and left pending shall be a special and continuing order of business for the next succeeding committee or council meeting, which, unless considered at that meeting on the request of any member of the committee or council, shall be deemed abandoned, and the committee or council administrative assistant shall forthwith report the bill to the Clerk.

(c) A motion to reconsider a collateral matter must be disposed of during the course of consideration of the main subject to which it is related.

(d) If the committee or council refuses to reconsider or, upon reconsideration, confirms its prior decision, no further motion to reconsider shall be in order except upon unanimous consent of the committee or council members present.

(e) After the 45th day of a regular session or at any time during an extended or special session, the motion to reconsider must be disposed of when made.

(f) If a motion to reconsider is not made at the meeting at which a bill has been considered and decided, the committee or council administrative assistant shall forthwith report the bill to the Clerk.

#### **7.18—Open Meetings; Decorum**

(a) All meetings of all committees and councils shall be open to the public at all times, subject always to the authority of the Chair to maintain order and decorum. However, when necessary for the protection of a witness and with the concurrence of the Speaker, a Chair may close a committee or council meeting, or portion thereof, and the record of such meeting may not disclose the identity of the witness appearing before the committee or council.

(b) The authority of the Chair to maintain order and decorum includes the authority to require all persons attending a committee or council meeting to silence all telephones, audible beepers, and other audible electronic equipment.

#### **7.19—Unfavorable Reports**

A bill reported unfavorably to the Clerk shall be laid on the table. A bill so reported may be taken from the table upon the motion of any Member on the floor, adopted by a two-thirds vote of the Members present and voting, after debate not to exceed 6 minutes evenly divided between proponents and opponents of the motion.

#### **7.20—Voting in Committee or Council**

A majority of the members of a committee or council present, a quorum having been established, shall agree by their recorded votes upon the disposition of any bill or other main question considered by the committee or council. (Florida Constitution, Article III, Section 4(c): "In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded.")

#### **7.21—Proxy Voting Prohibited; Votes Recorded After Roll Call**

A member of a committee or council may not, under any circumstance, vote by proxy. Absent members may have recorded an indication of how they would have voted if present, but this shall not be counted on a roll call.

#### **7.22—Quorum Required; Reports by Poll Prohibited**

A committee or council may not file a report unless the committee or council has met at an authorized time and place, with a quorum present. A majority of the membership of the committee or council shall constitute a quorum. If any matter is reported on the basis of a poll, such matter shall be recommitted by the Speaker or Chair to the committee or council upon a point of order.

#### **7.23—Nature and Contents of Committee and Council Reports**

(a) It shall be the duty of committees and councils to report bills either favorably, favorably with (number of) committee or council amendment(s), favorably with committee or council substitute, or unfavorably, but never "without recommendation." A motion to lay a bill "on the table" shall be construed as a motion to report the pending bill unfavorably.

(b) Each report of a committee or council must contain the action of the committee or council on the bill being transmitted, together with a Committee or Council Information Record stating:

- (1) The time and place of the meeting at which the action was taken;
  - (2) The name and address of each person addressing the committee or council relative to the measure and, if any agent, the interest represented; and
  - (3) The vote of each member of the committee or council on the motion to report each bill.
- (c) Each report by a committee or council shall set forth the identifying number of the bill, and, if amendments are proposed by the committee or council, the words "with (number of) amendment(s)" shall follow the identifying number. For the purpose of documentation, committees and councils shall retain copies of their reports and amendments adopted, rejected, or withdrawn, with the committee or council action noted thereon.

(d) After the committee or council report has been filed with the Clerk as provided in these Rules, the Clerk shall preserve the Committee or Council Information Record for the convenient inspection by the public during the legislative session.

(e) Committees and councils shall, after consideration of prefiled bills, report their actions promptly, in the manner prescribed by these Rules. Once received by the Clerk, a committee or council report on a prefiled bill shall not be subject to recall by the committee or council.

#### 7.24—Minority Reports

Minority reports on any matter may be admitted only by majority vote of the House.

#### 7.25—Fiscal Analysis

All general bills affecting revenues, expenditures, or fiscal liability shall be accompanied by a fiscal analysis upon being reported favorably by a fiscal standing committee. Fiscal analyses shall state in dollars the estimated increase or decrease in revenues or expenditures and the present and future fiscal implication of the bill. A fiscal analysis shall be regarded as a memorandum of factual information and may be included within the body of the bill analysis that accompanies the bill, which statement shall be made available to Members. The fiscal analysis portion of the bill analysis shall not express comment or opinion relative to the merits of the legislation proposed, but should point out technical or mechanical defects. If any bill of this nature is reported favorably by any fiscal standing committee without a fiscal analysis having been prepared or a statement that the bill has no effect on revenues, expenditures, or fiscal liability, it shall be the right of any Member to raise a point of order on second reading and the Speaker may, in the Speaker's discretion, order return of the bill to the appropriate fiscal committee. The accuracy of a fiscal analysis shall not be a basis for a point of order under these Rules. A fiscal analysis prepared for a House bill may be presumed as prepared also for its Senate companion.

#### 7.26—Where Reports Are Delivered

Committee or council reports, whether favorable or unfavorable, shall be delivered to the Clerk at a designated place in the office of the Clerk no later than 12:00 noon of a legislative day. Reports delivered after 12:00 noon shall be considered delivered on the next legislative day. The original bill or bills shall accompany the report.

#### 7.27—Journal Entry

As bills are reported, the identifying number of a bill, together with the action of the committee or council, whether favorable, unfavorable, favorable with (number of) amendment(s), or favorable with substitute, shall be entered in the *Journal*.

#### 7.28—Committee and Council Amendments

(a) Amendments recommended by committees or councils must be produced on the legislative computer on the prescribed forms in accordance with the requirements of the Clerk and securely affixed to the bill.

(b) Committees and councils may only consider amendments presented in final written form prior to adoption.

(c) Every Member may offer amendments to bills being considered by any committee or council of the House. If not appointed to the committee or council, a Member who offers an amendment must comply with the amendment filing deadline and must be present at the meeting. If such Member is not present, the amendment may still be considered, but only if taken up and offered by a Member who is appointed to the committee or council.

(d) During the first 45 calendar days of a regular session, the filing deadline for amendments to be offered in a committee or council by nonappointed Members shall be 5:00 p.m., 1 day (excluding Saturday and Sunday) in advance of the committee or council meeting. After the 45th day and during any extended or special session, such amendments shall be filed 2 hours before the committee or council meeting. Amendments introduced by committee or council members, including *ex officio* members, shall not be subject to these filing deadlines and may be offered at any time during consideration of a bill.

(e) Amendments adopted by all committees and councils of reference (except those incorporated in a committee or council substitute) shall accompany a bill when filed with the Clerk. No committee or council shall physically remove from the jacket an amendment adopted by a prior committee or council, and no amendment of a committee or council may be subject to a negative roll call of another committee or council. Instead, there may be adopted nullifying or amendatory language by a subsequent committee or council of reference by way of an amendment to the amendment or a substitute amendment.

#### 7.29—Committee or Council Substitutes

(a) A committee or council, in reporting a bill, may draft a new, substitute bill embracing the same general subject matter, to be returned to the Clerk in the same manner as the favorable reporting of any other bill. A committee or council may also combine two or more bills into such a substitute bill. The substitute bill, signed by the Chair, shall carry the identifying number of each original bill and shall be returned to the Clerk in the same form as required for introduction of a bill. Upon the filing of such report, the original bill or bills shall be laid on the table of the House. Any other committee or council of reference shall direct its attention to the substitute bill.

(b) The sponsor of a committee substitute is the committee, and the sponsor of a council substitute is the council. Each sponsor of the original bill or bills shall be shown by the committee or council administrative assistant as a cosponsor of the substitute unless such sponsor notifies the committee or council administrative assistant in writing that he or she wishes to withdraw as a cosponsor. If every sponsor of the original bill or bills requests to withdraw as a cosponsor, the committee or council substitute shall not be delivered to or accepted by the Clerk for introduction, unless another Member consents to designation as a cosponsor, and the original bill or bills shall be reported "unfavorably" in accordance with Rule 7.23.

#### 7.30—Committee Bills; Designation of Cosponsors

A bill introduced by a committee shall be accompanied by a Committee Information Record. A committee, in introducing a committee bill, shall designate a member of the committee as cosponsor, with the approval of such member, and may designate other members of the committee as cosponsors, with their approval. The bill shall be shown by the Clerk as having been introduced by the committee and the Member or Members so designated. If no Member consents to designation as a cosponsor, the bill may not be delivered to or accepted by the Clerk for introduction.

**Part Three—Conference Committees****7.31—Conference Committee Meetings; Procedures**

(a) Meetings of conference committees shall be open to the public at all times, subject always to the authority of the Chair to maintain order and decorum.

(b) All actions taken in conference committees shall be by motion.

(c) The Chair of any conference committee shall give prior notice of intention to meet. The notice shall state the date, time, and place of meeting and be posted on the door of the committee or council managing the conference for the House at least 2 hours prior to the time of the meeting.

**7.32—Composition of Conference Committee**

A conference committee shall consist of managers from each house. The conference committee shall select one of its members to preside. A conference committee report shall require the affirmative votes of a majority of the managers from each house. The report shall be accompanied by the original bill.

**7.33—Presentation of Conference Committee Report**

(a) The receiving of conference committee reports shall always be in order, except when the House is voting on any proposition. When a conference committee report is presented to the House, the sequence shall be:

(1) The vote first shall be on whether the report shall be considered at that moment.

(2) The next vote shall be on acceptance or rejection of the report as an entirety. The report must be acted upon as a whole, being agreed to or disagreed to as an entirety.

(3) The final vote shall be a roll call on the passage of the bill as amended by the report.

(b) If either paragraph (a)(2) or paragraph (a)(3) fails, the report shall be automatically recommitted to the conference committee. If a motion to reconsider is made, the vote first would be on paragraph (a)(2) and then on paragraph (a)(3).

**7.34—Form of Conference Committee Report**

(a) When a conference committee has redrafted a bill, the committee shall report an amendment striking everything after the enacting clause, together with an appropriate title amendment if needed.

(b) Each conference committee report must be accompanied by a statement, written or oral, sufficiently explicit to inform the House of the changes in the bill sent to conference.

**7.35—Time Restraints on Conference Committees**

(a) During the first 54 calendar days of a regular session, it shall be a motion of highest privilege either to discharge the House managers and appoint new House managers or to instruct the House managers after House and Senate managers have been appointed for 7 calendar days and have failed to report.

(b) During the last 6 calendar days of a regular session, it shall be a motion of highest privilege either to discharge the House managers and appoint new House managers or to instruct the House managers after House and Senate managers have been appointed for 36 hours and have failed to report.

**7.36—When Managers Are Unable to Agree**

When a conference committee is appointed in reference to any bill and the House managers report inability to agree, no action of the House taken prior to such appointment shall preclude further action by the House as the House may determine.

**Part Four—Oversight Responsibilities and Powers****7.37—Oversight Role**

(a) Standing and select committees and councils shall have oversight responsibilities in order to assist the House in:

(1) Its analysis, appraisal, and evaluation of:

a. The application, administration, execution, and effectiveness of the laws enacted by the Legislature; or

b. Conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

(2) Its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) Substantive standing committees shall review the budgets and performance of state agencies within their jurisdictions.

**7.38—Oversight Powers**

(a) Each standing or select committee or council is authorized to invite public officials and employees and private individuals to appear before the committee or council for the purpose of submitting information to it.

(b) Each standing or select committee or council is authorized to maintain a continuous review of the work of the state agencies concerned with its subject area and the performance of the functions of government within each such subject area, and for this purpose to request reports from time to time, in such form as such committee or council shall designate, concerning the operation of any state agency and presenting any proposal or recommendation such agency may have with regard to existing laws or proposed legislation in its subject area.

(c) In order to carry out its duties, each standing or select committee or council is empowered with the right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any state agency.

**7.39—Conduct of Meetings of Investigative Committees and Councils**

Each standing or select committee or council shall comply with the following procedures with respect to compelling attendance of witnesses, production of documents or evidence, and the conduct of meetings before such committee or council:

(a) If any standing or select committee or council fails in any material respect to comply with the requirements of this Rule, any person subject to subpoena or subpoena *duces tecum* who is injured by such failure shall be relieved of any requirement to attend the meeting for which the subpoena was issued or, if present, to testify or produce evidence therein, and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(b) In addition, the following rules of procedure will be followed at all meetings of standing or select committees or councils:

(1) A standing or select committee or council may exercise its powers during sessions of the Legislature and in the interim.

(2) A standing or select committee or council that conducts meetings for the purpose of taking sworn testimony from witnesses shall consist of not fewer than five members.

(3) A quorum of a standing or select committee or council that conducts meetings for the purpose of taking sworn testimony from witnesses shall consist of a majority of the total authorized membership.

(4) No action shall be taken by a standing or select committee or council at any meeting unless a quorum is present. Such committee or council may act by a majority vote of the members present at a meeting



at which there is a quorum, unless the Rules or any law requires a greater number or proportion.

(5) Any standing or select committee or council, when conducting a meeting for the purpose of taking sworn testimony, shall give each member of the committee or council not less than 3 calendar days' written notice of any meeting to be held when the Legislature is in session and at least 7 calendar days' written notice of any meeting to be held when the Legislature is not in session. Such notices shall include a statement of the subject matter of the meeting.

(6) The presiding member at a meeting may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena *duces tecum*. Unless the direction is overruled by a majority vote, disobedience shall constitute contempt as defined in these Rules.

(7) Before or during a meeting, a witness or the witness's counsel may file with the standing or select committee or council, for incorporation into the record of the meeting, sworn written statements relevant to the purpose, subject matter, and scope of the committee's or council's investigation or inquiry. Any such witness, however, shall, prior to filing such statement, consent to answer questions from such committee or council regarding the contents of the statement.

(8) When the Chair of any standing or select committee or council determines that such procedure would expedite the inquiry or save expenses, the Chair, with the concurrence of the Speaker, may authorize the conduct of proceedings by depositions, interrogatories, or compulsory production of documents as provided in this Rule. These proceedings shall be in the nature of statements under oath taken by a state attorney. Counsel for a person under investigation may be allowed to attend such depositions at the discretion of the Chair. Participation by such counsel at the depositions may also be allowed at the discretion of the Chair. Any requests for attendance or participation should be addressed to the Chair. If the requests are denied, a person may appeal the Chair's ruling to the Speaker, but there shall be no stay of proceedings pending such appeal.

(c) When counsel for a person subject to deposition is allowed to participate in the proceedings under the guidelines of the standing or select committee or council, testimony or other evidence taken may be introduced before the standing or select committee or council regardless of whether the person or the person's counsel takes advantage of the opportunity.

(1) The Chair, with the concurrence of the Speaker, may authorize a lawyer for the standing or select committee or council to take depositions of witnesses before a court reporter or notary public of this state. The deposition notice and any subpoena used therewith may identify persons either by name or by job description, and such persons may be required to attend and give testimony pursuant to the guidelines of the standing or select committee or council.

(2) The Chair, with the concurrence of the Speaker, may authorize the issuance of interrogatories to be answered under oath, and these shall require the person to whom they are directed to appear before a notary public or court reporter and answer the questions under oath. These may be served by mail or by personal service and shall be answered under oath no later than 7 days from the date of mailing or 3 days from the date of personal service. Any interrogatory may require that a person to whom it is directed (identified by name or job description) return the interrogatory in the mail or have it available for delivery to the lawyer for the standing or select committee or council on a date certain.

(3) If any substantive or procedural question arises during any proceedings authorized by these Rules, the question shall be referred to the Chair of the standing or select committee or council or to any committee or council member designated by the Chair to pass on such questions. Communication shall be made with the Chair or any designated committee or council member by the most rapid available means, including telephone, and the resolution of such questions, including without limitation questions on the scope of the discovery,

may be communicated by telephone. If any person is dissatisfied with such a decision, appeal may be made to the Speaker, but there shall be no stay of proceedings pending such appeal.

## RULE EIGHT

### CHAMBER PROTOCOL

#### Part One—Privilege of the Floor

##### 8.1—Privilege of the Floor

(a) Other than present Members of the House and of the Senate, the persons hereinafter named, and none other, shall be admitted during regular daily sessions to the Chamber of the House: the Governor, the Lieutenant Governor, Cabinet Members, Justices of the Supreme Court, Members of Congress, contestants in election cases during the pendency of their cases in the House, such persons as have, by name, received the thanks of the Legislature, former Governors, former Members of the Cabinet, former Members of the House and Senate who are not interested in any claim or directly in any bill pending before the Legislature, and such employees of the House as may be needed on public business, including such committee or council staff as shall be designated by committee or council Chairs and approved by the Speaker. Visiting dignitaries or official guests may be granted the privilege of the floor upon motion adopted by a majority of the House. Persons granted the privilege of the floor may not lobby the Members while the House is in session, unless by motion granted leave to address the House.

(b) When the House is in session, all persons in the House Chamber shall be dressed in proper business attire.

#### Part Two—Speaking

##### 8.2—Addressing the House; Requirements to Spread Remarks Upon the Journal

(a) When a Member desires to speak or deliver any matter to the House, the Member shall rise and respectfully address the Speaker as "Mr. (or Madam) Speaker" and shall confine all remarks to the question under debate, avoiding personalities. Once recognized, a Member may speak from the Member's desk or may, with the Speaker's permission, speak from the well.

(b) Any motion to spread remarks upon the *Journal*, except those of the Governor or the Speaker, shall be referred to the Committee on Rules, Ethics & Elections for recommendation before being put to the House.

##### 8.3—When Two Members Rise at Once

When two or more Members rise at once, the Speaker shall name the one who is to speak first. This decision shall be final and not open to debate or appeal.

##### 8.4—Recognition of Members

There shall be no appeal from the Speaker's recognition, but the Speaker shall be governed by the Rules and usage in priority of entertaining motions from the floor. When a Member seeks recognition, the Speaker may ask, "For what purpose does the Member rise?" or "For what purpose does the Member seek recognition?"

##### 8.5—Recognition of Gallery Visitors and Physician of the Day

On written request by a Member, on a form prescribed by the Committee on Rules, Ethics & Elections, the Speaker may recognize or permit the Member to recognize any person or persons in the gallery. After granting a request for recognition, the Speaker shall afford that recognition at a convenient place in the order of business, considering the need for order and decorum and the need for continuity of debate. At an appropriate time during proceedings on the floor, the Speaker may recognize a Physician of the Day.

**Part Three—Debate****8.6—Decorum**

The Members shall attend to the debates unless necessarily prevented, and no Member shall stand between the Speaker and a Member recognized to speak.

**8.7—Speaking and Debate**

(a) A Member may not speak more than once or occupy more than 15 minutes in debate on any question. A Member who has the floor may not be interrupted by another Member for any purpose, save the privilege of the House, unless he or she consents to yield to the other Member. A Member desiring to interrupt another in debate should first address the Speaker for the permission of the Member speaking. The Speaker shall then ask the Member who has the floor if he or she wishes to yield, and then announce the decision of that Member. Whether to yield shall be entirely within the speaking Member's discretion. However, this subsection shall not deprive the sponsor or mover of the right to close when the effect of an amendment or motion would be to kill the bill, amendment, or motion.

(b) Debate may not be disguised in the form of a question.

**8.8—Right to Open and Close Debate**

The mover of any proposition, or the Member reporting any measure from a committee or council, or, in the absence of either of them, any other Member designated by such absentee, shall have the right to open and close the debate, and for this purpose may speak each time not more than 10 minutes, unless otherwise limited by majority vote of the House, notwithstanding the limitation in Rule 8.7(a).

**Part Four—Materials and Meals in Chamber****8.9—Distribution of Materials in Chamber; Newspapers; Meals in Chamber**

(a) The following constitutes policy regarding material distributed to the general membership through the Sergeant at Arms' Office and pages:

(1) All material prior to such distribution must be approved by the Committee on Rules, Ethics & Elections, acting through its Chair.

(2) The following official materials have heretofore been approved and will continue to be approved: House and Senate bills, resolutions, memorials, and amendments thereto, and official calendars and journals; committee and council meeting notices; communications from the Speaker and Clerk and official communications from the Senate; and official staff reports of standing or select committees or councils or of the majority or minority parties.

(b) No newspapers may be distributed or otherwise permitted in the House Chamber while the House is in session without waiver of policy by two-thirds vote of the Members present and voting. This subsection does not apply to personal use by an individual Member of a newspaper as resource or reference material for purposes of debate or to the transmittal of material from one Member to another on the floor of the House.

(c) No meals will be allowed on the floor without waiver of policy by two-thirds vote of the Members present and voting. This shall not be construed to prevent the serving of drinks such as juices, coffee, tea, soft drinks, milk, and the like.

**Part Five—Miscellaneous Papers****8.10—Miscellaneous Papers**

Papers of a miscellaneous nature addressed to the House may, at the discretion of the Speaker, be read, noted in the *Journal*, or filed with the

appropriate committee or council. When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and such reading is objected to by any Member, it shall be determined without debate by the House by majority vote.

**RULE NINE****VOTING****9.1—Members Shall Vote**

Every Member shall be within the House Chamber during its sittings, unless excused or necessarily prevented, and shall vote on each question put.

**9.2—Taking the Yeas and Nays**

The Speaker shall declare all votes, but if any Member rises to doubt a vote, upon a showing of hands by five Members, the Speaker shall take the sense of the House by oral roll call or electronic roll call. When taking the yeas and nays on any question, the electronic roll-call system may be used, and when so used shall have the force and effect of a roll call taken as provided in these Rules. This system likewise may be used to determine the presence of a quorum. When the House is ready to vote upon a question requiring roll call, and the vote is by electronic roll call, the Speaker shall say, "The question now recurs on (designating the matter to be voted upon). The Clerk will unlock the machine and the House will proceed to vote." When sufficient time has elapsed for each Member to vote, the Speaker shall ask, "Have all Members voted?" And after a short pause the Speaker shall say, "The Clerk will lock the machine and record the vote." When the vote is completely recorded, the Speaker shall announce the result to the House, and the Clerk shall record the action upon the *Journal*.

**9.3—Vote of the Speaker or Temporary Presiding Officer**

The Speaker or temporary presiding officer is not required to vote in legislative proceedings other than on final passage of a bill, except when the Speaker's or temporary presiding officer's vote would be decisive. In all yea and nay votes, the Speaker's or temporary presiding officer's name shall be called last. With respect to voting, the Speaker or temporary presiding officer is subject to the same disqualification and disclosure requirements as any other Member.

**9.4—Votes After Roll Call**

After the result of a roll call has been announced, a Member may advise the Clerk of how the Member would have voted or of the Member's wish to change the Member's vote. The Clerk shall provide forms for the recording of these actions. When timely made, these requests shall be shown beneath the roll call in the *Journal*. Otherwise, the request shall be shown separately in the *Journal*. In no instance, other than by reason of an electronic or mechanical malfunction, shall the result of a voting machine roll call on any bill be changed.

**9.5—No Member to Vote for Another Except by Request**

No Member may vote for another Member except at the other Member's request when absent from his or her seat but present elsewhere in the Chamber, nor may any person who is not a Member cast a vote for a Member. In no case shall a Member vote for another on a quorum call. Any Member who votes or attempts to vote for another Member in violation of this Rule may be punished in such a manner as the House may deem proper. Any person who is not a Member and who votes wrongfully in the place of a Member shall be excluded from the Chamber for the remainder of the session, in addition to such punishment as the House may deem proper.

**9.6—Pairing**

Pairing shall be permitted only upon the absence of both Members for good cause and shall be in writing and specifically state the bill or bills

or questions upon which pairs are arranged. Before the vote, paired votes shall be filed in writing with the Clerk and be recorded in the *Journal* as an indication of how both Members would have voted. Paired votes are not counted and shall not be shown on roll calls.

### 9.7—Explanation of Vote

A Member may not explain his or her vote during a roll call, but may reduce his or her explanation to writing, in not more than 200 words, and upon filing with the Clerk, this explanation shall be spread upon the *Journal*.

## RULE TEN

### ORDER OF BUSINESS AND CALENDARS

#### Part One—Order of Business

##### 10.1—Daily Sessions

The House shall meet each legislative day at 9:30 a.m. or as stated in the motion adjourning the House on the prior legislative day on which the House met.

##### 10.2—Daily Order of Business

(a) When the House convenes on a new legislative day, the daily order of business shall be as follows:

1. Call to Order.
2. Prayer.
3. Roll Call.
4. Pledge of Allegiance.
5. Correction of the *Journal*.
6. Communications.
7. Messages from the Senate.
8. Reports of Councils and Standing Committees.
9. Reports of Select Committees.
10. Motions Relating to Committee or Council References.
11. Matters on Reconsideration.
12. Bills and Joint Resolutions on Third Reading.
13. Special Orders.
14. Unfinished Business.
15. Introduction and Reference.

(b) During special sessions, the order of business of Introduction and Reference shall be conducted immediately following the order of business of Correction of the *Journal*.

##### 10.3—Chaplain to Offer Prayer

A chaplain shall attend at the beginning of each day's sitting of the House and open the same with prayer. In the absence of a chaplain, the Speaker may designate someone else to offer prayer.

##### 10.4—Quorum

A majority of the membership of the House shall constitute a quorum to do business.

##### 10.5—Consideration of Senate Messages; Generally

Senate messages shall be considered by the House upon review and approval by the Speaker.

#### Part Two—Readings

##### 10.6—"Reading" Defined

"Reading" means the stage of consideration of a bill, resolution, or memorial after reading of a portion of the title sufficient for identification, as determined by the Speaker.

##### 10.7—Reading of Bills

Each bill shall receive three readings on three separate days previous to a vote upon final passage unless two-thirds of the Members decide otherwise. (Florida Constitution, Article III, Section 7, in part: "Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote; provided the publication of its title in the journal of a house shall satisfy the requirement for the first reading in that house. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full.")

##### 10.8—Reading of Joint Resolutions

Each joint resolution shall receive three readings on three separate days previous to a vote upon final passage unless two-thirds of the Members decide otherwise.

##### 10.9—First Reading of Prefiled Bills

Prefiled bills shall be given first reading either on the first day of a regular session or as soon thereafter as possible. The Clerk shall record in the *Journal* the Speaker's reference of bills.

##### 10.10—First Reading of Committee or Council Substitutes

Publication in the *Journal* of a committee or council substitute title with sponsors shall constitute first reading in the same manner as Introduction and Reference.

##### 10.11—Reading of Concurrent Resolutions and Memorials

Concurrent resolutions and memorials shall receive two readings on two separate days previous to a voice vote upon adoption, except that concurrent resolutions extending a legislative session or involving other procedural legislative matters authorized under Rule 5.10 may be read twice without motion on the same legislative day.

##### 10.12—Reading of House Resolutions

Each House resolution shall receive two readings by title only previous to a voice vote upon adoption, except that resolutions of condolence, commendation, or commemoration may be shown as read and adopted by publication in full in the *Journal* in accordance with Rule 10.20.

##### 10.13—Measures on Third Reading

(a) Bills on third reading shall be taken up in the order in which the House concluded action on them on second reading.

(b) Before any bill shall be read the third time, whether amended or not, it shall be referred without motion to the Engrossing Clerk for examination and, if amended, the engrossing of amendments. In the case of any Senate bill amended in the House, the amendment adopted shall be reproduced and attached to the bill amended in such manner that it will not be lost therefrom.

(c) A bill shall be deemed on its third reading when it has been read a second time on a previous day and has no motion left pending.

#### Part Three—Bills Subject to Special Rule

##### 10.14—Bills Subject to Special Rule

(a) The Committee on Rules, Ethics & Elections may recommend that a bill be subject to a Special Rule created by the committee in

accordance with the requirements of this Rule. Upon adoption of a recommendation, the Committee on Rules, Ethics & Elections shall submit the recommendation to the Procedural & Redistricting Council for adoption of the Special Rule, which, if adopted by a two-thirds vote of the council members present and voting, shall be submitted to the House for its approval.

(b) A Special Rule shall prescribe the time and conditions of debate and amendment of the bill, may govern floor action on both second and third readings, and may include one of the following three types of conditions or such other conditions as are deemed appropriate:

(1) Open, which allows the offering of any amendment, subject to approval of the designated floor manager and the overall time limits established under the Rule.

(2) Structured, which allows the offering of only amendments that have been approved for consideration by the Procedural & Redistricting Council.

(3) Closed, which prohibits the offering of any amendment, except technical amendments offered in the name of the Procedural & Redistricting Council.

(c) The Special Rule may designate two floor managers, one to allocate the time for debate and amendments for the proponents and one to allocate the time for debate and amendments for the opponents. The floor managers shall be subject to approval by both the Majority Leader and the Minority Leader.

(d) A specific provision in a Special Rule is controlling over a conflicting provision of these Rules.

(e) Neither a Senate bill nor a House bill returning from the Senate with further action required may be subject to Special Rule.

#### Part Four—Calendars

##### 10.15—Special Order Calendar

(a) REGULAR SESSION.

(1) The Procedural & Redistricting Council shall periodically submit, as needed, a Special Order Calendar determining the priority for consideration of legislation. The Procedural & Redistricting Council may include on a Special Order Calendar specific sections for local bills, trust fund bills, bills to be taken up at a time certain, and bills subject to Special Rule. Any amendment of a report proposing a Special Order Calendar requires a two-thirds vote of the Members present and voting. Upon adoption of a Special Order Calendar, no other bills shall be considered for the time period set forth for that Special Order Calendar, except that any bill appearing on that Special Order Calendar may be stricken from it by a two-thirds vote of the Members present and voting or any bill may be added to it pursuant to Rule 10.16. A previously adopted Special Order Calendar shall expire upon adoption by the House of a new Special Order Calendar.

(2) Any committee, council, or Member may apply to the Procedural & Redistricting Council to place a bill on the Special Order Calendar. The Procedural & Redistricting Council may grant such requests by a majority vote.

(3) During the first 45 calendar days of a regular session, the Procedural & Redistricting Council shall publish the Special Order Calendar in two Calendars of the House, and it may be taken up on the day of the second published calendar. For calendar days 46 through 51 of a regular session, the Procedural & Redistricting Council shall provide the Special Order Calendar by 9:00 p.m. of the day prior to its consideration. After the 51st calendar day of a regular session, the Procedural & Redistricting Council shall provide the Special Order Calendar at least 2 hours prior to its consideration.

(b) EXTENDED OR SPECIAL SESSION.

(1) If the Legislature extends a legislative session, all bills on the Calendar at the time of expiration of the regular session shall be placed in the Procedural & Redistricting Council.

(2) During any extended or special session, all bills upon being reported favorably by the last committee of reference shall be placed in the Procedural & Redistricting Council.

(3) During any extended or special session, the Procedural & Redistricting Council shall establish a Special Order Calendar and only those bills on such Special Order Calendar shall be placed on the Calendar of the House.

##### 10.16—Consideration of Bills Not on Special Order

A bill not included on the Special Order Calendar may be considered by the House upon two-thirds vote of the Members present and voting.

##### 10.17—Consent Calendar

The Procedural & Redistricting Council may submit a Consent Calendar designed to expedite the consideration of noncontroversial legislation, according to procedures recommended by the Procedural & Redistricting Council and approved by the House.

##### 10.18—Requirements for Placement on a Calendar

No measure may be placed on a calendar until it has been reported favorably by each committee or council of reference.

##### 10.19—Informal Deferral of Bills

Whenever the Member who introduced a bill, or the Chair of the committee or council that reported it, is absent from the Chamber when the bill has been reached in the regular order on second or third reading, consideration shall be informally deferred until the Member's or committee or council Chair's return, unless another Member consents to offer the bill on behalf of the original Member or committee or council Chair. The bill shall retain its position on the Calendar during the same legislative day. The Member or committee or council Chair shall have the responsibility of making the motion for its subsequent consideration.

#### Part Five—Resolutions of Condolence, Commendation, or Commemoration

##### 10.20—Resolutions of Condolence, Commendation, or Commemoration Published in *Journal*

Upon favorable report by the Committee on Rules, Ethics & Elections, a resolution of condolence, commendation, or commemoration may be shown as read and adopted by publication in full in the *Journal*. The Procedural & Redistricting Council shall periodically distribute a list of such resolutions 1 day (excluding Saturday and Sunday) prior to the day of their publication, during which time any Member may file an objection with the council to any resolution listed. Each resolution for which an objection has been filed shall be removed from the list and placed on the Calendar of the House. All resolutions without objections shall be printed on the next legislative day in the *Journal* and considered adopted by the House.

#### Part Six—Consideration Limits

##### 10.21—Consideration Limits to Bills After Day 55

After the 55th calendar day of a regular session, no House bills on second reading may be taken up and considered by the House.

##### 10.22—Consideration Limits to Bills After Day 58

After the 58th calendar day of a regular session, the House may consider only:

- (a) Senate Messages.
- (b) Conference Reports.
- (c) Concurrent Resolutions.

### RULE ELEVEN

#### MOTIONS

##### 11.1—Motions; How Made

Every motion shall be made orally, except when requested by the Speaker to be reduced to writing.

##### 11.2—Precedence of Motions During Debate

(a) When a question is under debate, the Speaker shall receive no motion except:

- (1) To adjourn at a time certain.
- (2) To adjourn.
- (3) To recess to a time certain.
- (4) To lay on the table.
- (5) To reconsider.
- (6) For the previous question.
- (7) To limit debate.
- (8) To temporarily postpone.
- (9) To postpone to a time or day certain.
- (10) To refer to or to recommit to committee or council.
- (11) To amend.
- (12) To postpone indefinitely.
- (13) To amend by striking out the enacting or resolving clause.

(b) Such motions shall have precedence in the descending order given.

##### 11.3—Questions of Order Decided Without Debate

All procedural questions of order, arising after a motion is made for any of the motions named in Rule 11.2 and pending that motion, shall be decided by the Speaker without debate, whether on appeal or otherwise; however, the Speaker may ask the House for comment.

##### 11.4—Division of Question

Any Member may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible. A motion to strike out, being lost, shall preclude neither amendment nor a motion to strike out and insert.

##### 11.5—Motion to Recess to a Time Certain

A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that the motion is debatable when no business is before the House and can be amended as to the time to recess and duration of the recess. It yields only to a motion to adjourn.

##### 11.6—Motion to Lay on the Table

A motion to lay on the table is not debatable and cannot be amended; however, before the motion is put, the sponsor of a bill or debatable motion shall be allowed 5 minutes within which to discuss the same and may divide the time with, or waive this right in favor of, some other Member. A motion to table a main question requires a majority vote. A

motion to lay an amendment on the table, if adopted, does not carry with it the measure to which it adheres. A motion to lay an amendment on the table may be adopted by a majority vote.

##### 11.7—Motion to Reconsider

(a) When a motion or main question has been made and carried or lost, it shall be in order at any time as a matter of right on the same or succeeding legislative day for a Member voting with the prevailing side, or for any Member in the case of a voice or tie vote, to move for reconsideration thereof. When a majority of Members vote in the affirmative but the proposition is lost because it is one in which the concurrence of a greater number than a majority is necessary for adoption or passage, any Member may move for a reconsideration. No bill referred or recommitted to a committee or council by a vote of the House shall be brought back into the House on a motion to reconsider. The motion to reconsider shall require a majority vote for its adoption, and such motion shall not be renewed on any proposition, after once being considered by vote of the House, except by unanimous consent. Debate shall be allowed on a motion to reconsider only when the question that it is proposing to reconsider is debatable. When debate upon a motion to reconsider is in order, no Member shall speak thereon more than once or for more than 5 minutes. The adoption of a motion to reconsider a vote upon any secondary matter shall not remove the main subject under consideration from consideration of the House. A motion to reconsider a collateral matter must be disposed of at once during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the House has passed to other business.

(b) The Clerk shall retain possession of all bills and joint resolutions for the period after passage during which reconsideration may be moved; however, during the last 14 calendar days allowed under the Florida Constitution for a regular session and during any extensions thereof, or during any special session, these shall be transmitted to the Senate forthwith.

(c) The adoption of a motion to waive the Rules and immediately certify any bill to the Senate shall be construed as releasing the measure from the Clerk's possession for the period of reconsideration. Local bills, concurrent resolutions, and memorials shall be transmitted to the Senate without delay. Messages relating to procedural motions, to House action on Senate amendments, or to conference committee reports shall be transmitted forthwith.

##### 11.8—Motion for the Previous Question

(a) The previous question may be asked and ordered upon any debatable single motion, series of motions, or amendment pending, and the effect thereof shall be to conclude all action on the same day. If third reading is reached on another day, the order for the previous question must be renewed on that day.

(b) The motion for the previous question shall be decided without debate. If the motion prevails, the sponsor of a bill or debatable motion and an opponent shall be allowed 3 minutes each within which to discuss the same, and each may divide the time with, or waive this right in favor of, some other Member. The motion for the previous question shall be put in the following form: "Shall the main question be now put?"

(c) When the motion for the previous question is adopted on a main question, the sense of the House shall be taken forthwith on pending amendments and such question in the regular order. If amendments have been adopted, the regular order shall include the adoption of necessary title amendments.

(d) The motion for the previous question may not be made by the sponsor or mover.

##### 11.9—Motion to Limit Debate

When there is debate by the House, it shall be in order for a Member to move to limit debate and such motion shall be decided without debate, except that the sponsor or mover of the question under debate shall have

5 minutes within which to discuss the motion and may divide the allotted time with, or waive it in favor of, some other Member. If, by majority vote, the question is decided in the affirmative, debate shall be limited to 20 minutes for each side, unless a greater time is stated in the motion, such time to be apportioned by the Speaker; however, the sponsor or mover shall have an additional 5 minutes within which to close the debate and may divide the allotted time with, or waive it in favor of, some other Member.

#### 11.10—Motion to Temporarily Postpone

The motion to temporarily postpone shall be decided without debate and shall cause a measure to be set aside but retained on the desk. If a main question has been temporarily postponed after having been debated or after motions have been applied and is not brought back before the House on the same legislative day, it shall be placed under the order of unfinished business on the Calendar of the House. If a main question is temporarily postponed before debate has commenced or motions have been applied, its reading shall be considered a nullity and the bill shall retain its original position on the order of business. The motion to return to consideration of a temporarily postponed main question shall be made under the proper order of business when no other matter is pending. If applied to a collateral matter, the motion to temporarily postpone shall not cause the main question to be carried with it. After having been temporarily postponed, if a collateral matter is not brought back before the House in the course of consideration of the adhering or main question, it shall be deemed abandoned.

#### 11.11—Motions to Withdraw or Refer Bills

(a) Any Member may, no later than under the order of business of Motions Relating to Committee or Council References on the legislative day following reference of a bill, move for reference from one committee or council to a different committee or council, which shall be decided by a majority vote.

(b) A motion to withdraw a bill from committee or council, or to refer a bill from one committee or council to another committee or council other than as provided in subsection (a), may be made during the regular order of business and shall require an affirmative vote of two-thirds of the Members present and voting.

(c) A motion to refer a bill to an additional committee or council may be made during the regular order of business and shall require an affirmative vote of two-thirds of the Members present and voting.

(d) A motion to refer shall be debated only as to the propriety of the reference.

(e) A motion to withdraw a bill from further consideration of the House shall require an affirmative vote of two-thirds of the Members present and voting.

(1) For the purpose of withdrawing bills from further consideration, the first-named Member sponsor shall be regarded as the only Member empowered to move for the withdrawal of a bill. The first-named Member sponsor of a bill may, prior to its introduction, withdraw the bill by letter to the Clerk.

(2) The introducer of an original bill laid on the table upon introduction of a committee or council substitute therefor has no right to move for the withdrawal of the substitute from further consideration.

(3) In moving for the withdrawal of a bill from further consideration by floor motion, the introducer shall be required to identify the nature of the bill.

#### 11.12—Motion to Recommit

(a) After a committee or council report on a bill has been received by the Clerk, the bill may not be recommitted by the House to any committee or council except by a majority vote.

(b) A motion to recommit to committee or council a bill that is before the House may be made during the regular order of business. The

motion shall be debatable only as to the propriety of that reference and shall require an affirmative majority vote.

(c) Upon the third reading of any bill, it may not be committed to any committee or council, except to the appropriate fiscal committee as provided elsewhere in these Rules.

#### 11.13—Motion to Postpone Indefinitely

Motions to postpone indefinitely are debatable and shall be applicable only to a main question. The adoption of a motion to postpone a bill indefinitely shall dispose of such bill for the duration of the legislative session and all extensions thereof. Any motion to postpone consideration to a time beyond the last day allowed under the Florida Constitution for the current legislative session shall be construed as a motion to postpone indefinitely.

#### 11.14—Dilatory Motions

No dilatory or delaying motions shall be entertained by the Speaker.

#### 11.15—Withdrawal of Motions

The mover of a motion may withdraw the motion at any time before it has been amended or a vote on it has commenced, except that a motion to reconsider may be withdrawn only on the day made.

### RULE TWELVE

#### AMENDMENTS

##### 12.1—Form

(a) Amendments shall be stored on the legislative computer in a format approved by the Clerk.

(b) The sponsor of an amendment shall file with the Clerk a printed original of the amendment, which shall be free of interlineations and which shall include as a part of its original printed text the name of the sponsor, the bill number, and the page and line to be amended. Amendment cosponsors may be added on forms provided by the Clerk.

##### 12.2—Filing

###### (a) REGULAR SESSION.

(1) During the first 45 calendar days of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form prior to 3:00 p.m. of the day (excluding Saturday and Sunday) preceding the daily session at which the sponsor seeks to offer the amendment, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 5:00 p.m. of the day (excluding Saturday and Sunday) preceding the daily session at which the sponsor seeks to offer the main amendment.

(2) For calendar days 46 through 51 of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form at least 1 hour prior to the daily session at which the sponsor seeks to offer the amendment, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 30 minutes prior to the daily session at which the sponsor seeks to offer the main amendment.

(3) After the 51st day of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form not later than 30 minutes after the convening of the daily session at which the sponsor seeks to offer the amendment or 2½ hours after the Special Order Calendar has been provided, whichever is later, and no amendment to the amendment or substitute amendment shall be

offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 1 hour after the convening of the daily session at which the sponsor seeks to offer the main amendment or 3 hours after the Special Order Calendar has been provided, whichever is later.

(b) **EXTENDED OR SPECIAL SESSION.** During any extended or special session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form at least 1 hour prior to the daily session at which the sponsor seeks to offer the amendment, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 30 minutes prior to the daily session at which the sponsor seeks to offer the main amendment.

(c) **WAIVER OF DEADLINE.** By a majority vote, the time limitation for filing any amendment may be waived.

**12.3—Presentation and Consideration**

(a) Amendments shall be taken up only as sponsors gain recognition from the Speaker to move their adoption, except that the Chair of the committee or council (or any member thereof designated by the Chair) reporting the measure under consideration shall have preference for the presentation of committee or council amendments.

(b) Upon motion, committee or council amendments may be adopted *en bloc*.

(c) The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order.

(d) For the purpose of this Rule, an amendment shall be deemed pending only after its proposer has been recognized by the Speaker and has moved its adoption.

**12.4—Second and Third Reading; Vote Required on Third Reading**

(a) A motion to amend is in order during the second or third reading of any bill.

(b) Amendments proposed on third reading shall require a two-thirds vote of the Members present and voting for adoption, except that technical amendments introduced in the name of the Procedural & Redistricting Council shall require a majority vote for adoption.

(c) A motion for reconsideration of an amendment on third reading requires a two-thirds vote of the Members present and voting for adoption.

**12.5—Amendment of General Appropriations Bill**

(a) Whenever an amendment is offered to a General Appropriations Bill that would increase any line item of such bill, such amendment shall show the amount by line item of the increase and shall, from within the jurisdiction of the same fiscal standing committee, decrease a line item or items in an amount or amounts equivalent to or greater than the increase required by the amendment.

(b) A floor amendment to the General Appropriations Bill that proposes to move spending authority between sections of the bill shall require a two-thirds vote of the Members present and voting.

**12.6—Consideration of Senate Amendments**

(a) After the reading of a Senate amendment to a House bill, the following motions shall be in order and shall be privileged in the order named:

(1) Amend the Senate amendment by a concurrence of the majority required for the final passage of the bill.

(2) Concur in the Senate amendment by a concurrence of the same majority required for the final passage of the bill.

(3) Refuse by the majority of the required quorum to concur and ask the Senate to recede.

(4) Request the Senate to recede and, failing to do so, to appoint a conference committee to meet with a like committee appointed by the Speaker.

(b) If the Senate refuses to concur in a House amendment to a Senate bill, the following motions shall be in order and shall be privileged in the order named:

- (1) That the House recede.
- (2) That the House insist and ask for a conference committee.
- (3) That the House insist.

(c) The Speaker may, upon determining that a Senate amendment substantially changes the bill as passed by the House, refer the Senate message, with the bill and Senate amendment or amendments, to the appropriate House committee or council for review and report to the House. The Speaker, upon such reference, shall announce the date and time for the committee or council to meet. The committee or council shall report to the House the recommendation for disposition of the Senate amendment or amendments under one of the four options presented in subsection (a). The report shall be given to the House, in writing, by the Chair of the reporting committee or council.

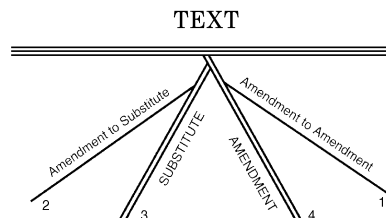
**12.7—Motion to Amend by Striking Out Enacting or Resolving Clause**

An amendment to strike out the enacting clause of a bill or the resolving clause of a resolution or memorial shall, if carried, be considered as equivalent to rejection of the bill, resolution, or memorial by the House.

**12.8—Sequence of Amendments to Amendments**

An amendment to a pending amendment may be received, but until it is disposed of no other motion to amend will be in order except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

- (a) Amendments to the amendment are voted on before the substitute is taken up. Only one amendment to the amendment is in order at a time.
- (b) Amendments to the substitute are next voted on.
- (c) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment of the bill itself.



**12.9—Germanity of House Amendments**

- (a) **GERMANITY.**
  - (1) Neither the House nor any committee or council shall consider an amendment that relates to a different subject or is intended to accomplish a different purpose than that of the pending question or that, if adopted and passed, would require a title amendment for the proposal that is substantially different from the proposal's original title or that would unreasonably alter the nature of the proposal.

(2) The Speaker shall rule on the admissibility of any amendment when the question of germanity is timely raised.

(3) An amendment of the second degree or a substitute amendment must be germane to both the main amendment and the measure to which it adheres.

(b) AMENDMENTS THAT ARE NOT GERMANE. House amendments that are not germane include:

(1) A general proposition amending a specific proposition.

(2) An amendment amending a statute or session law when the purpose of the bill is limited to repealing such law, or an amendment repealing a statute or session law when the purpose of the bill is limited to amending such law.

(3) An amendment that substantially expands the scope of the bill.

(4) An amendment to a bill when legislative action on that bill is by law or these Rules limited to passage, concurrence, indefinite postponement, or nonconcurrence as introduced.

(c) AMENDMENTS THAT ARE GERMANE. Amendments that are germane include:

(1) A specific provision amending a general provision.

(2) An amendment that accomplishes the same purpose in a different manner.

(3) An amendment limiting the scope of the proposal.

(4) An amendment providing appropriations necessary to fulfill the original intent of a proposal.

(5) An amendment relating only to clarification of details.

(6) An amendment that changes the effective date of a repeal, reduces the scope of a repeal, or adds a short-term nonstatutory transitional provision to facilitate repeal.

#### 12.10—Amendments Out of Order

An amendment is out of order if it is the principal substance of a bill that has received an unfavorable committee or council report.

#### 12.11—Printing of Amendments in *Journal*

All amendments taken up, unless withdrawn, shall be printed in the *Journal*, except that an amendment to a General Appropriations Bill constituting an entirely new bill shall not be printed until the filing of the conference committee report.

### RULE THIRTEEN

#### RULES

##### 13.1—Initial Adoption of Rules of the House

The initial adoption of the Rules of the House shall require a majority vote. Once adopted, the Rules of the House shall remain in effect, unless waived or amended as provided in these Rules.

##### 13.2—Waiver of Rules of the House

Any Rule of the House, except a Rule requiring unanimous consent, may be waived by a two-thirds vote of the Members present and voting; however, the waiver shall apply only to the matter under immediate consideration and shall not extend beyond adjournment of a session day.

##### 13.3—Amending Rules of the House

No Rule of the House may be amended except by a report or resolution from the Committee on Rules, Ethics & Elections adopted by the House by majority vote. A report or resolution of the Committee on Rules,

Ethics & Elections proposing amendments to these Rules is always in order; however, any amendment of such a report or resolution prior to its adoption requires a two-thirds vote of the Members present and voting.

#### 13.4—Parliamentary Authorities

In all cases not provided for by the Florida Constitution, the Rules of the House, or the Joint Rules of the Senate and House, the guiding, but nonbinding, authority shall be first the Rulings of the Speaker and then the latest edition of *Mason's Manual of Legislative Procedure*.

#### 13.5—Majority Action

Unless otherwise indicated by these Rules, all action by the House or its committees or councils shall be by majority vote of those Members present and voting. When the body is equally divided, the question is lost.

#### 13.6—"Days" Defined

Wherever used in these Rules, a "legislative" day means a day when the House convenes and a quorum is present. All other references to "days" mean "calendar" days.

### RULE FOURTEEN

#### MISCELLANEOUS PROVISIONS

##### Part One—Public Records

##### 14.1—Legislative Records

There shall be available for public inspection, whether maintained in Tallahassee or in a district office, the papers and records developed and received in connection with official legislative business, except as provided in section 11.0431, Florida Statutes, or other provision of law.

##### 14.2—Legislative Records; Maintenance, Control, Destruction, Disposal, and Disposition

(a) Records that are required to be created by these Rules or that are of vital, permanent, or archival value shall be maintained in a safe location that is easily accessible for convenient use. No such record need be maintained if the substance of the record is published or retained in another form or location. Whenever necessary, but no more often than annually or less often than biennially, records required to be maintained may be transferred to the Legislative Library Service of the Division of Library and Information Services of the Department of State for retention in accordance with law.

(b) Other records that are no longer needed for any purpose and that do not have sufficient administrative, legal, or fiscal significance to warrant their retention shall be disposed of systematically.

(c)(1) The committee administrative assistant for each existing committee shall ensure compliance with this Rule for all records created or received by the committee or for a former committee whose jurisdiction has been assigned to the committee.

(2) The council administrative assistant for each existing council shall ensure compliance with this Rule for all records created or received by the council or for a former council whose jurisdiction has been assigned to the council.

(3) The Speaker, the Speaker pro tempore, the Minority Leader, the Majority Leader, and the Sergeant at Arms shall ensure compliance with this Rule for all records created or received by their respective offices and their predecessors in office.

(4) Each Member shall ensure compliance with this Rule for all records created or received by the Member or the Member's district office.



(5) The director of an ancillary House office shall ensure compliance with this Rule for all records created or received by the director's office.

(6) The Clerk shall ensure compliance with this Rule for all other records created or received by the House of Representatives.

(d) If a committee, council, or office is not continued in existence, the records of such committee, council, or office shall be forwarded to the committee, council, or office assuming the jurisdiction or responsibility of the former committee, council, or office, if any. Otherwise, such records shall be forwarded to the Clerk.

(e) The Clerk, with the approval of the Speaker, shall establish a schedule of reasonable and appropriate fees for copies of legislative records and documents; however, there shall be no charge for a single copy of any individual, separately obtained bill (other than a General Appropriations Bill) or a bill analysis or other record required by these Rules to be created.

### **Part Two—Distribution of Documents; Display of Signs**

#### **14.3—Distribution of Documents**

Documents required by these Rules to be printed or published may be produced and distributed on paper or in electronic form.

#### **14.4—Display of Signs, Placards, and the Like**

Signs, placards, or other objects of similar nature shall be permitted in the rooms, lobby, galleries, or Chamber of the House only upon approval of the Committee on Rules, Ethics & Elections.

### **Part Three—House Seal**

#### **14.5—House Seal**

(a) **REQUIREMENT.** There shall be an official seal of the House of Representatives. The seal shall be used only by or on behalf of a Member or officer of the House or when specifically authorized in writing by the Committee on Rules, Ethics & Elections.

(b) **CONFIGURATION.** The seal shall be a circle, having, in the center thereof, a view of the sun's rays over a highland in the distance, a sabal palmetto palm tree, a steamboat on the water, and a Native American female scattering flowers in the foreground, encircled by the words "House of Representatives."

(c) **USE.** Unless a written exception is otherwise granted by the Speaker:

(1) Material carrying the official seal shall be used only by a Member, officer, or employee of the House or other persons employed or retained by the House.

(2) The use, printing, publication, or manufacture of the seal, or items or materials bearing the seal or a facsimile of the seal, shall be limited to official business of the House or official legislative business.

(d) **CUSTODIAN.** The Clerk shall be the custodian of the official seal.

## **RULE FIFTEEN**

### **ETHICS AND CONDUCT OF MEMBERS**

#### **15.1—Legislative Ethics and Official Conduct**

Legislative office is a trust to be performed with integrity in the public interest. A Member is respectful of the confidence placed in the Member by the other Members and by the people. By personal example and by admonition to colleagues whose behavior may threaten the honor of the lawmaking body, the Member shall watchfully guard the responsibility of office and the responsibilities and duties placed on the Member by the House. To this end, each Member shall be accountable to the House for

violations of this Rule or any provision of the House Code of Conduct contained in Rules 15.1-15.8.

#### **15.2—The Integrity of the House**

A Member shall respect and comply with the law and shall perform at all times in a manner that promotes public confidence in the integrity and independence of the House and of the Legislature. Each Member shall perform at all times in a manner that promotes a professional environment in the House, which shall be free from unlawful employment discrimination.

#### **15.3—Improper Influence; Solicitation of Campaign Contributions**

(a) A Member may not accept anything that reasonably may be construed to improperly influence the Member's official act, decision, or vote.

(b) A Member may neither solicit nor accept any campaign contribution during the 60-day regular legislative session on the Member's own behalf, on behalf of a political party, or on behalf of a candidate for the House of Representatives; however, a Member may contribute to the Member's own campaign.

#### **15.4—Ethics; Conflicting Employment**

A Member shall:

(a) Scrupulously comply with the requirements of all laws related to the ethics of public officers.

(b) Not allow personal employment to impair the Member's independence of judgment in the exercise of official duties.

(c) Not directly or indirectly receive or agree to receive any compensation for any services rendered or to be rendered either by the Member or any other person when such activity is in substantial conflict with the duties of a Member of the House.

#### **15.5—Use of Official Position**

A Member may not corruptly use or attempt to use the Member's official position in a manner contrary to the trust or authority placed in the Member, either by the public or by other Members, for the purpose of securing a special privilege, benefit, or exemption for the Member or for others.

#### **15.6—Use of Information Obtained by Reason of Official Position**

A Member may engage in business and professional activity in competition with others, but may not use or provide to others, for the Member's personal gain or benefit or for the personal gain or benefit of any other person or business entity, any information that has been obtained by reason of the Member's official capacity as a Member and that is unavailable to members of the public as a matter of law.

#### **15.7—Members to Advise Legislative Employees of House Requirements**

Each Member is responsible for calling the regulations, policies, and procedures approved by the Speaker relating to legislative staff and the Rules of the House relating to legislative staff to the attention of any staff for whom the Member is directly responsible. A Member may not engage, or permit another to engage, in conduct that the Member knows or should have known to be harmful to a professional environment in the workplace, which shall be free from unlawful employment discrimination. A professional environment in the workplace, which shall be free from unlawful employment discrimination, is one in which there is compliance with state and federal law and the regulations, policies, and procedures relating to employment discrimination approved by the Speaker.

**15.8—Representation of Another Before a State Agency**

A Member may not personally represent another person or entity for compensation before any state agency other than a judicial tribunal. For the purposes of this Rule, "state agency" means any entity of the legislative or executive branch of state government over which the Legislature exercises plenary budgetary and statutory control.

**15.9—Advisory Opinions**

(a) A Member, when in doubt about the applicability and interpretation of these Rules with respect to legislative ethics and Member conduct, may convey the facts of the situation to the House general counsel for an advisory opinion. The general counsel shall issue the opinion within 10 days after receiving the request. The advisory opinion may be relied upon by the Member requesting the opinion. Upon request of any Member, the committee designated by the Speaker to have responsibility for the ethical conduct of Members may revise an advisory opinion rendered by the House general counsel through an advisory opinion issued to the Member who requested the opinion.

(b) An advisory opinion rendered by the House general counsel or the committee shall be numbered, dated, and published by the Clerk in an annual publication of the House. Advisory opinions from the House general counsel or the committee may not identify the Member seeking the opinion unless such Member so requests.

**15.10—Felony Indictment or Information of a Member**

(a) If an indictment or information for a felony of any jurisdiction is filed against a Member of the House, the Member indicted or informed against may request the Speaker to excuse the Member, without pay, from all privileges of membership of the House pending final adjudication.

(b) If the indictment or information is either *nolle prossed* or dismissed, or if the Member is found not guilty of the felonies charged, or lesser included felonies, then the Member shall be paid all back pay and other benefits retroactive to the date the Member was excused.

**15.11—Felony Guilty Plea of a Member**

A Member who enters a plea of guilty or *nolo contendere* (no contest) to a felony of any jurisdiction may, at the discretion of the Speaker, be suspended immediately, without a hearing and without pay, from all privileges of membership of the House through the remainder of that Member's term.

**15.12—Felony Conviction of a Member**

(a) A Member convicted of a felony of any jurisdiction may, at the discretion of the Speaker, be suspended immediately, without a hearing and without pay, from all privileges of membership of the House pending appellate action or the end of the Member's term, whichever occurs first.

(b) A Member suspended under the provisions of this Rule may, within 10 days after such suspension, file a written request for a hearing setting forth specific reasons contesting the Member's suspension. Upon receipt of a written request for a hearing, the Speaker shall appoint a select committee, which shall commence a hearing on the Member's suspension within 30 days and issue a report to the House within 10 days after the conclusion of the hearing. The report of the select committee shall be final unless the Member, within 10 days after the issuance of the report, requests in writing that the Speaker convene the full House to consider the report of the select committee. Upon receipt of a request for such consideration, the Speaker shall timely convene the House for such purpose.

(c) If the final appellate decision is to sustain the conviction, then the Member's suspension shall continue to the end of the Member's term. If the final appellate decision is to vacate the conviction and there is a rehearing, the Member shall be subject to Rule 15.10. If the final appellate decision is to vacate the conviction and no felony charges

remain against the Member, the Member shall be entitled to restitution of back pay and other benefits retroactive to the date of suspension.

**RULE SIXTEEN****PROCEDURES FOR LEGAL PROCEEDINGS****Part One—Committees and Councils Conducting Legal Proceedings****16.1—Procedures for Committees and Councils Conducting Legal Proceedings****(a) ISSUANCE OF SUBPOENA.**

(1) In order to carry out its duties, each standing or select committee or council, whenever required, may issue subpoena with the approval of the Speaker and other necessary process to compel the attendance of witnesses before such committee or council or the taking of a deposition pursuant to these Rules. The Chair of the standing or select committee or council shall issue such process on behalf of the standing or select committee or council. The Chair or any other member of such committee or council may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before such committee or council for the purpose of testifying in any matter about which such committee or council may desire evidence.

(2) Each standing or select committee or council, whenever required, may also compel by subpoena *duces tecum* the production of any books, letters, or other documentary evidence it may desire to examine in reference to any matter before it. The Chair of the standing or select committee or council shall issue process on behalf of the standing or select committee or council.

**(b) CONTEMPT PROCEEDINGS.**

(1) Either house may punish, by fine or imprisonment, any person who is not a Member and who is guilty of disorderly or contemptuous conduct in its presence or of a refusal to obey its lawful summons.

(2) A person shall be deemed in contempt if the person:

a. Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

b. Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of such committee or council; or

c. Commits any other act or offense against such committee or council that, if committed against the Legislature or either house thereof, would constitute contempt.

(3) A standing or select committee or council may, by majority vote of all of its members, apply to the House for contempt citation. The application shall be considered as though the alleged contempt had been committed in or against the House itself. If such committee or council is meeting during the interim, its application shall be made to the circuit court pursuant to subsection (f).

(4) A person guilty of contempt under this Rule shall be fined not more than \$500 or imprisoned not more than 90 days or both, or shall be subject to such other punishment as the House may, in the exercise of its inherent powers, impose prior to and in lieu of the imposition of the aforementioned penalty.

(5) The sheriffs in the several counties shall make such service and execute all process or orders when required by standing or select committees or councils. Sheriffs shall be paid as provided for in section 30.231, Florida Statutes.

(c) FALSE SWEARING. Whoever willfully affirms or swears falsely in regard to any material matter or thing before any standing or select committee or council is guilty of perjury in an official proceeding, which is a felony of the third degree and shall be punished as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

## (d) RIGHTS OF WITNESSES.

(1) All witnesses summoned before any standing or select committee or council shall receive reimbursement for travel expenses and per diem at the rates provided in section 112.061, Florida Statutes. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

(2) Service of a subpoena requiring the attendance of a person at a meeting of a standing or select committee or council shall be made in the manner provided by law for the service of subpoenas in civil action at least 7 calendar days prior to the date of the meeting unless a shorter period of time is authorized by majority vote of all the members of such committee or council. If a shorter period of time is authorized, the persons subpoenaed shall be given reasonable notice of the meeting, consistent with the particular circumstances involved.

(3) Any person who is served with a subpoena to attend a meeting of any standing or select committee or council also shall be served with a general statement informing the person of the subject matter of such committee's or council's investigation or inquiry and a notice that the person may be accompanied at the meeting by private counsel.

(4) Upon the request of any party and the approval of a majority of the standing or select committee or council, the Chair shall instruct all witnesses to leave the meeting room and retire to a designated place. The witness will be instructed by the Chair not to discuss the testimony of the witness or the testimony of any other person with anyone until the meeting has been adjourned and the witness has been discharged by the Chair. The witness shall be further instructed that if any person discusses or attempts to discuss the matter under investigation with the witness after receiving such instructions, the witness shall bring such matter to the attention of such committee or council. No member of such committee or council or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with any witness to be called before such committee or council from the time that these instructions are given until the meeting has been adjourned and the witness has been discharged by the Chair. Any person violating this Rule shall be in contempt of the Legislature.

(5) Any standing or select committee or council taking sworn testimony from witnesses as provided herein shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced, which record shall include rulings of the Chair, questions of such committee or council and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee or council, and such other matters as the committee or council or its Chair may direct.

(6) A witness at a meeting, upon advance request and at the witness's own expense, shall be furnished a certified transcript of the witness's testimony at the meeting.

## (e) RIGHT OF OTHER PERSONS TO BE HEARD.

(1) Any person whose name is mentioned or who is otherwise identified during a meeting being conducted for the purpose of taking sworn testimony from witnesses of any standing or select committee or council and who, in the opinion of such committee or council, may be adversely affected thereby, may, upon the request of the person or upon the request of any member of such committee or council, appear personally before such committee or council and testify on the person's own behalf, or, with such committee's or council's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the meeting. Any such witness, however, shall, prior to filing such statement, consent to answer questions from such committee or council regarding the contents of the statement.

(2) Upon the consent of a majority of the members present, a quorum having been established, any standing or select committee or council may permit any other person to appear and testify at a meeting or submit a sworn written statement of facts or other documentary evidence for incorporation into the record. No request to appear, appearance, or submission shall limit in any way the committee's or

council's power of subpoena. Any such witness, however, shall, prior to filing such statement, consent to answer questions from any standing or select committee or council regarding the contents of the statement.

(f) ENFORCEMENT OF SUBPOENA OUT OF SESSION. If any witness fails to respond to the lawful subpoena of any standing or select committee or council at a time when the Legislature is not in session or, having responded, fails to answer all lawful inquiries or to turn over evidence that has been subpoenaed, such committee or council may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of the complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the possession of the witness that is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish such witness accordingly.

### Part Two—Complaints Against Members and Officers of the House

#### 16.2—Complaints of Violations of the Standards of Conduct by Members and Officers of the House; Procedure

(a) FILING OF COMPLAINTS. The Chair of the Committee on Rules, Ethics & Elections shall receive and initially review allegations of improper conduct that may reflect upon the House, violations of law, violations of the House Code of Conduct, and violations of the Rules and regulations of the House relating to the conduct of individuals in the performance of their duties as Members or officers of the House. Complaints of improper conduct against the Chair of the Committee on Rules, Ethics & Elections shall be reviewed and managed by the Speaker or, if designated by the Speaker, the Speaker pro tempore.

(1) Review of Complaints. The Chair of the Committee on Rules, Ethics & Elections shall review each complaint submitted to the committee relating to the conduct of a Member or officer of the House.

## (2) Complaints.

a. A complaint shall be in writing and under oath, setting forth in simple, concise statements the following:

1. The name and legal address of the party filing the complaint (complainant);

2. The name and position or title of the Member or officer of the House (respondent) alleged to be in violation of the House Code of Conduct or a law, rule, regulation, or other standard of conduct;

3. The nature of the alleged violation, based upon the personal knowledge of the complainant, including, if possible, the specific section of the House Code of Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated; and

4. The facts alleged to have given rise to the violation.

b. All documents in the possession of the complainant that are relevant to, and in support of, the allegations shall be attached to the complaint.

## (3) Processing Complaint and Preliminary Findings.

a. Upon the filing of a complaint, the Chair shall, within 5 working days, notify the Member or officer against whom the complaint has been filed and give such person a copy of the complaint. Within 20 days, the Chair shall take the necessary actions as provided in subparagraphs b.-g.

b. The Chair shall examine each complaint for jurisdiction and for compliance with paragraph (a)(2).

c. If the Chair determines that a complaint does not comply with such Rule, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such Rule and with a copy of the Rule. A complainant may resubmit a

complaint, provided such complaint is resubmitted prior to the expiration of the time limitation set forth in subsection (o).

d. If the Chair determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

e. If the Chair determines that the complaint is outside the jurisdiction of the House, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

f. If the Chair determines that a violation is inadvertent, technical, or otherwise of a *de minimis* nature, the Chair may attempt to correct or prevent such a violation by informal means.

g. If the Chair determines that such a complaint does allege facts sufficient to constitute a violation of any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, and that the complaint is not *de minimis* in nature, the Chair shall, within 20 days, transmit a copy of the complaint to the Speaker and, in writing, request the appointment of a Probable Cause Panel or Special Master regarding the complaint. A copy of the letter shall be provided to the complainant and the respondent.

(4) Withdrawal of Complaints. A complaint may be withdrawn at any time.

(b) PROBABLE CAUSE PANEL OR SPECIAL MASTER.

(1) Creation. Whenever the Speaker receives a copy of a complaint and request made pursuant to subsection (a), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (the panel) consisting of an odd number of members or appoint a Special Master. If the Speaker appoints a Probable Cause Panel, the Speaker shall also appoint one member of the panel as its Chair. The Speaker may appoint up to two additional persons who are not Members of the House to serve as nonvoting, public members of a Probable Cause Panel.

(2) Powers and Duties. The members of the panel or the Special Master shall have the following powers and duties:

a. Investigate complaints and make appropriate findings of fact promptly regarding allegations of improper conduct sufficient to establish probable cause of violations of law, violations of the House Code of Conduct, and violations of Rules and regulations of the House relating to the conduct of individuals in the performance of their duties as Members or as officers of the House;

b. Based upon the investigation by the Special Master or the panel, make and report findings of probable cause to the Speaker and to the House as it relates to the complaint that occasioned the appointment of the Probable Cause Panel or the Special Master;

c. Recommend to the Committee on Rules, Ethics & Elections such additional Rules or regulations as the Probable Cause Panel or the Special Master shall determine are necessary or desirable to ensure proper standards of conduct by Members and officers of the House in the performance of their duties and the discharge of their responsibilities; and

d. Adopt rules of procedure as appropriate.

(3) Quorum. A quorum of a Probable Cause Panel, when appointed, shall consist of a majority of the members of the panel. All action by a Probable Cause Panel shall require the concurrence of a majority of the full panel.

(4) Term. A Probable Cause Panel or Special Master, as appropriate, shall serve until the complaint that occasioned the appointment of the panel or the Special Master has been dismissed or until a finding of probable cause has been transmitted to the Speaker.

(c) PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING.

(1) Preliminary Investigation.

a. The Probable Cause Panel or the Special Master shall provide the respondent an opportunity to present to the panel, the Special Master, or staff of the panel, orally or in writing, a statement addressing the allegations.

b. The panel, Special Master, or the staff of the panel may interview witnesses and examine documents and other evidentiary matters.

c. The panel or Special Master may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or any other member of the panel, by the Special Master, or by any person authorized by law to administer oaths.

d. The panel or Special Master may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

(2) Probable Cause Finding.

a. Findings.

1. The panel, by a recorded vote of a majority of the full panel, or the Special Master, as appropriate, shall determine whether there is probable cause to conclude that a violation within the jurisdiction of the panel or the Special Master has occurred.

2. If the panel or Special Master, as appropriate, finds that probable cause does not exist, the panel or Special Master shall dismiss the complaint and notify the complainant and the respondent of its determination.

3. If the panel or Special Master, as appropriate, determines that probable cause exists to believe that a violation occurred but that the violation, if proven, is neither of a *de minimis* nature nor sufficiently serious to justify expulsion, censure, or reprimand, the panel or Special Master may recommend an appropriate, lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's or Special Master's conclusions, as appropriate, shall be published in the House *Journal* and the penalty agreed upon shall be imposed. If the panel or Special Master is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before the Select Committee on Standards of Official Conduct pursuant to subsection (d).

4. If the panel or Special Master determines that probable cause exists to believe that a violation occurred and that, if proven, would be sufficiently serious to justify expulsion, censure, or reprimand, the panel or Special Master shall cause to be transmitted to the respondent a Statement of Alleged Violation. The statement shall be divided into counts, and each count shall be related to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, including a reference to the provision of the House Code of Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated. A copy of the statement shall also be transmitted to the Speaker.

b. Collateral Proceedings. If the complaint against a Member or officer of the House has been the subject of action before any other body, the panel or Special Master may forward the complaint directly to a hearing pursuant to subsection (d).

(d) HEARING.

(1) Select Committee on Standards of Official Conduct. Upon receipt by the Speaker of a Statement of Alleged Violation, the Speaker shall appoint, within 20 days, a Select Committee on Standards of Official Conduct (the select committee) to hold hearings regarding the statement and make a recommendation for disciplinary action to the full House. Upon the receipt by the Speaker of a complaint and findings by the Commission on Ethics regarding a Member of the House, the Speaker shall appoint, within 20 days, a Select Committee on Standards of Official Conduct to hold hearings to determine whether a violation

has occurred and, if so, to make a recommendation for disciplinary action to the full House.

(2) Hearing. A hearing regarding a violation charged in a Statement of Alleged Violation or in a complaint and findings by the Commission on Ethics shall be held promptly to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation.

a. Chair. The Chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members of the select committee. If the select committee appoints a referee pursuant to subsection (i), the referee shall make all evidentiary rulings.

b. Referee. The select committee shall serve as referee for all proceedings under these Rules, unless the select committee retains an independent referee pursuant to subsection (i).

c. Prosecutor. The select committee's staff shall serve as a legal advisor to the committee. The select committee may retain independent counsel pursuant to subsection (j) to serve as prosecutor in all proceedings conducted under these Rules.

d. Respondent's Rights. The respondent shall have the right to be represented by legal counsel, to call witnesses, to introduce exhibits, and to cross-examine opposing witnesses. The respondent or respondent's counsel shall be permitted to take the deposition of the complainant in accordance with sub-subparagraph (d)(3)a.3.

e. Complainant's Rights. The complainant is not a party to any part of the complaint process or these proceedings. The complainant has no standing to challenge these Rules or procedures and has no right to appeal. The complainant may submit a list of witnesses or questions for the select committee's consideration to assist in its preparation for the hearing.

(3) Procedures.

a. Procedure and Evidence.

1. Procedure. The select committee may adopt rules of procedure as appropriate to its needs.

2. Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. However, hearsay evidence may not be used unless same would be admissible under the *Florida Rules of Evidence* and it shall not be sufficient in itself to support a factual finding unless it would be admissible over objection in civil actions.

3. Discovery. Discovery may be permitted upon motion, which shall state the reason therefor. Discovery shall be in accordance with the *Florida Rules of Civil Procedure*, but may be limited in time, scope, and method by the Chair or the referee.

4. Testimony. The select committee shall order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or a member of the select committee, by any referee appointed pursuant to subsection (i), or by any person authorized by law to administer oaths.

5. Subpoenas. The select committee may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

b. Order of Hearing. The order of the full hearing before the select committee or the referee shall be as follows:

1. The Chair or the referee shall open the hearing by stating the select committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

2. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order, whenever possible: witnesses and other evidence offered by the independent counsel, witnesses and other evidence offered by the respondent, and rebuttal witnesses. The select committee may call witnesses at any time during the proceedings.

3. Witnesses at the hearing shall be examined first by the independent counsel. The respondent or the respondent's counsel may then cross-examine the witnesses. The members of the select committee may then question the witnesses. Redirect and recross may be permitted in the Chair's or the referee's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or the respondent's counsel, and then may be cross-examined by the independent counsel. Members of the select committee may then question the witness. Redirect and recross may be permitted in the Chair's or the referee's discretion. Participation by the select committee at the hearing stage is at the sole discretion of the select committee and is not mandatory.

(4) Burden of Proof. At the hearing, the burden of proof rests on the appointed independent counsel to establish the facts alleged by clear and convincing evidence with respect to each count.

(e) COMMITTEE RECOMMENDED ORDER.

(1) Committee Deliberations. As soon as practicable, the select committee shall consider each count contained in a Statement of Alleged Violation or in a complaint and findings, as the case may be. A count shall not be proven unless at least a majority of the select committee votes for a motion that the count has been proved. A count that is not proved shall be considered as dismissed by the select committee.

(2) Dismissal of Complaint. After the hearing, the select committee shall, in writing, state its findings of fact. If the select committee finds that the respondent has not violated any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, it shall order the action dismissed and shall notify the respondent and the complainant of such action.

(3) Recommended Order.

a. Recommended Order. If the select committee finds that the respondent has violated any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, it shall, in writing, state its findings of fact and submit a report to the House. A copy of the report shall be sent to the respondent and the complainant and shall be published in the *House Journal*.

b. Penalty. With respect to any violation with which a Member or officer of the House is charged in a count that the select committee has voted as proved, the select committee may recommend to the House that the Member or officer be fined, censured, reprimanded, placed on probation, or expelled, as appropriate, or may recommend such other lesser penalty as may be appropriate.

(f) PROPOSED RECOMMENDED ORDER.

(1) Referee. When a hearing is conducted by referee, as provided in subsection (i), the referee shall prepare a proposed recommended order and file it, together with the record of the hearing, with the select committee. Copies of the proposed recommended order shall be served on all parties.

(2) Proposed Recommended Order. The proposed recommended order will contain the time and place of the hearing, appearances entered at the hearing, issues, and proposed findings of fact and conclusions of law.

(3) Exceptions. The respondent and the independent counsel may file written exceptions with the select committee in response to a referee's recommended order. Exceptions shall be filed within 20 days after service of the recommended order unless such time is extended by the referee or the Chair of the select committee.

(4) Recommended Order. The select committee shall deliberate and render a recommended order pursuant to the provisions of subsection (e).

(g) CONSENT DECREE. At any stage of the proceedings, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the House *Journal*. The consent decree shall contain such penalty as may be appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(h) CONFIDENTIALITY. Any material provided to the House in response to a complaint filed under this Rule that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by applicable law. Except as otherwise provided in this section, a complaint and the records relating to a complaint shall be available for public inspection upon the dismissal of a complaint by the Chair of the Committee on Rules, Ethics & Elections, a determination as to probable cause or informal resolution of a complaint by a Special Master or Probable Cause Panel, or the receipt by the Speaker of a request in writing from the respondent that the complaint and other records relating to the complaint be made public records.

(i) REFEREE. The Select Committee on Standards of Official Conduct may, in its discretion and with the approval of the Speaker, employ a referee to preside over the proceedings, to hear testimony, and to make findings of fact and recommendations to the select committee concerning the disposition of complaints.

(j) INDEPENDENT COUNSEL. The Select Committee on Standards of Official Conduct is authorized to retain and compensate counsel not regularly employed by the House, as authorized by the Speaker.

(k) ATTORNEY'S FEES. When a Probable Cause Panel or a Special Master finds that probable cause does not exist or the select committee finds that the respondent has not violated any of the provisions of the House Code of Conduct or a law, rule, regulation, or other standard of conduct, the panel or Special Master or the select committee may recommend to the Speaker that the reasonable attorney's fees and costs incurred by the respondent be paid by the House. Payment of such reasonable fees and costs shall be subject to the approval of the Speaker.

(l) ELIGIBILITY; SPEAKER OF THE HOUSE. If any allegation under this Rule involves the conduct or activities of the Speaker, the duties of the Speaker pursuant to this Rule shall be transferred to the Speaker pro tempore.

(m) COLLATERAL ACTIONS.

(1) Criminal Actions. Any criminal complaints relating to Members shall be governed by these Rules.

(2) Commissions or Quasi-Judicial Agencies with Concurrent Jurisdiction. If a complaint against a Member or an officer of the House is filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Committee on Rules, Ethics & Elections, a Probable Cause Panel or a Special Master, and the Select Committee on Standards of Official Conduct shall have the discretion to refrain from processing a similar complaint until such commission or quasi-judicial agency has completed its review of the matter. If such a complaint is filed initially with the Chair of the Committee on Rules, Ethics & Elections and subsequently filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Committee on Rules, Ethics & Elections, the panel or Special Master, and the select committee shall have the discretion to suspend their proceedings until all such commissions and agencies have completed their review of the matter.

(n) EX PARTE COMMUNICATIONS.

(1) A Special Master or a member of a Probable Cause Panel or of a Select Committee on Standards of Official Conduct shall not initiate or

consider any *ex parte* communication relative to the merits of a pending complaint proceeding by:

a. Any person engaged in prosecution or advocacy in connection with the matter; or

b. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the action of the panel, Special Master, or select committee, or authorized representatives or counsel thereof.

(2) Except when acting in official capacity as a Special Master or as a member of a panel or select committee, a Special Master or a member of a Probable Cause Panel or of a Select Committee on Standards of Official Conduct shall not comment upon or discuss with any other person the matters that occasioned the appointment of the Special Master, panel, or select committee during the pendency of proceedings held pursuant to this Rule before the Special Master, panel, or select committee. This section shall not apply to communications initiated or considered by the Special Master or the Chair of the panel or select committee relating to a settlement pursuant to sub-subparagraph (c)(2)a.3. or to a consent decree authorized pursuant to subsection (g).

(o) TIME LIMITATIONS.

(1) On or after the effective date of these Rules, all sworn complaints alleging violation of the House Code of Conduct, including any violation of law or of the Rules and regulations of the House, shall be filed with the Committee on Rules, Ethics & Elections within 2 years after the alleged violation.

(2) A violation of the House Code of Conduct is committed when every element of the Rule has occurred and time starts to run on the day after the violation occurred.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the Member or officer is filed with the Committee on Rules, Ethics & Elections. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring action by the Chair of the Committee on Rules, Ethics & Elections. The complaint and all material related thereto shall remain confidential.

### 16.3—Penalties for Violations

Separately from any prosecutions or penalties otherwise provided by law, any Member determined to have violated the foregoing requirements of these Rules shall be fined, censured, reprimanded, placed on probation, or expelled, or have such other lesser penalty imposed as may be appropriate. Such determination and disciplinary action shall be taken by a two-thirds vote of the House, except that expulsions shall require two-thirds vote of the membership, upon recommendation of the select committee so designated under Rule 16.2.

## Part Three—Complaints Against Lobbyists

### 16.4—Lobbyists

(a) OBLIGATIONS OF A LOBBYIST.

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view that the lobbyist openly declares. A lobbyist shall not offer or propose anything that may reasonably be construed to improperly influence the official act, decision, or vote of a legislator, nor shall a lobbyist attempt to improperly influence the selection of officers or employees of the House. A lobbyist, by personal example and admonition to colleagues, shall maintain the honor of the legislative process by the integrity of the lobbyist's relationship with legislators as well as with the principals whom the lobbyist represents.

(2) A lobbyist shall not knowingly and willfully falsify, conceal, or cover up, by any trick, scheme, or device, a material fact or make any false, fictitious, or fraudulent statement or representation, or make or

use any writing or document knowing the same to contain any false, fictitious, or fraudulent statements or entry.

(3) No registered lobbyist shall be permitted upon the floor of the House while it is in session.

(b) **ADVISORY OPINIONS; COMPILATION THEREOF.** A lobbyist, when in doubt about the applicability and interpretation of subsection (a) in a particular context, shall submit in writing the facts for an advisory opinion to the Speaker, who shall either refer the issue to the House general counsel for an advisory opinion or refer the issue to a committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists and may appear in person before such committee. The House general counsel or this committee shall render advisory opinions to any lobbyist who seeks advice as to whether the facts in a particular case would constitute a violation of such Rule by a lobbyist. Such opinion, until amended or revoked, shall be binding in any subsequent complaint concerning the lobbyist who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for advisory opinion. Upon request of the lobbyist or any Member, the committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists may revise any advisory opinion issued by the House general counsel or may revise any advisory opinion issued by the general counsel of the Office of Legislative Services under Joint Rule 1.7. The House general counsel or committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions. All advisory opinions of the House general counsel or this committee shall be numbered, dated, and published in an annual publication of the House. The Clerk shall keep a compilation of all advisory opinions of the House general counsel or committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists.

#### 16.5—Complaints of Violations Relating to Lobbyists; Procedure

(a) **FILING OF COMPLAINTS.** The Chair of the Committee on Rules, Ethics & Elections shall receive and initially review allegations of violations of the Rules of the House, Joint Rule 1, or violations of a law, rule, or other standard of conduct by a lobbyist.

(1) **Review of Complaints.** The Chair of the Committee on Rules, Ethics & Elections shall review each complaint submitted to the Committee on Rules, Ethics & Elections relating to the conduct of a lobbyist.

##### (2) Complaints.

a. A complaint shall be in writing and under oath, setting forth in simple, concise statements the following:

1. The name and legal address of the party filing the complaint (complainant);

2. The name and address of the lobbyist (respondent) alleged to be in violation of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct;

3. The nature of the alleged violation based upon the personal knowledge of the complainant, including, if possible, the specific section of the Rules of the House, Joint Rule 1, or law, rule, or other standard of conduct alleged to have been violated; and

4. The facts alleged to give rise to the violation.

b. All documents in the possession of the complainant that are relevant to, and in support of, the allegations shall be attached to the complaint.

##### (3) Processing Complaint and Preliminary Findings.

a. Upon the filing of a complaint, the Chair shall, within 5 working days, notify the lobbyist against whom the complaint has been filed and give such person a copy of the complaint. Within 20 days, the Chair shall take the necessary actions as provided in subparagraphs b.-g.

b. The Chair shall examine each complaint for jurisdiction and for compliance with paragraph (a)(2).

c. If the Chair determines that a complaint does not comply with such Rule, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such Rule and with a copy of the Rule. A complainant may resubmit a complaint, provided such complaint is resubmitted prior to the expiration of the time limitation set forth in subsection (m).

d. If the Chair determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

e. If the Chair determines that the complaint is outside the jurisdiction of the House, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

f. If the Chair determines that a violation is inadvertent, technical, or otherwise of a *de minimis* nature, the Chair may attempt to correct or prevent such a violation by informal means.

g. If the Chair determines that such a complaint does allege facts sufficient to constitute a violation of any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, and that the complaint is not *de minimis* in nature, the Chair shall transmit a copy of the complaint to the Speaker and, in writing, request the appointment of a Probable Cause Panel or Special Master regarding the complaint. A copy of the letter shall be provided to the complainant and the respondent.

(4) **Withdrawal of Complaints.** A complaint may be withdrawn at any time.

##### (b) PROBABLE CAUSE PANEL OR SPECIAL MASTER.

(1) **Creation.** Whenever the Speaker receives a copy of a complaint and request made pursuant to subsection (a), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (the panel) consisting of an odd number of members or appoint a Special Master. If the Speaker appoints a Probable Cause Panel, the Speaker shall also appoint one member of the panel as its Chair. The Speaker may appoint up to two additional persons who are not Members of the House to serve as nonvoting, public members of a Probable Cause Panel.

(2) **Powers and Duties.** The members of the panel or the Special Master shall have the following powers and duties:

a. Investigate complaints and make appropriate findings of fact promptly regarding allegations of improper conduct sufficient to establish probable cause of violation of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct;

b. Based upon the investigation by the Special Master or the panel, make and report findings of probable cause to the Speaker and to the House as it relates to the complaint that occasioned the appointment of the Probable Cause Panel or the Special Master;

c. Recommend to the Committee on Rules, Ethics & Elections such additional Rules or regulations as the Probable Cause Panel or the Special Master shall determine are necessary or desirable to ensure proper standards of conduct by lobbyists; and

d. Adopt rules of procedure as appropriate to its needs.

(3) **Quorum.** A quorum of a Probable Cause Panel, when appointed, shall consist of a majority of the members of the panel. All action by a Probable Cause Panel shall require the concurrence of a majority of the full panel.

(4) **Term.** A Probable Cause Panel or Special Master, as appropriate, shall serve until the complaint that occasioned the appointment of the panel or the Special Master has been dismissed or until a finding of probable cause has been transmitted to the Speaker.

##### (c) PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING.

## (1) Preliminary Investigation.

a. The Probable Cause Panel or the Special Master shall provide the respondent an opportunity to present to the panel, the Special Master, or staff of the panel, orally or in writing, a statement addressing the allegations.

b. The panel, Special Master, or the staff of the panel may interview witnesses and examine documents and other evidentiary matters.

c. The panel or Special Master may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or any other member of the panel, by the Special Master, or by any person authorized by law to administer oaths.

d. The panel or Special Master may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

## (2) Probable Cause Finding.

a. The panel, by a recorded vote of a majority of the full panel, or the Special Master, as appropriate, shall determine whether there is probable cause to conclude that a violation within the jurisdiction of the panel or the Special Master has occurred.

b. If the panel or Special Master, as appropriate, finds that probable cause does not exist, the panel or Special Master shall dismiss the complaint and notify the complainant and the respondent of its determination.

c. If the panel or Special Master, as appropriate, determines that probable cause exists to believe that a violation occurred but that the violation, if proven, is neither of a *de minimis* nature nor sufficiently serious to justify the imposition of a penalty pursuant to Rule 16.6, the panel or Special Master may recommend an appropriate, lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's or Special Master's conclusions, as appropriate, shall be published in the House *Journal* and the penalty agreed upon shall be imposed. If the panel or Special Master is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before the Select Committee on Lobbyist Conduct pursuant to subsection (d).

d. If the panel or Special Master determines that probable cause exists to believe that a violation occurred and that, if proven, would be sufficiently serious to justify imposition of a penalty pursuant to Rule 16.6, the panel or Special Master shall cause to be transmitted to the respondent a Statement of Alleged Violation. The statement shall be divided into counts, and each count shall be related to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, including a reference to the provision of the Rules of the House, Joint Rule 1, or law, rule, or other standard of conduct alleged to have been violated. A copy of the statement shall also be transmitted to the Speaker.

## (d) HEARING.

(1) Select Committee on Lobbyist Conduct. Upon receipt by the Speaker of a Statement of Alleged Violation, the Speaker shall appoint, within 20 days, a Select Committee on Lobbyist Conduct (the select committee) to hold hearings regarding the statement and make a recommendation for disciplinary action to the full House.

(2) Hearing. A hearing regarding a violation charged in a Statement of Alleged Violation shall be held promptly to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. The hearing before the select committee shall be subject to Rule 7.18.

a. Chair. The Chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members

of the select committee. If the select committee appoints a referee pursuant to subsection (i), the referee shall make all evidentiary rulings.

b. Referee. The select committee shall serve as referee for all proceedings under these Rules, unless the select committee retains an independent referee pursuant to subsection (i).

c. Prosecutor. The select committee's staff shall serve as prosecutor in all proceedings conducted under these Rules, unless the select committee retains independent counsel pursuant to subsection (j).

d. Respondent's Rights. The respondent shall have the right to be represented by legal counsel, to call witnesses, to introduce exhibits, and to cross-examine opposing witnesses. The respondent or respondent's counsel shall be permitted to take the deposition of the complainant in accordance with sub-subparagraph (d)(3)a.3.

e. Complainant's Rights. The complainant is not a party to any part of the complaint process or these proceedings. The complainant has no standing to challenge these Rules or procedures and has no right to appeal. The complainant may submit a list of witnesses or questions for the select committee's consideration to assist in its preparation for the hearing.

## (3) Procedures.

## a. Procedure and Evidence.

1. Procedure. The select committee may adopt rules of procedure as appropriate to its needs.

2. Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. However, hearsay evidence may not be used unless same would be admissible under the *Florida Rules of Evidence* and it shall not be sufficient in itself to support a factual finding unless it would be admissible over objection in civil actions.

3. Discovery. Discovery may be permitted upon motion, which shall state the reason therefor. Discovery shall be in accordance with the *Florida Rules of Civil Procedure*, but may be limited in time, scope, and method by the Chair or the referee.

4. Testimony. The select committee shall order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or a member of the select committee, by any referee appointed pursuant to subsection (i), or by any person authorized by law to administer oaths.

5. Subpoenas. The select committee may require, by subpoena issued pursuant to these Rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

b. Order of Hearing. The order of the full hearing before the select committee or the referee shall be as follows:

1. The Chair or the referee shall open the hearing by stating the select committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

2. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order, whenever possible: witnesses and other evidence offered by the select committee's staff or the independent counsel, witnesses and other evidence offered by the respondent, and rebuttal witnesses. The select committee may call witnesses at any time during the proceedings.

3. Witnesses at the hearing shall be examined first by the select committee's staff or the independent counsel. The respondent or the respondent's counsel may then cross-examine the witnesses. The members of the select committee may then question the witnesses. Redirect and recross may be permitted in the Chair's or the referee's discretion. With respect to witnesses offered by the respondent, a



witness shall be examined first by the respondent or the respondent's counsel, and then may be cross-examined by the select committee's staff or the independent counsel. Members of the select committee may then question the witness. Redirect and recross may be permitted in the Chair's or the referee's discretion. Participation by the select committee at the hearing stage is at the sole discretion of the select committee and is not mandatory.

(4) Burden of Proof. At the hearing, the burden of proof rests on the select committee's staff or the appointed independent counsel to establish the facts alleged by clear and convincing evidence with respect to each count.

(e) COMMITTEE RECOMMENDED ORDER.

(1) Committee Deliberations. As soon as practicable, the select committee shall consider each count contained in a Statement of Alleged Violation. A count shall not be proven unless at least a majority of the select committee votes for a motion that the count has been proved. A count that is not proved shall be considered as dismissed by the select committee.

(2) Dismissal of Complaint. After the hearing, the select committee shall, in writing, state its findings of fact. If the select committee finds that the respondent has not violated any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, it shall order the action dismissed and shall notify the respondent and the complainant of such action.

(3) Recommended Order.

a. Recommended Order. If the select committee finds that the respondent has violated any of the provisions of the Rules of the House, Joint Rule 1, or a law, rule, or other standard of conduct, it shall, in writing, state its findings of fact and submit a report to the House. A copy of the report shall be sent to the respondent and the complainant and shall be published in the House *Journal*.

b. Penalty. With respect to any violation with which a lobbyist is charged in a count that the select committee has voted as proved, the select committee may recommend to the House that the lobbyist be censured, reprimanded, or prohibited from lobbying for all or any part of the legislative biennium during which the violation occurred, or such other penalty as may be appropriate.

(f) PROPOSED RECOMMENDED ORDER.

(1) Referee. When a hearing is conducted by referee, as provided in subsection (i), the referee shall prepare a proposed recommended order and file it, together with the record of the hearing, with the select committee. Copies of the proposed recommended order shall be served on all parties.

(2) Proposed Recommended Order. The proposed recommended order shall contain the time and place of the hearing, appearances entered at the hearing, issues, and proposed findings of fact and conclusions of law.

(3) Exceptions. The respondent and the independent counsel may file written exceptions with the select committee in response to a referee's recommended order. Exceptions shall be filed within 20 days after service of the recommended order unless such time is extended by the referee or the Chair of the select committee.

(4) Recommended Order. The select committee shall deliberate and render a recommended order pursuant to the provisions of subsection (e).

(g) CONSENT DECREE. At any stage of the proceedings, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the House *Journal*. The consent decree shall contain such penalty as may be appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(h) CONFIDENTIALITY. Any material provided to the House in response to a complaint filed under this Rule that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by applicable law. Except as otherwise provided in this section, a complaint and the records relating to a complaint shall be available for public inspection upon the dismissal of a complaint by the Chair of the Committee on Rules, Ethics & Elections, a determination as to probable cause or informal resolution of a complaint by a Special Master or Probable Cause Panel, or the receipt by the Speaker of a request in writing from the respondent that the complaint and other records relating to the complaint be made public records.

(i) REFEREE. The Select Committee on Lobbyist Conduct may, in its discretion and with the approval of the Speaker, employ a referee to preside over the proceedings, to hear testimony, and to make findings of fact and recommendations to the select committee concerning the disposition of complaints.

(j) INDEPENDENT COUNSEL. The Select Committee on Lobbyist Conduct is authorized to retain and compensate counsel not regularly employed by the House, as authorized by the Speaker.

(k) ELIGIBILITY; SPEAKER OF THE HOUSE. If any allegation under this Rule involves the conduct or activities of the Speaker, the duties of the Speaker pursuant to this Rule shall be transferred to the Speaker pro tempore.

(l) EX PARTE COMMUNICATIONS.

(1) A Special Master or a member of a Probable Cause Panel or of a Select Committee on Lobbyist Conduct shall not initiate or consider any *ex parte* communication relative to the merits of a pending complaint proceeding by:

a. Any person engaged in prosecution or advocacy in connection with the matter; or

b. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the action of the panel, Special Master or select committee, or authorized representatives or counsel thereof.

(2) Except when acting in official capacity as a Special Master or as a member of a panel or select committee, a Special Master or a member of a Probable Cause Panel or of a Select Committee on Lobbyist Conduct shall not comment upon or discuss with any other person the matters that occasioned the appointment of the Special Master, panel, or select committee during the pendency of proceedings held pursuant to this Rule before the Special Master, panel, or select committee. This section shall not apply to communications initiated or considered by the Special Master or the Chair of the panel or select committee relating to a settlement pursuant to subparagraph (c)(2)c. or to a consent decree authorized pursuant to subsection (g).

(m) TIME LIMITATIONS.

(1) On or after the effective date of these Rules, all sworn complaints alleging violation of the Rules of the House, Joint Rule 1, or any law, rule, or other standard of conduct by a lobbyist shall be filed with the Committee on Rules, Ethics & Elections within 2 years after the alleged violation.

(2) A violation of the Rules of the House is committed when every element of the Rule has occurred, and time starts to run on the day after the violation occurred.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the lobbyist is filed with the Committee on Rules, Ethics & Elections. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring action by the Chair of the Committee on Rules, Ethics & Elections. The complaint and all material related thereto shall remain confidential.

**16.6—Penalties for Violations**

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the foregoing requirements of these Rules, any provision in Joint Rule 1 adopted by the House and the Senate, or any law, rule, or other standard of conduct by a lobbyist may be reprimanded, censured, prohibited from lobbying for all or any part of the legislative biennium during which the violation occurred, or have such other penalty imposed as may be appropriate. Such determination shall be made by a majority of the House, upon recommendation of the select committee so designated under Rule 16.5.

**JOINT RULES****Joint Rule One****Lobbyist Registration and Reporting****1.1—Those Required to Register; Exemptions; Committee Appearance Records**

(1) All lobbyists before the Florida Legislature must register with the Lobbyist Registration Office in the Division of Legislative Information Services of the Office of Legislative Services, referred to in Joint Rule One as the Lobbyist Registration Office. Registration is required for each principal represented.

(2) As used in this rule, unless the context otherwise requires:

(a) “Designated lobbyist” means the lobbyist who is appointed, by a principal represented by two or more lobbyists, to file expenditure reports that include lobbying expenditures made directly by the principal.

(b) “Legislative action” means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) “Lobby” or “lobbying” means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) “Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a “lobbyist” unless the employee is principally employed for governmental affairs. “Principally employed for governmental affairs” means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer’s various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(e) “Payment” or “salary” means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(f) “Principal” means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms “lobby” and “lobbying” do not include any of the following:

(a) Response to an inquiry for information made by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services that arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term “lobbyist” does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge’s official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer’s official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

**1.2—Method of Registration**

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Lobbyist Registration Office, on which that person must state, under oath, that person’s full legal name, driver’s license number, business address, and phone number, the name and business address of each principal that person represents, the areas of that person’s legislative interest, and the extent of any direct business association or partnership that person has with any member of the Legislature. The Lobbyist Registration Office or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Lobbyist Registration Office in writing within 15 days on forms furnished by the Lobbyist Registration Office.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the time of registration, the registrant shall provide a statement signed by the principal or principal’s representative that the registrant is authorized to represent the principal. Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The principal may change its designated lobbyist at any time in writing on forms furnished by the Lobbyist Registration Office. Upon termination of the designated lobbyist’s representation, the principal shall notify the Lobbyist Registration Office within 15 days, on forms furnished by the office, of the appointment of a new designated lobbyist.

(4) A lobbyist shall promptly send a notice to the Lobbyist Registration Office, on forms furnished by the Lobbyist Registration

Office, cancelling the registration for a principal upon termination of the lobbyist's representation of that principal. A notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. Notwithstanding this requirement, the Lobbyist Registration Office may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the Lobbyist Registration Office that the lobbyist is no longer authorized to represent that principal. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(5) The Lobbyist Registration Office shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The Lobbyist Registration Office shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 112.3148 and 112.3149, Florida Statutes, relating to the reporting of and the prohibited receipt of gifts and honoraria.

### 1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Lobbyist Registration Office. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

- (a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.
- (b) Two employees of the Fish and Wildlife Conservation Commission.
- (c) Two employees of the Executive Office of the Governor.
- (d) Two employees of the Commission on Ethics.
- (e) Two employees of the Florida Public Service Commission.
- (f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to \$50 per each house for a person to register to represent one principal and up to an additional \$10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the President of the Senate and the Speaker of the House of Representatives. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Lobbyist Registration Office. The fees collected by the Lobbyist Registration Office under this joint policy shall be deposited in the State Treasury and credited to the Legislative Lobbyist Registration Trust Fund specifically to cover the costs incurred in administering this joint policy.

### 1.4—Periodic Reports Required

(1) REPORTING DATES.—Each person who registers pursuant to Joint Senate and House Rule 1.2 must submit to the Lobbyist Registration Office, on forms provided by the Lobbyist Registration Office and for each reporting period required by this rule, a signed and certified statement listing all lobbying expenditures during the reporting period and the sources of funds for those expenditures as required in this rule. Reporting statements shall be filed no later than 45 days after the end of the reporting period. Only two reports are required each calendar year. The first report shall disclose expenditures made from January 1 through June 30. The second report shall disclose

expenditures for July 1 through December 31. It is the intent of this rule that each reporting period be separate from the other reporting period and that each expenditure be reported just once. In addition, any reporting statement may be filed by electronic means, when feasible.

(2) TIMELINESS OF REPORTS.—Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

### (3) LOBBYIST'S EXPENDITURE REPORT.—

(a) The Lobbyist's Expenditure Report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the reporting period shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. Forms shall be provided by the Lobbyist Registration Office.

(b) A lobbyist shall file a Lobbyist's Expenditure Report for each principal represented.

(c) When a principal has two or more lobbyists, the designated lobbyist will be responsible for filing a report that discloses the expenditures made directly by the principal and the expenditures of the designated lobbyist on behalf of the principal. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal.

(d) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

(e) The principal is responsible for the accuracy of the figures submitted to the lobbyist for reporting, and the lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. The principal shall sign the expenditure report submitted by the principal's sole or designated lobbyist.

### (4) EXPENDITURES.—

#### (a) Definitions.—

1. "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Expenditures shall be accounted for and reported on an accrual accounting basis.

2. "Accrual accounting basis" means the method of accounting that recognizes expenses during the period in which they are incurred regardless of when they are actually paid.

(b) Goodwill expenditures.—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature, unless the member or employee is a relative of the lobbyist. A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or

employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

(c) Expenditure categories.—Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the “Other” category. The categories of expenditures used in this rule are as follows:

1.a. “Communications” means dissemination of information, including, but not limited to, by means of the following:

- I. Audio-visual materials; and
- II. Signs, placards, banners, buttons, promotional materials, and other display materials;

together with any associated production services.

b. This category does not include media advertising, publications, or research.

2. “Entertainment” means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

3. “Food and Beverages” means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

4. “Lodging” means sleeping or living accommodations for an individual for one or more nights.

5. “Media Advertising” means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copywriting services.

6. “Other” means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

7. “Publications” means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

8. “Research” means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services, information services, periodicals, and consultants or consultant services to gather data or statistics.

9. “Special Events” means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

10. “Travel” means transporting an individual from one place to another, regardless of the means used.

(d) Items that are not expenditures.—The term “expenditure” does not include:

1. Contributions or expenditures reported pursuant to chapter 106, Florida Statutes; campaign-related personal services provided without compensation by individuals volunteering their time; or any other contribution or expenditure by a political party.

2. A lobbyist’s or principal’s salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees’ salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

3. If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(e) Valuation of expenditures.—

1. In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest \$5. A record is not required to be maintained for any amount that rounds to zero.

2. The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

3. When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist’s principals or may be attributed to one principal.

4. When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other expenditures incurred or prorated to those principals that may benefit from the research or other expenditures.

5. The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regularly required as conditions precedent for eligibility to make other expenditures.

6. A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of 29 cents per mile, and the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of section 112.3148(7), Florida Statutes.

7. A person providing lodging in a private residence shall be considered to be making an expenditure of \$29 per night.

8. Expenditures made for more than one person may be attributed, on a *pro rata* basis, among all of the persons for whom the expenditure is made.

(5) AGGREGATION OF EXPENDITURE FIGURES.—For each reporting period, the Lobbyist Registration Office shall aggregate the

expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Following the last report for each calendar year, the Lobbyist Registration Office shall provide a total of expenditures reported as spent by and on behalf of each principal for that calendar year.

#### 1.5—Penalties for Late Filing

(1) Upon determining that a report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

(2) Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

(a) When a report is actually received by the lobbyist registration and reporting office;

(b) When the report is postmarked;

(c) When the certificate of mailing is dated; or

(d) When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the Lobbyist Registration Office. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive this one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

(5) A lobbyist, a lobbyist's legal representative, or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived.

(6) The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.

#### 1.6—Appeal of Fines; Hearings; Unusual Circumstances

(1) A lobbyist wishing to appeal or dispute a fine imposed in accordance with Joint Senate and House Rule 1.5 shall file with the Lobbyist Registration Office a notice of appeal within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. A request for a hearing on the matter before the General Counsel of the Office of Legislative Services must be made within the same 30-day period. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Failure to timely file a notice of appeal as described in this subsection shall constitute a waiver of the right to appeal or to dispute a fine.

(2) The President of the Senate and the Speaker of the House of Representatives may waive the fine in whole or in part for good cause shown based on the unusual circumstances presented by the lobbyist.

(3) The term "unusual circumstances" for the purposes of this rule means uncommon, rare, or sudden events over which the person has no

control and which directly result in the failure to meet the filing requirements.

(4) The Department of Banking and Finance shall collect any fine that is not timely paid.

#### 1.7—Questions Regarding Registration

(1) A person may request in writing an informal opinion from the general counsel of the Office of Legislative Services as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under section 11.045(4), Florida Statutes, may revise any informal opinion rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of either house designated pursuant to section 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(4), Florida Statutes.

#### 1.8—Open Records

All of the lobbyist registration and expenditure reports received by the Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.

#### 1.9—Records Retention and Inspection

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

### Joint Rule Two

#### General Appropriations Review Period

##### 2.1—General Appropriations Bill; Review Period

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final passage of the bill in the form that will be presented to the Governor.

(2) If a bill is returned to the house in which the bill originated and the originating house does not concur in all the amendments or adds additional amendments, no further action shall be taken on the bill by the nonoriginating house, and a conference committee shall be established by operation of this rule to consider the bill.

(3) If a bill is referred to a conference committee by operation of this rule, a 72-hour public review period shall be provided prior to a vote being taken on the conference committee report by either house.

(4) A copy of the bill, a copy of the bill with amendments adopted by the nonoriginating house, or the conference committee report shall be furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet. Copies for the Governor, Chief Justice, and members of the Cabinet shall be furnished to the official's office in the Capitol or Supreme Court Building. A member's copy shall be furnished to the member's desk in the appropriate chamber. The Secretary of the Senate shall be responsible for furnishing copies under this rule for Senate bills, House bills as amended by the Senate, and conference committee reports on Senate bills. The Clerk of the House shall be responsible for furnishing copies under this rule for House bills, Senate bills as amended by the House, and conference committee reports on House bills.

(5) The 72-hour public review period shall begin to run upon completion of the furnishing of copies required to be provided herein. The Speaker of the House and the President of the Senate, as appropriate, shall be informed of the completion time and such time shall be announced on the floor prior to vote on final passage in each house and shall be entered in the journal of each house. Saturdays, Sundays, and holidays shall be included in the computation under this rule.

## **2.2—General Appropriations Bill; Definition**

For the purposes of Joint Rule 2, the term "general appropriations bill" means a bill which provides for the salaries of public officers and other current expenses of the state and contains no subject other than appropriations. A bill which contains appropriations which are incidental and necessary solely to implement a substantive law is not included within this term.

## **Joint Rule Three**

### **Legislative Support Services**

#### **3.1—Organizational Structure**

The Legislature shall be supported by the Office of Legislative Services, the Office of Legislative Information Technology Services, and the Office of Economic and Demographic Research. These offices shall provide support services that are determined by the President of the Senate and the Speaker of the House of Representatives to be necessary and that can be effectively provided jointly to both houses and other units of the Legislature. Each office shall be directed by a coordinator selected by the President of the Senate and the Speaker of the House of Representatives.

(1) The Office of Legislative Services shall provide legislative support services other than those prescribed in subsections (2) and (3). The Division of Statutory Revision and the Division of Legislative Information shall be two of the divisions within the Office of Legislative Services.

(2) The Office of Legislative Information Technology Services shall provide support services to assist the Legislature in achieving its objectives through the application of cost-effective information technology.

(3) The Office of Economic and Demographic Research shall provide research support services, principally regarding forecasting economic and social trends that affect policymaking, revenues, and appropriations.

#### **3.2—Policies**

The President of the Senate and the Speaker of the House of Representatives shall jointly adopt policies they consider advisable to carry out the functions of the Legislature.

## **Joint Rule Four**

### **Joint Legislative Auditing Committee**

#### **4.1—Responsibilities**

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the

performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall submit to the President of the Senate and the Speaker of the House of Representatives, for approval, an estimate of the financial needs of the committee, the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the Public Counsel.

(4) The committee and the units it oversees, including the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the Public Counsel, shall submit their budget requests and operating budgets to the President of the Senate and the Speaker of the House of Representatives for prior written approval by the presiding officers acting together.

(5) The committee may receive requests for audits and reviews from legislators. Staff of the committee shall review each request and make a recommendation to the committee concerning its disposition. The manner of disposition recommended may be:

(a) Assignment to the Auditor General for inclusion in a regularly scheduled agency audit;

(b) Assignment to the Auditor General for special audit or review;

(c) Assignment to the Office of Program Policy Analysis and Government Accountability for inclusion in a regularly scheduled performance audit;

(d) Assignment to the Office of Program Policy Analysis and Government Accountability for special audit or review;

(e) Assignment to committee staff; or

(f) Rejection as being an unnecessary or inappropriate application of legislative resources.

(6) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(7) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

## **Joint Rule Five**

### **Auditor General**

#### **5.1—Rulemaking Authority**

The Auditor General shall make and enforce reasonable rules and regulations necessary to facilitate audits that he or she is authorized to perform.

#### **5.2—Budget and Accounting**

(1) The Auditor General shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval a proposed budget for the ensuing fiscal year.

(2) Within the limitations of the approved operating budget, the salaries and expenses of the Auditor General and the staff of the Auditor General shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The Auditor General shall approve all bills for salaries and expenses for his or her staff before the same shall be paid.

**5.3—Audit Report Distribution**

(1) A copy of each audit report shall be submitted to the Governor, to the Comptroller, and to the officer or person in charge of the state agency or political subdivision audited. One copy shall be filed as a permanent public record in the office of the Auditor General. In the case of county reports, one copy of the report of each county office, school district, or other district audited shall be submitted to the board of county commissioners of the county in which the audit was made and shall be filed in the office of the clerk of the circuit court of that county as a public record. When an audit is made of the records of the district school board, a copy of the audit report shall also be filed with the district school board, and thereupon such report shall become a part of the public records of such board.

(2) A copy of each audit report shall be made available to each member of the Legislative Auditing Committee.

(3) The Auditor General shall transmit a copy of each audit report to the appropriate substantive and fiscal committees of the Senate and House of Representatives.

(4) Other copies may be furnished to other persons who, in the opinion of the Auditor General, are directly interested in the audit or who have a duty to perform in connection therewith.

(5) The Auditor General shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by audit reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

**Joint Rule Six****Office of Program Policy Analysis and Government Accountability****6.1—Responsibilities of the Director**

(1) The director may adopt and enforce reasonable rules necessary to facilitate the studies, reviews, and reports that the office is authorized to perform.

(2) The director shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval the annual projected work plan of the office in conjunction with a proposed operating budget for the ensuing fiscal year.

(3) Within the monetary limitations of the approved operating budget, the salaries and expenses of the director and the staff of the Office of Program Policy Analysis and Government Accountability shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The director shall approve all bills for salaries and expenses before the same shall be paid.

(4) Within the monetary limitations of the approved operating budget, the director shall make all spending decisions, including entering into contracts on behalf of the Office of Program Policy Analysis and Government Accountability.

(5) The director shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by office reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The director may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

**Joint Rule Seven****Joint Legislative Budget Commission****7.1—General Responsibilities**

(1) The commission, as provided in chapter 216, Florida Statutes, shall receive and review notices of budget and personnel actions and proposed actions taken or to be taken by the executive and judicial branches and shall approve or disapprove such actions.

(2) Through the chairman, the commission shall advise the Governor and the Chief Justice of actions or proposed actions that exceed delegated authority or that are contrary to legislative policy and intent.

(3) To the extent possible, the commission shall inform members of the Legislature of budget amendments requested by the executive or judicial branches.

(4) The commission shall consult with the Comptroller and the Executive Office of the Governor on matters as required by chapter 216, Florida Statutes.

(5) The President of the Senate and the Speaker of the House of Representatives may jointly assign other responsibilities to the commission in addition to those assigned by law.

(6) The commission shall develop policies and procedures necessary to carry out its assigned responsibilities.

(7) The commission, with the approval of the President of the Senate and the Speaker of the House of Representatives, may appoint subcommittees as necessary to facilitate its work.

**7.2—Zero-based Budgeting**

(1) The commission shall develop a schedule and apply zero-based budgeting principles in reviewing the budget of each state agency at least once every 8 years.

(2) By July 1 of each year, the commission shall issue instructions to the agencies whose budgets are to be reviewed prior to the next legislative session.

(3) The commission shall provide these reviews to the President of the Senate and the Speaker of the House of Representatives by December 31 of the year in which they are completed.

(4) By February 1, 2001, the commission shall provide to the President of the Senate and the Speaker of the House of Representatives a schedule for completing zero-based budgeting reviews of all state agencies prior to December 31, 2008.

**7.3—Organizational Structure**

(1) The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. The appointees shall include the chairman of the Fiscal Responsibility Council in the House of Representatives and the chairman of the Committee on Appropriations in the Senate.

(2) The members of the commission shall elect a chairman and a vice chairman. In even-numbered years, a Senator shall be chairman and a House member vice chairman. In odd-numbered years, a House member shall be chairman and a Senator vice chairman.

(3) The commission shall meet at least quarterly and more frequently at the direction of the presiding officers or the chairman. Meetings may be conducted through teleconferences or other electronic means.

(4) A quorum shall consist of a majority of the commission members of each house plus one additional member of the commission.

(5) Action by the commission shall require a majority vote of the members present of each house.

(6) The commission shall be jointly staffed by the appropriations committees of both houses. During even-numbered years, the Senate shall provide the lead staff. During odd-numbered years, the House of Representatives shall provide the lead staff.

#### **7.4—Notice of Commission Meetings**

Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chairman is a Senator or with the Clerk of the House of Representatives when the chairman is a Representative. The Secretary or the Clerk shall

distribute notice to the Legislature and the public, consistent with the rules and policies of their respective houses.

#### **Joint Rule Eight**

##### **Continuing Existence of Joint Rules**

#### **8.1—Continuing Existence of Joint Rules**

All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.





# The Journal OF THE House of Representatives

Number 2

Wednesday, March 7, 2001

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

## Prayer

The following prayer was offered by the Reverend Wes White of Calvary Assembly of God of Dade City, upon invitation of Rep. Littlefield:

Father God, in these tumultuous times, we feel overwhelmed with the responsibility that lies before us. Once again, violence has visited our schools. Homes face crushing pressures. Marriages are disintegrating at an alarming rate and the traditional family is rapidly becoming an antiquated concept. The needs of the aged are real and multiply daily. These leaders that You've appointed to this branch of government now desperately need divine direction. May they move in a bipartisan fashion, accomplishing much to stem the mounting tide of pressure facing the citizenry of this great state.

My prayer is not so much that You would be on a given side, but that each of these individuals, entrusted to accomplish Your purposes for the future of this state, would strive to be on Your side. That the principles set forward so long ago, yet remaining timeless, would guide their decisions for this great state. My prayer is that they would not seek Your blessing for their agendas, but rather they would passionately seek Your agenda.

Give each of these leaders the gifts necessary to discern the times and to know what to do. Allow them to understand that before one goes forward in leadership, he must surrender to follow, for leadership is learned in submission to authority, in earth as it is in heaven.

As these our chosen leaders ascend to power, teach them they must first descend to servanthood. May they regularly see the faces of those they have sworn to serve and may their causes ring loudly in the ears of these, Your ordained servants.

In Your name we pray. Amen.

The following Members were recorded present:

Session Vote Sequence: 2

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

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

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

A quorum was present.

## Pledge

The Members, led by Akeem Brutus of Miami Shores, Elisa Epstein of Weston, Spencer Galloway of Tallahassee, Britney J. Grice of Wewahitchka, Mary Anne Hybart of Tallahassee, and Lauren Klein of Boca Raton, pledged allegiance to the Flag. Akeem Brutus served at the invitation of Rep. Richardson. Elisa Epstein served at the invitation of Rep. Rich. Spencer Galloway and Lauren Klein served at the invitation of Speaker Feeney.

## House Physician

The Speaker introduced Dr. Gary Winchester of Tallahassee, who served in the Clinic today upon invitation of Rep. Fasano.

## Correction of the *Journal*

The *Journal* of March 6 was corrected and approved as corrected.

## Reports of Councils and Standing Committees

### Report of the Procedural & Redistricting Council

*The Honorable Tom Feeney* March 5, 2001  
*Speaker, House of Representatives*

*Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits as Special Orders for Wednesday, March 7, 2001. Consideration of the House Bills

on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):  
 CS/CS/HB 273—Election Code/Reporting Requirements  
 (Structured)  
 CS/HB 275—Public Records/Campaign Treasurer  
 (Structured)  
 HB 21—Intangible Personal Property Taxes  
 CS/HB 55—Public Medical Assistance  
 CS/HB 271—Corporate Income Tax  
 CS/CS/HB 269—Sharpening the Pencil Act  
 CS/HB 279—Barry Grunow Act  
 CS/HB 277—Schools/Attendance/Learnfare Program  
 CS/HB 215—Parental Rights/Child's Records  
 CS/HB 141—Adoption  
 CS/HB 245—Parole Commission Reform Act of 2001

- II. Consideration of the following reviser's bills:  
 HB 657—Official Florida Statutes Adoption  
 HB 659—Florida Statutes  
 HB 661—Florida Statutes  
 HB 663—Florida Statutes  
 HB 665—Florida Statutes  
 HB 667—Florida Statutes  
 HB 669—Florida Statutes  
 HB 671—Florida Statutes

- III. Consideration of the following repeal bill:  
 CS/HB 4007—Florida Statutes

- IV. Consideration of the following public records bills (Special Rule - Closed):  
 HB 383—Bank Account Numbers/Records Exempt.  
 HB 385—Municipal Utilities/Records  
 HB 387—Sports-Related Industries/Records  
 HB 389—Public Records/Economic Development  
 HB 391—Public Records/Tax Refund Programs  
 HB 393—Public Records/Marketing Projects  
 HB 395—Public Records/Airport Security Plan  
 HB 397—Public Records/Toll Facility Charges  
 HB 399—Public Record/Emergency "911" Number  
 HB 401—Public Records/Health Care Community  
 HB 403—Public Record/Pawnbroker Transaction  
 HB 405—Public Records/Surplus Lines Ins.  
 HB 407—Public Records/Univ. Health Services

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
 Chair

On motion by Rep. Byrd, the rules were waived and the House agreed to consider CS/HB 279 at a time certain of 3:00 p.m., today.

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

## Reports of Select Committees

*The Honorable Tom Feeney, Speaker*  
*Florida House of Representatives*

February 20, 2001

Dear Mr. Speaker:

By letter dated November 21, 2000, you referred an Election Contest filed on November 6, 2000 in District 17, by James F. Tullis to the Select Committee to Review Charges of a Contested Seat. Accordingly, a committee meeting was scheduled for December 18, 2000. Notice of the meeting was provided to both Mr. James Tullis, through Attorney John Forbes, and to Mr. Stan Jordan.

By letter dated December 18, 2000, and received by the Council via facsimile the same day, the Contestant informed the Select Committee that he was withdrawing his petition. Therefore, the Select Committee

makes no finding or recommendation with regard to the allegations of the election contest.

Sincerely,

<i>Rep. Johnnie B. Byrd, Jr., Chair</i>	<i>Rep. Larry Crow</i>
District 62	District 49
<i>Rep. Will S. Kendrick</i>	<i>Rep. Randy J. Ball</i>
District 10	District 29
<i>Rep. Ron Greenstein</i>	
District 95	

On motion by Rep. Byrd, the House adopted the report by the Select Committee to Review Charges of a Contested Seat.

## Motions Relating to Committee or Council References

On motion by Rep. Smith, agreed to by two-thirds vote, HB 325 was withdrawn from further consideration of the House.

## Special Orders

### Special Order Calendar

### Bill Subject to Special Rule

**CS/CS/HB 273**—A bill to be entitled An act relating to reporting requirements under the Florida Election Code; amending s. 106.011, F.S.; modifying the definitions of "political committee" and "communications media"; amending s. 106.03, F.S.; requiring additional information for registration of political committees; amending s. 106.04, F.S.; requiring additional information for certification of committees of continuous existence; revising reporting periods and requirements; requiring electronic filing under certain circumstances; requiring membership dues of committees of continuous existence to be reported in the same manner as regular contributions; removing requirement to provide a membership list for inspection purposes; removing requirement for filing duplicate copies of reports; providing penalties; amending s. 106.07, F.S., relating to campaign treasurer's reports; revising reporting periods and requirements; removing requirement for duplicate reports; providing penalties; creating s. 106.0705, F.S.; requiring campaign treasurer's reports that are to be filed with the Division of Elections to be filed electronically when aggregate contributions or expenditures exceed a specified amount; providing filing requirements; providing penalties; providing rulemaking authority; amending s. 106.071, F.S.; revising provisions relating to the reporting of certain independent expenditures; providing penalties; creating s. 106.073, F.S.; requiring certain organizations that sponsor campaign-related advertisements to register under certain circumstances; providing definitions; requiring certain reports; providing requirements for such advertisements, including a disclaimer; providing penalties; providing rulemaking authority; amending s. 106.12, F.S.; revising the petty cash fund limit to conform to the revised reporting periods; amending s. 106.29, F.S., relating to reports by political parties; requiring electronic filing under certain circumstances; removing requirement for duplicate reports; providing penalties; amending ss. 105.08, 106.025, 106.08, and 106.18, F.S., relating to reporting requirements applicable to candidates for retention to judicial office, campaign fund raisers held on behalf of a political party by its state or county executive committee, nonallocable, in-kind contributions by candidates and political parties, and the granting of certificates of election, to conform; providing severability; providing effective dates.

—was read the second time by title.

Representative(s) Ryan offered the following:

(Amendment Bar Code: 371783)

**Amendment 1 (with title amendment)**—On page 4, line 29, insert:

Section 2. Subsection (3) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(3) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate or of the candidate’s family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee. However, expenditures may be made directly by any political committee or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates, *but shall be reported as an expenditure by the political party or political committee*, for the purposes of this chapter. *The report for such endorsement shall be a separate report filed electronically or on forms prescribed by the Division of Elections containing the total amount and date of the expenditure, on what the expenditure is made, to whom the expenditure is made, and the candidates for whom the expenditure is made. The political party or political committee may report how the time, space or services has been proportioned among the candidates, and the amount of the expenditure allocated to each candidate.*

And the title is amended as follows:

On page 1, line 6,  
remove from the title of the bill: all of said line

and insert: s. 106.021, F.S.; requiring a political party or political committee to file a report electronically of expenditures made for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three or more candidates; amending s. 106.03, F.S.; requiring additional

Rep. Ryan moved the adoption of the amendment.

REPRESENTATIVE MELVIN IN THE CHAIR

THE SPEAKER IN THE CHAIR

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

Session Vote Sequence: 3

Yeas—42

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

Nays—73

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

Fiorentino	Kallinger	Maygarden	Rubio
Garcia	Kilmer	Mealor	Russell
Gardiner	Kottkamp	Melvin	Simmons
Gibson	Kravitz	Miller	Sorensen
Goodlette	Kyle	Murman	Spratt
Green	Lacasa	Needelman	Trovillion
Haridopolos	Littlefield	Negron	Wallace
Harrell	Lynn	Paul	Waters
Harrington	Mack	Pickens	
Hart	Mahon	Prieguez	
Jordan	Mayfield	Ross	

Votes after roll call:

Yeas—Flanagan, McGriff, Siplin  
Nays—Baker  
Yeas to Nays—Johnson

Representative(s) Ryan offered the following:

(Amendment Bar Code: 685593)

**Amendment 2**—On page 21, lines 10-18,  
remove from the bill: all of said lines

and insert in lieu thereof: *\$1,000 for an organization other than an individual and \$5,000 for an individual. However, “campaign-related advertisement” does not include editorial endorsements by any newspaper, radio or television station, or other recognized news medium.*

(2) *For purposes of this section, the term “organization” means a person as defined in s. 106.011(8) and those organizations recognized under s. 501(c) of the Internal Revenue Code, or political organizations recognized under s. 527 of the Internal Revenue Code.*

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

Session Vote Sequence: 4

Yeas—42

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

Nays—76

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

Votes after roll call:

Yeas—Brutus  
Nays—Lynn

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

Bill Subject to Special Rule

CS/HB 275—A bill to be entitled An act relating to public records exemption for certain identification and computer security algorithms in connection with campaign treasurer’s reports; creating s. 106.0706, F.S.; providing exemptions from public records requirements for personal identification numbers of and computer security algorithms required to maintain the security of information submitted or received through an electronic filing system for campaign treasurer’s reports; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

Bill Subject to Special Rule

HB 21—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.032, F.S.; reducing the rate of the annual tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida’s Future Investment Fund, to conform; providing an effective date.

—was read the second time by title.

Representative(s) Atwater, Rubio, Simmons, Benson, Paul, Berfield, Garcia, Kravitz, Baker, Arza, Hogan, Brown, Ross, Mayfield, Baxley, Kallinger, Jordan, Mealar, Clarke, Negron, Bowen, Andrews, Gibson, Kottkamp, Pickens, and Needelman offered the following:

(Amendment Bar Code: 115305)

Amendment 1 (with title amendment)—On page 1, line 11 remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 199.032, Florida Statutes, is amended to read:

199.032 Levy of annual tax.—An annual tax of .75 ~~1~~ mill is imposed on each dollar of the just valuation of all intangible personal property that has a taxable situs in this state, except for notes and other obligations for the payment of money, other than bonds, which are secured by mortgage, deed of trust, or other lien upon real property situated in the state. This tax shall be assessed and collected as provided in this chapter.

Section 2. Subsection (1) of section 199.033, Florida Statutes, is amended to read:

199.033 Securities in a Florida’s Future Investment Fund; tax rate.—

(1) Notwithstanding the provisions of this chapter, the tax imposed under s. 199.032 on securities in a Florida’s Future Investment Fund shall apply at the rate of .64 ~~.85~~ mill when the average daily balance in such funds exceeds \$2 billion and at the rate of .53 ~~.70~~ mill when the average daily balance in such funds exceeds \$5 billion.

Section 3. Subsection (2) of section 199.185, Florida Statutes, is amended to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(2) Every natural person is entitled each year to an exemption of the first \$250,000 ~~\$20,000~~ of the value of property otherwise subject to the annual tax. A husband and wife filing jointly shall have an exemption of \$500,000 ~~\$40,000~~. Every taxpayer that is not a natural person is entitled each year to an exemption of the first \$250,000 of the value of property otherwise subject to the tax. Agents and fiduciaries, other than guardians and custodians under a gifts-to-minors act, filing as such may

not claim this exemption on behalf of their principals or beneficiaries; however, if the principal or beneficiary returns the property held by the agent or fiduciary and is a natural person, the principal or beneficiary may claim the exemption. No taxpayer shall be entitled to more than one exemption under this subsection. This exemption shall not apply to that intangible personal property described in s. 199.023(1)(d).

Section 4. This act shall take effect January 1, 2002.

And the title is amended as follows:

On page 1, lines 3-7  
remove from the title of the bill: All of said lines

and insert in lieu thereof:  
taxes; amending s. 199.032, F.S.; reducing the rate of the annual tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida’s Future Investment Fund, to conform; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; providing an effective date.

Rep. Atwater moved the adoption of the amendment.

Representative(s) Wiles, Ryan, and Greenstein offered the following:  
(Amendment Bar Code: 822457)

Substitute Amendment 1 (with title amendment)—On page 1, lines 11-20,  
remove from the bill: all of said lines

and insert in lieu thereof:

Section 1. Subsection (2) of section 199.185, Florida Statutes, is amended to read:

(2) Every natural person is entitled each year to an exemption of the first \$100,000 ~~\$20,000~~ of the value of property otherwise subject to the annual tax. A husband and wife filing jointly shall have an exemption of \$200,000 ~~\$40,000~~. Agents and fiduciaries, other than guardians and custodians under a gifts-to-minors act, filing as such may not claim this exemption on behalf of their principals or beneficiaries; however, if the principal or beneficiary returns the property held by the agent or fiduciary and is a natural person, the principal or beneficiary may claim the exemption. No taxpayer shall be entitled to more than one exemption under this subsection. This exemption shall not apply to that intangible personal property described in s. 199.023(1)(d).

And the title is amended as follows:

On page 1, lines 3-4,  
remove from the title of the bill: all of said lines

and insert in lieu thereof: taxes; amending s. 199.185, F.S.; increasing the amount of the exemption for natural persons; amending s. 199.033

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

Session Vote Sequence: 5

Yeas—39

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

Nays—79

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Baker	Davis	Jordan	Negron
Ball	Detert	Kallinger	Paul
Barreiro	Diaz-Balart	Kilmer	Pickens
Baxley	Dockery	Kottkamp	Prieguez
Bean	Farkas	Kravitz	Rich
Bennett	Fasano	Kyle	Ritter
Bense	Fiorentino	Lacasa	Ross
Benson	Flanagan	Littlefield	Rubio
Berfield	Frankel	Lynn	Russell
Bilirakis	Gardiner	Mack	Simmons
Bowen	Gibson	Mahon	Siplin
Brown	Goodlette	Mayfield	Sorensen
Brummer	Green	Maygarden	Spratt
Byrd	Harrell	Mealor	Trovillion
Cantens	Harrington	Melvin	Wallace
Carassas	Hart	Miller	Waters
Clarke	Hogan	Murman	Wilson
Crow	Johnson	Needelman	

Votes after roll call:

Yeas to Nays—Garcia

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

On motion by Rep. Byrd, further consideration of **HB 21**, with pending amendment, was temporarily postponed under Rule 11.10.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

**Bill at a Time Certain**

**CS/HB 279**—A bill to be entitled An act relating to teacher and certain school administrator death benefits; creating the “Barry Grunow Act”; creating s. 112.1915, F.S.; providing definitions; providing death benefits with respect to certain teachers and school administrators; providing for payment of certain health insurance premiums; providing for the waiver of certain educational expenses for children of certain deceased teachers and school administrators; providing for rules; amending s. 732.402, F.S.; providing that the teacher and school administrator death benefits are exempt property under the Florida Probate Code; providing for reimbursement of benefits previously paid; providing for funding; providing for retroactive application; providing an effective date.

—was read the second time by title. On motion by Rep. Lynn, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 6

Yeas—120

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

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

Nays—None

So the bill passed and was certified to the Senate.

On motion by Rep. Byrd—

**HB 21**—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.032, F.S.; reducing the rate of the annual tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida’s Future Investment Fund, to conform; providing an effective date.

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

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

Session Vote Sequence: 7

Yeas—79

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

Nays—39

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

Votes after roll call:

Yeas—Allen, Ritter

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

**CS/HB 55**—A bill to be entitled An act relating to public medical assistance; amending s. 395.701, F.S.; reducing the annual assessment

on hospital outpatient services to fund public medical assistance; limiting the financial information that may be required to determine the amount of the assessment; amending s. 395.7015, F.S.; reducing the annual assessment on certain other health care entities to fund public medical assistance; amending s. 395.7016, F.S.; providing for annual appropriations to replace funds lost due to such reductions; providing an effective date.

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

#### Bill Subject to Special Rule

**CS/HB 271**—A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; providing definitions; providing a credit against said tax for contributions to a nonprofit scholarship funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain children and providing requirements and limitations with respect thereto; providing for annual funding through the General Appropriations Act; providing for allocation; providing duties of the Department of Revenue and Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; providing an effective date.

—was read the second time by title.

Representative(s) Negron and Atwater offered the following:

(Amendment Bar Code: 905067)

#### Amendment 1—On page 4, line 4 after the period

insert: *However, five percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business as defined in s.288.703(1), F.S., at the time of application.*

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

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Representative(s) Richardson offered the following:

(Amendment Bar Code: 460543)

#### Amendment 2—On page 3, line 31,

insert: *(d) An eligible nonprofit scholarship funding organization must comply with the private school eligibility provisions in s. 229.0537.*

Rep. Richardson moved the adoption of the amendment.

Rep. Frankel suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 8].

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

Session Vote Sequence: 9

Yeas—41

Ausley	Frankel	Holloway	McGriff
Bendross-Mindingall	Gannon	Jennings	Meadows
Betancourt	Gelber	Joyner	Peterman
Brutus	Gottlieb	Justice	Richardson
Bucher	Greenstein	Kendrick	Ritter
Bullard	Harper	Kosmas	Romeo
Cusack	Henriquez	Lee	Ryan
Fields	Heyman	Machek	Seiler

Siplin	Sobel	Weissman	Wilson
Slosberg	Stansel	Wiles	Wishner
Smith			

Nays—78

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

Votes after roll call:

Nays—Prieguez

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Representative(s) Stansel and Weissman offered the following:

(Amendment Bar Code: 570677)

**Amendment 3 (with title amendment)**—On page 1, line 25 through page 7, line 15

remove from the bill: all of said lines

and insert in lieu thereof:

Section 1. Section 220.187, Florida Statutes, is created to read:

*220.187 Credits for contributions to public schools and nonprofit scholarship funding organizations.—*

(1) *PURPOSE.—The purpose of this section is to:*

(a) *Provide a tax credit for certain contributions to public schools and nonprofit scholarship funding organizations.*

(b) *Expand educational opportunities for children of families that have limited financial resources.*

(c) *Enable children in this state to achieve a greater level of excellence in their education.*

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

(a) *“Eligible contribution” means a monetary contribution from a corporation, subject to the restrictions provided in this section, to public schools or an eligible nonprofit scholarship funding organization, if the taxpayer making the contribution does not designate a specific child as the beneficiary of the contribution.*

(b) *“Eligible nonpublic school” means a nonpublic school located in Florida that offers a general education to K-12 students and complies with the antidiscrimination provisions of 42 U.S.C., s.2000d.*

(c) *“Eligible nonprofit scholarship funding organization” means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code and that complies with the provisions of subsection (4).*

(3) **AMOUNT OF CREDIT.**—A corporate taxpayer shall be allowed a credit equal to 100 percent of all eligible contributions made during a taxable year against any tax due for that taxable year under this chapter. However, such a credit shall not exceed 75 percent of the tax due under this chapter for the taxable year after the application of any other allowable credits by the taxpayer.

(4) **ELIGIBLE NONPROFIT SCHOLARSHIP FUNDING ORGANIZATION OBLIGATIONS.**—

(a) An eligible nonprofit scholarship funding organization shall provide scholarships from eligible contributions to children from families that meet the income eligibility guidelines for free and reduced price lunch meals pursuant to the National School Lunch Act for:

1. Any expenses, including, but not limited to, tuition, textbook, and transportation expenses, at an eligible nonpublic school;

2. Instructional expenses for participation in a home education program as defined in s. 232.0201; or

3. Transportation expenses to a Florida public school that is located outside of the district in which the student resides.

(b) The amount of a scholarship provided to any child for any single school year by all eligible nonprofit scholarship funding organization from eligible contributions shall not exceed the following annual limits:

1. \$4,000 for a scholarship awarded to a student enrolled in an eligible nonpublic school.

2. \$1,000 for a scholarship awarded to a student enrolled in a home education program as defined in s. 232.0201.

3. \$500 for a scholarship awarded to a student enrolled in a Florida public school that is located outside of the district in which the student resides.

(c) An eligible nonprofit scholarship funding organization shall allocate over a 5-year period 100 percent of the annual eligible contributions received for scholarships awarded pursuant to this subsection. At least 20 percent of the eligible contributions received by the organization must be disbursed each year. No portion of eligible contributions may be used for administrative expenses.

(5) **PUBLIC SCHOOL DISTRIBUTIONS.**—Contributions from corporations shall be directed to the school, the school district, or the Department of Education, as directed by the corporation.

(6) **FUNDING.**—The total statewide amount authorized for the tax credit provided by this section shall be annually established in the General Appropriations Act and shall be allocated to corporations on a first-come, first-served basis. If on any day the amount of tax credits applied for and qualified for approval exceeds the funding provided pursuant to this subsection that remains available to be allocated, the Department of Revenue shall prorate the credits among all corporations applying during that day, as evidenced by the postmark or other identification of the application date, which are qualified for approval, and inform each corporation of the approved amount.

(7) **ADMINISTRATION; RULES.**—

(a) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may not be carried forward. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(b) An application for a tax credit pursuant to this section shall be submitted to the Department of Revenue on forms established by rule of the Department of Revenue.

(c) The Department of Revenue and the Department of Education shall develop a cooperative agreement to assist in the administration of this section. The Department of Education shall be responsible for annually submitting to the Department of Revenue a list of eligible nonprofit scholarship funding organizations that meet the requirements of paragraph (2)(c).

(d) The Department of Revenue shall adopt rules necessary to administer this section, including rules establishing application forms and procedures.

(e) The Department of Education shall adopt rules necessary to confirm compliance of nonprofit scholarship funding organizations.

Section 2. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, and those enumerated in s. 220.185, and those enumerated in s. 220.187.

Section 3. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 “Adjusted federal income” defined.—

(1) The term “adjusted federal income” means an amount equal to the taxpayer’s taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 2005.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on June 30, 2005.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers’ cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. *The amount taken as a credit for the taxable year under s. 220.187.*

Section 4. This act shall take effect January 1, 2002.

And the title is amended as follows:

On page 1, lines 2-21  
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; providing definitions; providing a credit against said tax for contributions to public schools and nonprofit scholarship funding organizations; providing limitations; providing for use of such contributions by public schools and organizations for scholarships for certain children and providing requirements and limitations with respect thereto; providing for annual funding through the General Appropriations Act; providing for allocation; providing duties of the Department of Revenue and Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; providing an effective date.

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

Session Vote Sequence: 10

Yeas—44

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

Nays—72

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

Votes after roll call:

Yeas—Ritter

**Moment of Silence**

The House observed a moment of silence in memory of Representative Baxley's mother, who passed away today.

Representative(s) Bucher offered the following:

(Amendment Bar Code: 191667)

**Amendment 4**—On page 5, between lines 6 and 7,

insert: *(f) The Department of Education shall annually publicize, by school district, the number of FTE students, by school district, that receive scholarships and transfer to a nonpublic school, elect to enroll in a home education program, or transfer to a public school outside of the district in which the student resides. The Department of Education shall, based on the data collected and confirmed, report, by school district, the amount of cost savings realized in state funding for the initial year of every scholarship received by a student who was enrolled in a Florida public school during the prior school year. Each school district shall retain the amount of realized savings in its district.*

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

Session Vote Sequence: 11

Yeas—40

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

Nays—78

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

Rep. Frankel moved the rules be waived to take up an amendment filed by Rep. Gelber outside the Special Rule, which was not agreed to.

The vote was:

Session Vote Sequence: 12

Yeas—44

Ausley	Bucher	Frankel	Greenstein
Bendross-Mindingall	Bullard	Gannon	Harper
Betancourt	Cusack	Gelber	Henriquez
Brutus	Fields	Gottlieb	Heyman



Holloway	Lerner	Richardson	Smith
Jennings	Machek	Ritter	Sobel
Joyner	McGriff	Romeo	Stansel
Justice	Meadows	Ryan	Weissman
Kendrick	Negron	Seiler	Wiles
Kosmas	Peterman	Siplin	Wilson
Lee	Rich	Slosberg	Wishner

Nays—75

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

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

**CS/CS/HB 269**—A bill to be entitled An act relating to school district best financial management practices reviews; creating the “Sharpening the Pencil Act”; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report issued by OPPAGA to be provided to additional entities; requiring public meetings; revising provisions relating to eligibility for the “Seal of Best Financial Management”; establishing requirements relating to status reports; requiring OPPAGA to review a district’s status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; providing for citizen appeals to the department; providing rulemaking authority; providing legislative intent; clarifying provisions relating to the award of the “Seal of Best Financial Management”; requiring school districts that are reviewed to maintain certain records; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

—was read the second time by title.

Representative(s) Andrews and Murman offered the following:

(Amendment Bar Code: 711521)

**Amendment 1 (with title amendment)**—On page 12, after line 5, insert:

*(14) Unrestricted cost savings resulting from implementation of the best financial management practices will be used to implement best education practices that correct identified student education outcome deficiencies. The unrestricted cost savings must be spent at the school and classroom levels for teacher salaries, teacher training, improved classroom facilities, student supplies, textbooks, classroom technology, and other direct student instruction activities. Cost savings identified for a program that has restrictive expenditure requirements shall be used for the enhancement of the specific program.*

And the title is amended as follows:

On page 2, line 15 after the semicolon,

insert: specifying use of cost savings;

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

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

**CS/HB 277**—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; reducing temporary cash assistance based on failure to meet certain education participation requirements; requiring conferences between Learnfare participants and school officials; requiring the development of an electronic data transfer system; amending s. 228.041, F.S., relating to definitions; correcting a cross reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

—was read the second time by title.

**Motion**

Rep. Wilson moved that the questions and answers on **CS/HB 277** be spread upon the *Journal*. Under Rule 8.2(b), the motion was referred to the Committee on Rules, Ethics & Elections.

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

**CS/HB 215**—A bill to be entitled An act relating to parental rights; amending s. 61.13, F.S.; providing that specified rights apply to both parents; providing an effective date.

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

**CS/HB 141**—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining “adoption entity,” “legal custody,” “parent,” and “relative”; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney’s fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent’s right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.;

providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; providing an effective date.

—was read the second time by title.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

Representative(s) Lynn offered the following:

(Amendment Bar Code: 854707)

**Amendment 1**—On page 54, line 15  
remove from the bill: ~~may~~

and insert in lieu thereof: *must*

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

Representative(s) Lynn offered the following:

(Amendment Bar Code: 150685)

**Amendment 2**—On page 68, line 4  
remove from the bill: ~~clerk of the~~

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

Representative(s) Lynn offered the following:

(Amendment Bar Code: 915941)

**Amendment 3**—On page 71, line 7 of the bill, after the period  
insert: *Upon its completion, a copy of the home study must be provided to the intended adoptive parents who were the subject of the home study.*

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

Representative(s) Lynn offered the following:

(Amendment Bar Code: 665351)

**Amendment 4**—On page 78, remove from the bill lines 21-23 and  
insert: *When a petition for a declaratory statement as to the adoption contract is filed prior to the commencement of proceedings to terminate parental rights, it must be filed in accordance with the venue requirements for the filing of the petition terminating parental rights under s. 63.087. Pursuant to s. 63.087, a previously filed petition for a declaratory statement filed under this section must be consolidated with a related subsequently filed petition for termination of parental rights. If the petition for declaratory statement is filed after the judgement terminating parental rights has been entered, the action for declaratory statement must be consolidated with any related petition for adoption. Only one filing fee may be assessed for*

Rep. Lynn moved the adoption of the amendment.

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

Representative(s) Lynn offered the following:

(Amendment Bar Code: 611755)

**Substitute Amendment 4**—On page 78,  
remove from the bill: lines 21-23

and insert in lieu thereof:

*(e) When a petition for a declaratory statement as to the adoption contract is filed prior to the commencement of proceedings to terminate parental rights, it must be filed in accordance with the venue requirements for the filing of the petition terminating parental rights under s. 63.087. Pursuant to s. 63.087, a previously filed petition for a declaratory statement filed under this section must be consolidated with a related subsequently filed petition for termination of parental rights. If the petition for declaratory statement is filed after the judgment terminating parental rights has been entered, the action for declaratory statement must be consolidated with any related petition for adoption. Only one filing fee may be assessed for*

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

Representative(s) Lynn offered the following:

(Amendment Bar Code: 655347)

**Amendment 5**—On page 80, between lines 7 and 8 of the bill after the word “rights”

insert: *(c) A copy of any declaratory statement previously entered by the court pursuant to s. 63.102.*

Rep. Lynn moved the adoption of the amendment.

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

Representative(s) Lynn offered the following:

(Amendment Bar Code: 812571)

**Substitute Amendment 5**—On page 80, between lines 7 and 8 of the bill

insert:

*(c) A copy of any declaratory statement previously entered by the court pursuant to s. 63.102.*

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

Representative(s) Lynn offered the following:

(Amendment Bar Code: 634697)

**Amendment 6 (with title amendment)**—On page 103, between lines 2 and 3 of the bill

insert:

Section 39. Section 395.1024, F.S., is created to read:

*395.1024 Patients Consenting to Adoptions; Protocols*

*(1) Each licensed facility shall adopt a protocol that at a minimum provides for facility staff to be knowledgeable of the waiting periods, revocation and the contents of the consent to adoption as contained in s. 63.082(4), and describes the supportive and unbiased manner in which facility staff will interact with birth parents and prospective adoptive parents regarding the adoption, in particular during the waiting period required in s. 63.082(4)(b) before consenting to an adoption.*

*(2) The protocol shall be in writing and be provided upon request to any birth parent or prospective adoptive parent of a child born in the facility.*

And the title is amended as follows:

On page 5, line 3 after the semicolon

insert: creating s. 383.3104, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption;

Rep. Lynn moved the adoption of the amendment.

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

Representative(s) Lynn offered the following:

(Amendment Bar Code: 145223)

**Amendment 1 to Amendment 6**—In the title, on page 2, line 9 remove from the amendment: s. 383.3104

and insert in lieu thereof: s.395.1024

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

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 6**, as amended, which was adopted.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 981769)

**Amendment 7 (with title amendment)**—On page 103, between lines 2 and 3 of the bill

insert:

Section 39. Section 383.310, F.S., is created to read:

*383.310, F.S., Patients Consenting to Adoptions; Protocols*

*(1) Each licensed facility shall adopt a protocol that at a minimum provides for facility staff to be knowledgeable of the waiting periods, revocation and the contents of the consent to adoption as contained in s. 63.082(4), and describes the supportive and unbiased manner in which facility staff will interact with birth parents and prospective adoptive parents regarding the adoption, in particular during the waiting period required in s. 63.082(4)(b) before consenting to an adoption.*

*(2) The protocol shall be in writing and be provided upon request to any birth parent or prospective adoptive parent of a child born in the facility.*

And the title is amended as follows:

On page 5, line 3 after the semicolon

insert: creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption;

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

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

**CS/HB 245**—A bill to be entitled An act relating to the Parole Commission; creating the “Parole Commission Reform Act of 2001”; amending s. 20.055, F.S.; deleting the requirement that the Parole Commission have an inspector general; amending s. 944.605, F.S.; requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to notify certain entities prior to inmate release; amending s. 947.04, F.S.; permitting Parole Commission staff to establish and maintain field offices within existing department facilities; amending s. 947.1405, F.S.; providing for deferral of conditional release supervision to probation or community control; providing for automatic revocation of conditional release supervision and forfeiture of gain-time under certain circumstances; providing for reversion to conditional release supervision under certain conditions; requiring the Department of Corrections to review an inmate’s program participation and other records prior to conditional release, to conduct a personal interview with the inmate, to forward the inmate’s release plan to the Parole Commission, and to make recommendations to the commission; authorizing the commission to impose requirements relating to curfews; correcting references; clarifying the requirement that the commission impose restrictions relating to contact with children; authorizing the commission to require electronic monitoring for certain releasees; authorizing the Parole Commission to adopt rules necessary to implement the Conditional Release Program Act; amending s. 947.24, F.S.; requiring the department to provide to the commission information for parole or release reviews; repealing s. 947.175, F.S., relating to notice to local agencies by the Parole Commission; repealing s. 947.177, F.S., relating to inmate release, notice by Department of Corrections, Control Release Authority, or Parole Commission; providing for a reduction in the number of existing full-time positions within the commission; providing an effective date.

—was read the second time by title.

Representative(s) Richardson and Brummer offered the following:

(Amendment Bar Code: 405399)

**Amendment 1 (with title amendment)**—On page 13, line 28, through page 14, line 2 remove from the bill: all of said lines

And the title is amended as follows:

On page 2 lines 14-16,  
remove from the title of the bill: all of said lines

and insert in lieu thereof: Commission; providing an effective date.

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

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

#### Reviser's Bills

**HB 657**—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the 2001 regular session are not repealed by this adoption act.

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

**HB 659**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.513, 17.26, 20.12, 20.315, 20.3315, 20.50, 24.113, 39.0015, 39.202, 39.3065, 55.209, 101.545, 110.112, 121.021, 121.051, 125.0108, 163.065, 163.2517, 163.345, 163.458, 166.231, 171.093, 186.504, 192.001, and 212.08, F.S.; renumbering s. 20.171(5)(c), F.S.; reenacting ss. 20.316(4)(f), 162.04(5), and 212.055(2)(c), F.S.; and repealing ss. 20.331(6)(d), 121.091(9)(b)11., 122.20(2), 163.2520(3), and 210.20(2)(b), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

**HB 661**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 215.96, 216.015, 216.177, 216.181, 216.348, 218.21, 228.082, 228.195, 229.006, 229.085, 229.57, 231.262, 231.6215, 232.50, 233.0655, 233.068, 235.26, 236.1225, 240.145, 240.2995, 240.345, 240.40208, 240.5285, 240.529, 240.711, 252.32, 252.34, 252.35, 252.36, 252.38, 252.46, 252.47, 252.50, 252.52, 253.115, 253.7829, 255.101, 255.102, 255.25, 255.5535, 259.037, 259.101, 265.284, 267.171, 282.303, 283.33, 285.18, 287.042, 287.055, 287.057, 287.0943, 288.012, 288.106, 288.1066, 288.1167, 288.1169, 288.1229, 290.0065, 290.007, 320.0848, 320.20, 320.27, 323.001, 328.16, 331.304, and 348.7543, F.S.; reenacting ss. 216.292(1)(b), 228.056(10), 231.600, 259.032(12), 265.284(4), 287.055(4)(b), and 322.051(1), F.S.; and repealing ss. 236.25(5)(b)1.-3. and 288.7771(1), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

**HB 663**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 370.0603, 370.092, 370.093, 370.12, 372.5712, 372.5715, 373.4135, 375.021, 376.30713, 377.703, 380.012, 380.0555, 381.003, 381.004, 381.0065, 381.0303, 381.90, 383.50, 384.29, 393.0641, 394.875, 395.0163, 395.4045, 395.602, 395.7015, 400.0091, 400.022, 400.023, 400.141, 400.408, 400.464, 400.980, 402.166, 402.28, 402.50, 403.031, 403.714, 403.718, 403.7191, 403.7192, 408.02, 408.0361, 409.145, 409.1685, 409.908, 409.912, 409.946, 414.105, 418.302, 420.506, 420.507, 435.03, 435.05, 435.07, 440.15, 440.381, 440.4416, 443.1715, 445.024, 446.50, 456.025, 456.039, 458.3135, 458.319, and 460.403, F.S.; reenacting ss. 370.021(2), 375.045, 397.405, 409.9122(1), 445.003(6)(b), 445.009(7)(c), 467.001, 467.002, 467.004, 467.011, 467.0125, 467.014, 467.015, 467.016, 467.017, 467.201, 467.203, 467.205, 467.207, and 468.354(3)(b), F.S.; and repealing ss. 373.4593(2)(a)-(c), 381.0045(3), 383.0112(2)(g), 411.01(9)(c), 421.37, 421.38, 421.39, 421.40, 421.41, 421.42, 421.43, 421.44, 421.45, 427.0159(2), and 464.0045, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

**HB 665**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 470.016, 471.025, 472.001, 472.003, 472.005, 472.011, 472.015, 472.021, 472.025, 472.027, 472.031, 472.037, 476.024, 494.0017, 498.025, 499.015, 499.03, 499.05, 501.34, 514.0231, 527.01, 527.02, 538.11, 550.6305, 550.904, 550.912, 553.381, 553.507, 553.902, 569.11, 570.21, 576.045, 589.065, 597.003, 597.0041, 607.1901, 617.1622, 620.8101, 620.9901, 626.112, 626.621, 626.6215, 626.797, 626.844, 626.8734, 626.909, 626.9911, 626.99275, 627.031, 627.062, 627.357, 627.481, 627.6487, 627.6699, 627.6735, 627.736, 627.9403, 627.9407, 627.94072, 627.944, 628.909, 631.718, and 631.911, F.S.; and repealing ss. 489.1136(1)(g), 499.005(26), 550.2633(3) and (4), 624.408(1)(b)1., and 627.0661, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

**HB 667**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 632.635, 633.021, 633.025, 634.191, 634.281, 641.185, 641.225, 642.032, 642.043, 648.44, 651.095, 651.106, 655.50, 655.962, 663.02, 663.09, 663.14, 715.07, 718.103, 718.111, 718.112, 718.504, 784.075, 817.55, 828.1231, 849.086, 849.0931, 914.27, 921.0022, 943.08, 943.11, 943.125, 960.065, 984.03, 985.201, 985.215, 985.225, and 985.228, F.S.; and reenacting ss. 985.23 and 985.3141, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

**HB 669**—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 17.43(3), 20.2553(3), 61.182, 240.3835, 240.408, 290.0075, 403.8533(3), 442.001, 442.002, 442.003, 442.004, 442.005, 442.006, 442.007, 442.008, 442.009, 442.0105, 442.011, 442.012, 442.013, 442.014, 442.015, 442.016, 442.017, 442.018, 442.019, 442.020, 442.021, 442.022, 442.023, 442.101, 442.102, 442.103, 442.104, 442.105, 442.106, 442.107, 442.108, 442.109, 442.111, 442.112, 442.113, 442.115, 442.116, 442.118, 442.1185, 442.119, 442.121, 442.123, 442.125, 442.126, 442.127, 442.20, 442.21, 570.205(3), and 713.5955, F.S., pursuant to s. 11.242, F.S.; all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the Florida Statutes 2001 only through a reviser's bill duly enacted by the Legislature; repealing s. 290.009(2)(c), F.S., to conform to the repeal of s. 290.0075, F.S.; repealing s. 448.24(2)(d), F.S., to conform to the repeal of chapter 442, F.S.

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

**HB 671**—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.90, 228.082, 445.004, 570.61, and 893.138, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

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

#### Repeal Bill

**CS/HB 4007**—A bill to be entitled An act relating to obsolete, expired, or repealed provisions of law; repealing various provisions of law that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; repealing s. 20.171(5)(c), F.S., relating to Department of Labor and Employment Security; deleting the Division of Blind Services from the Department of Labor and Employment Security to conform to the transfer of said division by chapter 99-240, Laws of Florida; repealing s. 34.021(3), F.S., relating to qualifications of county court judges; amending s. 39.824, F.S.; deleting obsolete provision relating to adoption of rules of criminal procedure; repealing s. 193.102(1), F.S., relating to obsolete provisions relating to lands subject to tax sale certificates and assessments; repealing s. 206.9825(2), F.S., relating to limitation on aviation fuel tax; amending s. 212.08, F.S.; repealing obsolete provisions relating to the sales, rental, use, consumption, distribution, and storage tax; amending s. 220.1501, F.S., relating to rulemaking authority to implement s. 220.15(2)(c), (4)(c), and (8), F.S.; deleting obsolete provision relating to report by Board of Regents; repealing s. 255.259(3), F.S.; deleting obsolete provision relating to xeriscape landscaping on public property; repealing s. 373.0361(3), F.S.; deleting obsolete provision relating to regional water supply planning; repealing s. 381.895(7), F.S., relating to standards for compressed air used for recreational diving; deleting obsolete effective date for said section; amending s. 394.4985, F.S.; deleting obsolete provision relating to implementation plan for a districtwide comprehensive child and adolescent mental health information and referral network; repealing s. 409.2559, F.S., relating to state disbursement unit; repealing s. 414.70(5), F.S.; deleting obsolete provision relating to evaluations and recommendations relating to the drug-screening and drug-testing program; amending s. 420.504, F.S.; repealing obsolete provision relating to changes in membership categories; amending s. 440.4416, F.S.; repealing obsolete provision relating to a report to the Legislature by the Workers' Compensation Oversight Board; repealing s. 468.609(6)(b), F.S.; deleting obsolete provision relating to building code administrators, plans examiners, and building code inspectors; repealing s. 570.381(1), F.S., relating to legislative findings relating to Appaloosa racing and breeding; repealing s. 624.4085(11), F.S., relating to risk-based capital reports; repealing s. 624.4392(2), F.S., relating to multiple-employer welfare arrangements; amending s. 626.2815, F.S.; repealing obsolete provision relating to establishment of criteria by the continuing education advisory board; amending s. 626.918, F.S.; repealing obsolete provisions relating to the required surplus as to policyholders for surplus lines insurers; repealing

s. 627.4145 (6)(e), F.S., relating to obsolete exception to provisions relating to readable language in insurance policies; repealing s. 627.4147(3), F.S., relating to expired provision relating to medical malpractice insurance contracts; amending s. 627.6492, F.S.; repealing obsolete provision relating to operating losses by insurers; amending s. 629.401, F.S.; deleting obsolete provisions relating to capitalization by underwriting members and certain investments existing prior to July 2, 1987; repealing s. 631.911(1), F.S., relating to creation of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated, merger, and effect of merger; repealing s. 631.912(3), F.S., relating to board of directors of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated; deleting references to s. 631.911(1), F.S., to conform; repealing s. 631.929, F.S., relating to election of remedies; amending s. 636.016, F.S.; repealing obsolete provision relating to prepaid limited health service organizations licensed prior to October 1, 1993; amending s. 636.043, F.S.; repealing obsolete provisions relating to financial statements required by certain prepaid limited health service organizations; repealing s. 713.5955, F.S., relating to acquisition of title to unclaimed molds; amending s. 721.24, F.S.; repealing obsolete provisions relating to delay of installation of firesafety equipment for timeshare units of timeshare plans; amending s. 744.7021, F.S.; repealing obsolete provision relating to submission of report relating to the Statewide Public Guardianship Office; repealing s. 753.004, F.S., relating to supervised visitation projects; providing an effective date.

—was read the second time by title.

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

Representative(s) Mahon offered the following:

(Amendment Bar Code: 864309)

**Amendment 1 (with title amendment)**—On page 4, lines 18 and 19, remove from the bill: all of said lines

And the title is amended as follows:

On page 1, lines 7-9, remove from the title of the bill: all of said lines

and insert in lieu thereof: superseded; deleting the Division of Blind

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

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

#### Bills Subject to Special Rule

**HB 383**—A bill to be entitled An act relating to a public records exemption for bank account numbers or debit, charge, or credit card numbers obtained by agencies; amending s. 119.07, F.S., which provides an exemption from public records requirements for bank account numbers or debit, charge, or credit card numbers given to an agency for the purpose of payment of fee or debt; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

**HB 385**—A bill to be entitled An act relating to a public records exemption for certain information used by municipally owned utilities; amending s. 119.07, F.S., which provides an exemption from public records requirements for a specified period of time for certain information used by a municipal utility to prepare and submit certain sealed bids to customers or prospective customers; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

**HB 387**—A bill to be entitled An act relating to a public records exemption for certain information obtained by the direct-support organization authorized to assist in the promotion of sports-related industries; amending s. 288.12295, F.S., which provides an exemption from public records requirements for the identity of donors and prospective donors to the direct-support organization; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

**HB 389**—A bill to be entitled An act relating to a public records exemption for certain records of economic development agencies which contain information concerning private entities; amending s. 288.075, F.S., which provides an exemption from public records requirements for records of an economic development agency which contain or would provide plans, intentions, or interests of private entities regarding their business activities; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

**HB 391**—A bill to be entitled An act relating to public records exemptions for certain information obtained in connection with administration of the qualified defense contractor and qualified target industry tax refund programs; amending s. 288.1066, F.S., which provides exemptions from public records requirements for certain identifying, proprietary, tax, and trade secret information received in connection with administering said tax refund programs; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; deleting superfluous language; providing an effective date.

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

**HB 393**—A bill to be entitled An act relating to a public records exemption for certain information obtained by the Florida Tourism Industry Marketing Corporation; amending s. 288.1226, F.S., which provides an exemption from public records requirements for the identity of any person responding to marketing or research projects conducted by the corporation and for trade secrets obtained pursuant thereto; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

**HB 395**—A bill to be entitled An act relating to public records exemptions for specified information relating to airports; amending s. 331.22, F.S., which provides exemptions from public records requirements for airport security plans of an aviation authority or county or municipal aviation department and for other material that depicts critical airport operating facilities; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

**HB 397**—A bill to be entitled An act relating to a public records exemption for certain information relating to prepayment of electronic toll facility charges; amending s. 338.155, F.S., which provides an exemption from public records requirements for personal identifying information given to the Department of Transportation, a county, or an expressway authority for the purpose of prepaying electronic toll facility charges by check, credit card, or charge card; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the

Open Government Sunset Review Act of 1995; clarifying a cross reference; providing an effective date.

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

**HB 399**—A bill to be entitled An act relating to a public records exemption for certain information relating to emergency telephone number “911”; amending s. 365.171, F.S., which provides an exemption from public records requirements for information that reveals the name, address, telephone number, or personal information about, or other information that would identify, a person requesting emergency service or reporting an emergency; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; correcting a reference; providing an effective date.

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

**HB 401**—A bill to be entitled An act relating to a public records exemption for certain information submitted to the Office of the Attorney General by members of the health care community; amending s. 408.185, F.S., which provides an exemption from public records requirements for certain documents, contracts, and proprietary confidential business information submitted by such entities in connection with a request for an antitrust no-action letter for a specified period; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

**HB 403**—A bill to be entitled An act relating to a public records exemption for records relating to pawnbroker transactions; amending s. 539.003, F.S., which provides an exemption from public records requirements for records relating to pawnbroker transactions delivered to appropriate law enforcement officials; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

**HB 405**—A bill to be entitled An act relating to public records exemptions for certain surplus lines insurance records; amending s. 626.921, F.S., which provides an exemption from public records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the exemption to apply to information specific to a particular policy or policyholder; providing an exemption from public records requirements for certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

**HB 407**—A bill to be entitled An act relating to public records and meetings exemptions for university health services support organizations; repealing s. 240.2995(6), F.S., which provides that meetings of the governing board of a university health services support organization are public and requires that certain records be made available to the Department of Insurance; amending s. 240.2996, F.S., which provides exemptions from public records and meetings requirements for certain contracts and related documents, marketing plans, trade secrets, and evaluation records of such organizations, for meetings at which any of such records or information is discussed, and for records of such meetings; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open

Government Sunset Review Act of 1995; narrowing the type of marketing plans exempted; requiring university health services support organizations to make certain records available to the Department of Insurance; providing an effective date.

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

**Motion to Adjourn**

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 12:30 p.m., Thursday, March 8. The motion was agreed to.

**Cosponsors**

- CS/HB 3—Fiorentino
- HB 5—Crow, Slosberg
- HB 23—Gottlieb
- HB 25—Slosberg
- HB 29—Slosberg
- HB 85—Fields, Lerner
- HB 95—Paul
- HB 119—Gannon
- HB 157—Fields
- HB 179—Bucher
- HB 193—Bucher
- HB 233—Fields
- CS/HB 277—Weissman
- CS/HB 279—Bucher
- HB 311—Slosberg
- HB 381—Slosberg
- HB 459—Byrd
- HB 461—Bucher, Slosberg
- HB 483—Slosberg
- HB 575—Johnson
- HB 621—Farkas

**Introduction and Reference**

By Representative Spratt—

**HB 943**—A bill to be entitled An act relating to the Immokalee Fire Control District, Collier County; amending chapter 2000-393, Laws of Florida, to include specific authorization of the imposition, collection, and use of impact fees as provided in chapter 191, Florida Statutes; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Machek—

**HB 945**—A bill to be entitled An act relating to the Solid Waste Authority of Palm Beach County, a dependent special district in Palm Beach County; codifying the Authority’s charter, chapter 75-473, Laws of Florida, as amended, pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Solid Waste Authority of Palm Beach County as a single act; providing a short title; providing declaration of legislative intent; providing for application to incorporated and unincorporated areas; providing definitions; providing purposes and powers; providing exemption from taxation; providing prohibition, permits, and penalty; providing enforcement; providing injunctive relief; providing judicial review; providing severability; repealing all prior special acts related to the Authority; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Seiler—

**HB 947**—A bill to be entitled An act relating to medical malpractice presuit investigations; amending s. 766.104, F.S.; authorizing the

release of certain records relating to medical care and treatment of a decedent upon the request of certain persons; providing exemption from liability and discipline for health care practitioners complying in good faith; providing an effective date.

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

By Representative Attkisson—

**HB 949**—A bill to be entitled An act relating to local government regulation of water or wastewater utilities; amending s. 367.171, F.S.; providing for regulation of certain utilities by certain counties; prohibiting exercise of eminent domain by certain governmental entities under certain circumstances; providing an effective date.

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

By the Committee on Crime Prevention, Corrections & Safety; Representative Bilirakis—

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

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

By the Committee on Crime Prevention, Corrections & Safety; Representative Bilirakis—

**HB 953**—A bill to be entitled An act relating to burglary; creating s. 810.015, F.S.; providing legislative findings and intent; providing for retroactive operation; amending s. 810.02, F.S.; revising the definition of burglary; reenacting s. 943.325(1)(a), F.S.; providing an effective date.

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

By Representative Bean—

**HB 955**—A bill to be entitled An act relating to correctional officers; creating s. 943.105, F.S.; creating the “Job Protection for Correctional Officers Act”; providing for certain employment appeals to a complaint review board; providing for a definition of just cause; providing for the creation of ad hoc complaint review boards; providing for the function of such boards; providing for membership; providing procedures with respect to appeals; providing an effective date.

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

By Representative Bendross-Mindingall—

**HB 957**—A bill to be entitled An act relating to nursing home expenditures of state funds; providing legislative findings, declarations, and intent; prohibiting use of state funds for certain purposes; providing construction; providing for enforcement; authorizing civil actions; providing procedures and requirements; providing penalties; providing application; providing protection for certain persons; providing severability; providing an effective date.

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

By Representative Gottlieb—

**HB 959**—A bill to be entitled An act relating to mortgage foreclosure proceedings; providing for expedited procedure under certain conditions; providing that a hearing and an adjudication that requested attorney’s fees are reasonable are not necessary under certain conditions; providing that attorney’s fees when provided in a note or mortgage constitute liquidated damages; amending s. 702.10, F.S.; specifying information to be included in an order to show cause why a final judgment of foreclosure should not be entered; providing that a hearing on attorney’s fees is unnecessary under certain circumstances; requiring the court to enter a final judgment of foreclosure under certain circumstances; providing an effective date.

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

By Representative Carassas—

**HB 961**—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.235, F.S.; revising

membership and terms of the Governor's Panel on Excellence in Long-Term Care; providing for selection of a panel chair; providing a definition; amending s. 400.4195, F.S.; providing conditions under which the prohibition against payment of referral fees by assisted living facilities does not apply; providing an effective date.

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

By Representatives Spratt, Bowen, Alexander, Byrd, Dockery, Ryan, Flanagan, Attkisson, Kyle, Machek, Harrington, Kendrick, Pickens, Stansel, Gibson, and Bense—

**HB 963**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing a full exemption for self-propelled, power-drawn, or power-driven farm equipment used exclusively on a farm or in a forest in specified activities; revising application of the exemption for items in agricultural use with respect to certain protective materials and certain baling materials; amending s. 212.12, F.S., relating to promulgation of tax brackets by the Department of Revenue, to conform; providing an effective date.

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

By Representative Ritter—

**HB 965**—A bill to be entitled An act relating to felony offenses; amending s. 316.1935, F.S.; providing an enhanced penalty for the offense of fleeing or eluding a law enforcement officer if, in the course of the violation, the defendant causes serious bodily injury to another; amending s. 812.014, F.S.; providing an enhanced penalty for the offense of motor vehicle theft if the defendant has more than a specified number of prior convictions for such offense; amending s. 812.16, F.S.; increasing the penalty for the offense of operating a chop shop; providing an effective date.

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

By Representative Gardiner—

**HB 967**—A bill to be entitled An act relating to enterprise zones; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of an enterprise zone upon application by certain counties; providing requirements with respect thereto; providing an effective date.

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

By Representative Clarke—

**HB 969**—A bill to be entitled An act relating to dissolution of marriage; amending s. 28.101, F.S.; providing an additional charge when a party petitions for a dissolution of marriage; providing for the disposition of the charge for the payment of a policy of insurance to provide child support payments when the payor's employment has been involuntary terminated; providing a definition; directing the clerk to keep certain records; providing an effective date.

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

By Representative Attkisson—

**HB 971**—A bill to be entitled An act relating to charter school facilities funding; amending s. 228.0561, F.S.; providing credits toward impact fees for contributions of charter school facilities or land by developers; correcting cross references; deleting a redundant provision; providing an effective date.

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

By Representative Davis—

**HB 973**—A bill to be entitled An act relating to total and permanently disabled persons; amending ss. 196.012 and 196.101, F.S.; reducing the number of physicians necessary to certify a total and permanent disability for homestead exemption purposes; providing an effective date.

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

By Representative Spratt—

**HB 975**—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; amending s. 8, ch. 67-2070, Laws of Florida, as amended; increasing the threshold for requiring bids for the purchase of property and services; amending s. 3, ch. 67-2070, Laws of Florida, as amended; including additional property under the jurisdiction of the authority; amending s. 6, ch. 67-2070, Laws of Florida, as amended; providing additional powers and duties of the authority; requiring the authority to maintain confidentiality of records made confidential pursuant to general law; amending s. 4, ch. 67-2070, Laws of Florida, as amended; providing that an affirmative vote of a majority of the members present at a meeting where there is a quorum shall be necessary for any action by the board; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Murman—

**HB 977**—A bill to be entitled An act relating to school readiness; amending s. 20.50, F.S.; removing the requirement that the Agency for Workforce Innovation be a separate budget entity from the Department of Management Services; assigning certain responsibility for administering school readiness programs to the agency; requiring the agency's unified budget to include funding for school readiness; renaming offices within the agency; directing the agency to be the designated agency for purpose of federal school readiness grants; requiring disbursement of school readiness grants pursuant to plans and policies of the Florida Partnership for School Readiness; making certain responsibilities subject to appropriations; amending s. 216.136, F.S.; adding staff of the Agency for Workforce Innovation to the School Readiness Program Estimating Conference; correcting cross references; amending s. 230.23, F.S.; requiring school boards to work through the Florida Partnership for School Readiness with regard to programs for early childhood and basic skills development; renumbering as s. 412.51, F.S., and amending s. 411.01, F.S.; transferring the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; increasing the membership of the partnership and the number of members required for a quorum; requiring partnership members to abstain from voting in certain circumstances; designating the partnership as the lead agency for certain federal programs; authorizing the partnership to adopt rules through the agency; directing that the partnership's budget shall be part of the agency's budget; revising entities to which the partnership must make legislative recommendations; requiring the partnership to prepare a long-range program plan; changing the membership of local school readiness coalitions; requiring members of the coalitions to abstain from voting in certain circumstances; authorizing the school readiness program to include certain school-age children; correcting cross references; renumbering as s. 412.52, F.S., and amending s. 230.2303, F.S.; transferring certain responsibilities from school districts to local school readiness coalitions; removing the requirement that the Commissioner of Education approve the inclusion of Florida First Start Programs in local school readiness plans; assigning parent resource centers to local coalitions; transferring certain responsibilities for the monitoring of and the provision of technical assistance to local school readiness programs from the Commissioner of Education to the Florida Partnership for School Readiness; providing reporting requirements; renumbering as s. 412.53, F.S., and amending s. 230.2305, F.S.; modifying legislative intent to recognize the involvement of local school readiness coalitions in prekindergarten programs; deleting references to school districts and eliminating district and district employee responsibility for certain programs; transferring certain responsibilities to local school readiness coalitions; requiring the Florida Partnership for School Readiness to establish performance standards for early education and child care programs; requiring the local school readiness coalitions to establish a sliding fee scale; authorizing different adult-child ratios in certain programs under certain circumstances; authorizing the local school readiness coalitions to delegate certain responsibilities; requiring reports; removing obsolete language;



eliminating district interagency coordinating councils regarding prekindergarten programs; renumbering as s. 412.54, F.S., and amending s. 230.2306, F.S.; transferring certain responsibilities from school districts and certain preschool agencies and providers to local school readiness coalitions; amending s. 240.529, F.S.; deleting obsolete language; requiring that certain information be sent to local school readiness coalitions and the Florida Partnership for School Readiness; renumbering s. 402.25, F.S., as s. 412.55, F.S.; renumbering as s. 412.551, F.S., and amending s. 402.27, F.S.; transferring certain responsibilities regarding child care services from the Department of Children and Family Services to the Florida Partnership for School Readiness; authorizing local school readiness coalitions to select local resource and referral providers without preferences; limiting the number of child care resource and referral service agencies; requiring such agencies to provide certain services; changing references to the WAGES program to the welfare transition program; correcting a cross reference; repealing s. 402.28, F.S., relating to "Child Care Plus" facilities; renumbering as s. 412.553, F.S., and amending s. 402.281, F.S.; transferring responsibilities relating to the Gold Seal Quality Care program relating to child care from the Department of Children and Family Services to the Florida Partnership for School Readiness; correcting a cross reference; renumbering as s. 412.554, F.S., and amending s. 402.301, F.S.; correcting cross references; directing the Partnership for School Readiness to provide certain assistance in lieu of the Department of Children and Family Services; renumbering as s. 412.555, F.S., and amending s. 402.3015, F.S.; removing qualifier on definition of families at risk for welfare dependency; authorizing the Florida Partnership on School Readiness to authorize services for certain children; changing reference to the WAGES program to the welfare transition program; removing certain persons from eligibility to receive subsidized child care services; removing authority of the Department of Children and Family Services to set certain fees; transferring certain authority and responsibility from the department to the Agency for Workforce Innovation or to local school readiness coalitions; requiring certain providers to provide access to local school readiness coalitions for monitoring purposes; requiring the Division of Risk Management to provide insurance to local school readiness coalitions for certain purposes; requiring local school readiness coalitions, in lieu of community child care coordinating agencies, to provide certain services; eliminating the requirement to develop certain plans relating to state subsidized child care; eliminating the monitoring of certain programs by the Department of Children and Family Services; correcting a cross reference; renumbering s. 402.3016, F.S., as s. 412.556, F.S.; renumbering as s. 412.557, F.S., and amending s. 402.3017, F.S.; authorizing the Florida Partnership for School Readiness, rather than the Department of Children and Family Services, to contract for the administration of the Teacher Education and Compensation Helps scholarship program; providing rulemaking authority; renumbering as s. 412.558, F.S., and amending s. 402.3018, F.S.; transferring certain authority and responsibilities regarding assistance to child services providers from the Department of Children and Family Services to the Florida Partnership for School Readiness and the Agency for Workforce Innovation; renumbering as s. 412.56, F.S., and amending s. 402.302, F.S.; providing definitions; deleting the definition of the term "secretary"; correcting cross references; renumbering as s. 412.561, F.S., and amending s. 402.3025, F.S.; removing certain requirements for programs to be exempted from certain child care regulations; transferring certain rulemaking and monitoring authority from the State Board of Education to the Agency for Workforce Innovation; transferring certain authority of the Department of Children and Family Services relating to nonpublic schools to the Agency for Workforce Innovation; correcting cross references; renumbering as s. 412.562, F.S., and amending s. 402.3027, F.S.; transferring certain authority of the Department of Children and Family Services relating to observation and assessment of young children in certain programs for children to the Florida Partnership for School Readiness; renumbering as s. 412.563, F.S., and amending s. 402.3028, F.S.; including the Florida Partnership for School Readiness in agencies responsible for referrals for Level III assessment; correcting cross references; renumbering as s. 412.57, F.S., and amending s. 402.305, F.S.; transferring the responsibility for establishing standards relating to the licensure of child care facilities from the Department of

Children and Family Services to the Agency for Workforce Innovation; transferring the obligation to evaluate school readiness staff training programs from the State Coordinating Council for School Readiness Programs and the Department of Children and Family Services to the Florida Partnership for School Readiness; transferring certain rulemaking authority from the Department of Children and Family Services to the Agency for Workforce Innovation; deleting obsolete language; eliminating the child care technical review panel; correcting cross references; renumbering as s. 412.571, F.S., and amending s. 402.3051, F.S.; providing a definition; transferring certain authority relating to reimbursement of providers from the Department of Children and Family Services to the Agency for Workforce Innovation and local school readiness coalitions; eliminating certain grant authority of the Department of Children and Family Services; transferring certain rulemaking authority from the Department of Children and Family Services to the Agency for Workforce Innovation; correcting cross references; renumbering as s. 412.572, F.S., and amending s. 402.3052, F.S.; transferring the child development associate training grants program from the Department of Children and Family Services to the Agency for Workforce Innovation; removing the State Coordinating Council for School Readiness Programs as an advisor to the program; transferring certain authority related to the program from the Department of Children and Family Services and others to the Agency for Workforce Innovation, the Florida Partnership for School Readiness, and local school readiness coalitions; renumbering s. 402.3054, F.S., as s. 412.573, F.S.; renumbering as s. 412.574, F.S., and amending s. 402.3055, F.S.; transferring the regulatory authority, including the imposition of penalties, of the Department of Children and Family Services related to child care personnel to the Agency for Workforce Innovation; correcting cross references; renumbering as s. 412.575, F.S., and amending s. 402.3057, F.S.; correcting cross references; renumbering as s. 412.58, F.S., and amending s. 402.306, F.S.; transferring the authority of the Department of Children and Family Services relating to local licensing of child care facilities to the Agency for Workforce Innovation; correcting a cross reference; renumbering as s. 412.59, F.S., and amending s. 402.307, F.S.; transferring the authority of the Department of Children and Family Services relating to the approval of local licensing agencies of child care facilities to the Agency for Workforce Innovation; correcting cross references; renumbering as s. 412.60, F.S., and amending s. 402.308, F.S.; transferring the licensure authority of the Department of Children and Family Services relating to child care facilities to the Agency for Workforce Innovation; correcting cross references; renumbering as s. 412.61, F.S., and amending s. 402.309, F.S.; transferring the authority of the Department of Children and Family Services relating to provisional licensure of child care facilities to the Agency for Workforce Innovation; correcting cross references; renumbering as s. 412.62, F.S., and amending s. 402.310, F.S.; transferring disciplinary authority of the Department of Children and Family Services relating to child care facilities to the Agency for Workforce Innovation; correcting cross references; renumbering as s. 412.63, F.S., and amending s. 402.311, F.S.; transferring the right of entry and inspection of child care facilities from the Department of Children and Family Services to the Agency for Workforce Innovation; correcting cross references; renumbering as s. 412.631, F.S., and amending s. 402.3115, F.S.; requiring the Agency for Workforce Innovation to avoid duplicative and unnecessary inspections of child care facilities; renumbering as s. 412.64, F.S., and amending s. 402.312, F.S.; transferring the authority to obtain certain injunctions and to impose administrative fines from the Department of Children and Family Services to the Agency for Workforce Innovation; correcting cross references; renumbering as s. 412.641, F.S., and amending s. 402.3125, F.S.; requiring child care facility licenses to bear the seal of the Agency for Workforce Innovation rather than the seal of the Department of Children and Family Services; transferring the duty of the Department of Children and Family Services to develop model brochures to the Agency for Workforce Innovation; correcting cross references; renumbering as s. 412.65, F.S., and amending s. 402.313, F.S.; transferring the authority, including rulemaking authority, of the Department of Children and Family Services relating to the licensure, registration, and disciplining of family day care homes to the Agency for Workforce Innovation; deleting obsolete language; requiring the Florida Partnership for School Readiness, rather than the Department of

Children and Family Services, to prepare a brochure on family day care, evaluate a registration and licensure system, and institute a media campaign; correcting cross references; renumbering as s. 412.651, F.S., and amending s. 402.3131, F.S.; transferring the licensure and disciplinary authority, including rulemaking authority, of the Department of Children and Family Services relating to large family child care homes to the Agency for Workforce Innovation; requiring the Agency for Workforce Innovation, rather than the Department of Children and Family Services, to prepare a brochure on large family day care homes; correcting cross references; renumbering as s. 412.652, F.S., and amending s. 402.3135, F.S.; transferring the authority of the Department of Children and Family Services relating to the child care case management program to the Agency for Workforce Innovation; renumbering as s. 412.66, F.S., and amending s. 402.314, F.S.; requiring the Agency for Workforce Innovation, rather than the Department of Children and Family Services, to provide supportive services to child care entities; renumbering as s. 412.661, F.S., and amending s. 402.3145, F.S.; requiring the Agency for Workforce Innovation, rather than the Department of Children and Family Services, to establish a subsidized child care transportation system; requiring local school readiness coalitions, rather than the state community child care coordination agencies, to contract for the provision of transportation services; renumbering as s. 412.67, F.S., and amending s. 402.315, F.S.; requiring the Agency for Workforce Innovation, rather than the Department of Children and Family Services, to bear certain licensure costs; authorizing the agency to collect fees for deposit in its trust fund; correcting cross references; renumbering as s. 412.68, F.S., and amending s. 402.316, F.S.; requiring child care facilities claiming an exemption from licensure to notify the Agency for Workforce Innovation instead of the Department of Children and Family Services; correcting cross references; renumbering s. 402.318, F.S., as s. 412.69, F.S.; renumbering as s. 412.70, F.S., and amending s. 402.319, F.S.; correcting cross references and terminology to conform to other provisions of the act; creating s. 412.71, F.S.; directing local school readiness coalitions to establish certain fees and fee collection procedures; renumbering as s. 412.72, F.S., and amending s. 409.178, F.S.; requiring the Florida Partnership for School Readiness, rather than the Department of Children and Family Services, to provide staff to the Child Care Executive Partnership; requiring local school readiness coalitions, rather than community coordinated child care agencies or the state resource and referral agency, to administer certain funds, to meet matching requirements, to assess fees, and establish community child care task forces; requiring the Florida Partnership for School Readiness, rather than the Department of Children and Family Services, to develop a procedure for the disbursement of certain funds; transferring certain rulemaking authority from the Department of Children and Family Services to the Florida Partnership for School Readiness; providing for a type two transfer of the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; providing for a type two transfer of subsidized child care programs from the Department of Children and Family Services to the Agency for Workforce Innovation; providing for a type two transfer of prekindergarten, migrant prekindergarten, and Florida First Start programs from the Department of Education to the Agency for Workforce Innovation; providing for the leasing of staff to the Florida Partnership for School Readiness; amending ss. 39.201, 196.095, 212.08, 220.03, 220.19, 228.061, 229.808, 232.01, 381.0072, 393.0657, 400.906, 400.953, 402.164, 402.26, 402.45, 409.1671, 409.1757, 411.011, 411.203, 445.023, 624.5107, 627.70161, 893.13, 921.0022, 943.0585, 943.059, 985.04, and 985.05, F.S.; correcting cross references; providing an effective date.

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

By Representatives Melvin, Miller, and Brown—

**HB 979**—A bill to be entitled An act relating to Okaloosa County; creating and establishing an independent special district in said county to be known as the North Okaloosa Fire District; creating a charter; describing the district; prescribing its powers; providing for a board of fire commissioners; providing for compensation; requiring a bond; providing for terms of office and for filling vacancies in office; providing

for meetings, minutes of meetings, and public access; providing for financial matters; authorizing non-ad valorem assessments; authorizing the district to accept gifts and donations; providing the district's fiscal year; providing for collection of taxes; providing limits and guidelines for indebtedness of the district; prescribing authorized uses of district funds; providing a penalty; ratifying actions previously taken; requiring certain notice of legal action; providing for a district expansion and merger; providing severability; providing for a referendum; providing an effective date.

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

By Representative Bucher—

**HB 981**—A bill to be entitled An act relating to the statewide and district managed care ombudsman committees; amending s. 641.65, F.S.; revising district committee membership; revising provisions relating to district committee site visits and to referral of complaints to the district committees by the Agency for Health Care Administration; amending s. 641.70, F.S.; providing additional duties of the district committees; revising facility and administrative support services provided by the agency to the statewide and district committees; providing for annual appropriations for operation of the district committees, including members' travel expenses; providing an effective date.

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

By Representative Murman—

**HB 983**—A bill to be entitled An act relating to trust funds; creating s. 412.515, F.S.; creating the School Readiness Trust Fund, to be administered by the Agency for Workforce Innovation; providing for sources of funds and purpose; providing for investment of funds and annual carryforward of fund balances; providing requirements for distribution and use of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

By Representatives Justice, Wiles, Stansel, and Siplin—

**HB 985**—A bill to be entitled An act relating to medical records; amending s. 456.057, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing; providing for discipline, injunctive relief, and fines; providing an effective date.

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

By Representative Rubio—

**HB 987**—A bill to be entitled An act relating to regional cultural facilities; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant that is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; providing an effective date.

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

By Representative Meador—

**HB 989**—A bill to be entitled An act relating to the designation of university buildings and facilities; designating the new instruction and research building at Florida Atlantic University's College of Nursing the "Louis and Anne Green Alzheimer's Research Center"; designating the Florida Atlantic University Dania Beach Campus facility the "Kenneth C. Jenne Building"; designating the observatory at Florida Gulf Coast University the "Evelyn L. Egan Astronomical Observatory"; designating

the student and educational center at Florida Gulf Coast University the "Sugden Welcome Center"; designating the building at the Women's Soccer and Softball Complex at Florida State University the "Mary Ann Stiles and Barry Smith Team Building"; designating Building 146 at Florida State University, known as the Molecular Biophysics Building, the "Kasha Laboratory"; designating the University of Central Florida's School of Hospitality Management the "Rosen School of Hospitality Management" and the facility that houses said school "Rosen Hall"; designating the new educational program facility at the Florida Museum of Natural History at the University of Florida the "William W. and Nadine M. McGuire Hall"; designating the new alumni center at the University of Florida the "Emerson Alumni Hall"; designating the new accounting building at the University of Florida's Warrington School of Business the "Gary R. Gerson Hall"; designating the women's gymnasium at the University of Florida the "Kathryn Chicone Ustler Hall"; designating the marine science complex at the University of South Florida's St. Petersburg Campus as the "C.W. 'Bill' Young Marine Science Complex"; authorizing the erection of suitable markers; providing an effective date.

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

By Representatives Mayfield, Baxley, Green, Weissman, and Bean—

**HB 991**—A bill to be entitled An act relating to preneed funeral contracts; repealing s. 497.417(5), F.S., to delete the authority of certificateholders offering preneed funeral merchandise and services to revert title to trust assets by posting a bond or using other forms of security or insurance; repealing ss. 497.423 and 497.425, F.S.; providing for future repeal of provisions authorizing financial responsibility alternatives to the placing of preneed funeral contract proceeds in trust; providing for continued validity of surety bonds issued prior to the repeal date and prohibiting the use of bonds or other forms of security or insurance after that date; repealing ss. 497.337(2)(c), 497.409(2), and 497.427, F.S.; providing for future repeal of provisions relating to delivery requirements for manufacturers of outer burial receptacles, preneed contract disclosure requirements, and proof of compliance with the law with respect to existing merchandise trust funds, respectively, to conform; amending ss. 497.413 and 497.429, F.S.; deleting and revising cross references, to conform; providing effective dates.

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

By Representative Lee—

**HB 993**—A bill to be entitled An act relating to the St. Johns River Water Management District; amending s. 373.073, F.S.; revising requirements for membership of the district governing board; providing an effective date.

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

By Representative Lee—

**HB 995**—A bill to be entitled An act relating to police reports; amending s. 119.105, F.S.; requiring persons who request access to police reports to sign an affidavit as a condition of obtaining access to such reports; providing an effective date.

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

By Representative Littlefield—

**HB 997**—A bill to be entitled An act relating to persons with disabilities; amending s. 381.79, F.S.; authorizing expenditures from the Brain and Spinal Cord Injury Program Trust Fund for the personal care attendant pilot program; creating s. 381.798, F.S.; providing for implementation of a personal care attendant pilot program; providing purpose; providing for pilot program sites; providing for selection of participants; providing for training of persons with disabilities and personal care attendants; providing for employment placement; providing responsibilities of the Department of Children and Family Services, the brain and spinal cord injury program, the centers for independent living, and the Division of Vocational Rehabilitation; providing for funding; providing for development of a tax collection

enforcement diversion program under the Department of Revenue; specifying use of funds collected; directing the Revenue Estimating Conference to make certain annual projections; providing rulemaking authority; requiring an annual report; providing an effective date.

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

By Representative Gelber—

**HB 999**—A bill to be entitled An act relating to violation of the election code; amending s. 104.091, F.S.; providing that any person who conspires with another person to violate the election code or who knowingly gives aid to a person who has violated the code with intent to help such person avoid or escape detection, arrest, trial, or punishment shall be punished as if he or she had committed the violation; providing penalties; providing an effective date.

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

By Representative Paul—

**HB 1001**—A bill to be entitled An act relating to education funding; amending s. 236.081, F.S.; revising the method for determining district cost differentials; providing an effective date.

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

By Representative Paul—

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

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

By Representatives Paul, Alexander, Brown, Rubio, Mealor, Kottkamp, Miller, Kyle, Melvin, Simmons, Bennett, Bowen, Allen, Ross, Harrell, Greenstein, Carassas, Littlefield, Hogan, Attkisson, Diaz de la Portilla, Clarke, Green, Mack, Baker, Pickens, Machek, Negron, Meadows, Bullard, and Trovillion—

**HB 1005**—A bill to be entitled An act relating to Florida water supply policy; establishing the "Water Supply 2020" study commission; providing for membership and responsibilities; requiring submission of reports with recommendations to the Governor and Legislature; providing for technical advisory committees; providing for reimbursement of expenses of commission and committee members; providing for an executive director and staff for the commission; providing for the assistance and cooperation of state agencies; providing for termination of the commission; providing an appropriation; providing effective dates.

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

By Representative Bucher—

**HB 1007**—A bill to be entitled An act relating to children and families; creating s. 409.9072, F.S.; requiring the Agency for Health Care Administration to develop mechanisms for certification of local funds as state match for Medicaid projects, to maximize federal Title XIX funding for children and families; providing for return of funds to the generating districts and local entities; requiring prior approval of local projects by the agency and the Department of Children and Family Services; specifying project requirements; providing for modification of the Medicaid state plan; providing for federal waivers; providing responsibilities of the agency and department with respect to administrative and service costs, monitoring of service delivery, and standards and quality of care; providing a limitation on certain administrative costs; requiring the department to develop policies and procedures for certification of local funds as state match for foster care and related services projects, to maximize federal Title IV-E funding for services to eligible children; providing for return of funds to the generating districts and local entities; specifying project requirements; providing a limitation on certain administrative costs; providing for federal waivers; authorizing the department and the agency to adopt rules; requiring an annual report; providing an effective date.

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

By Representative Baxley—

**HB 1009**—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.08, F.S.; providing a limit on the amount of the tax on promissory or nonnegotiable notes, written obligations to pay money, and assignments of wages or other compensation and on certain promissory or nonnegotiable notes, written obligations to pay money, or other compensation made in connection with sales made under retail charge account services; providing an effective date.

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

By Representative Cusack—

**HB 1011**—A bill to be entitled An act relating to adverse determinations under a quality assurance program; amending s. 641.51, F.S.; revising physicians authorized to render adverse determinations; providing an effective date.

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

By Representative Justice—

**HB 1013**—A bill to be entitled An act relating to foster-family incentives; amending s. 409.1753, F.S.; creating a foster-parent mentoring program; directing the Department of Children and Family Services to adopt rules; providing for a retirement account for certain foster families; providing for funds to be paid into a master trust for certain foster children; specifying eligibility criteria; providing an effective date.

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

By Representative Harrell—

**HB 1015**—A bill to be entitled An act relating to prevention and amelioration of learning problems and learning disabilities in young children; authorizing a 3-year demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in three counties; providing for funding; providing an effective date.

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

By Representative Baxley—

**HB 1017**—A bill to be entitled An act relating to dangerous dogs; amending s. 767.12, F.S.; revising provisions relating to classifying dogs as dangerous; authorizing local animal control authorities to classify dogs as dangerous; providing that a hearing to challenge a finding of sufficient cause may be an evidentiary hearing in county court or an administrative hearing; providing for classification as dangerous upon failure of an owner to file a written request for hearing within a specified time limit; providing restrictions upon local animal control authorities with respect to specified dangerous dog requirements pending classification; authorizing local governmental authorities to impose more stringent requirements upon dangerous dog owners; requiring dangerous dog owners relocating to this state to comply with the act and applicable local ordinances; requiring such owners to notify local animal control authorities; providing a penalty; amending s. 767.13, F.S.; providing that an owner of a dangerous dog that attacks or bites a person or a domestic animal without provocation, an owner of a dog that has not previously been declared dangerous that attacks and causes the severe injury to or death of any human, or an owner of a dangerous dog that attacks and causes the severe injury to or death of any human may request an evidentiary hearing in county court or an administrative hearing; providing that failure of such an owner to pay required boarding costs and fees during the hearing or appeal procedure shall constitute abandonment of the animal and allow the animal control authority to destroy the animal; amending s. 767.14, F.S.; removing certain nonapplicability provisions with respect to the authority of local governments to place further restrictions or additional requirements on owners of dangerous dogs; providing an effective date.

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

By Representative Machek—

**HB 1019**—A bill to be entitled An act relating to land acquisition and management; amending s. 73.015, F.S.; requiring the condemning authority in an eminent domain proceeding to notify the fee owner of certain information and provide the fee owner with a copy of certain statute sections prior to or concurrent with the authority's making the written offer of compensation to the fee owner; amending s. 270.11, F.S.; providing discretion to water management districts, local governments, the Board of Trustees of the Internal Improvement Trust Fund, and other state agencies to determine whether to reserve mineral interests when selling lands; clarifying the types of information to be given by landowners wanting a release of a reservation; amending s. 373.056, F.S.; authorizing water management districts to grant utility easements on district-owned lands in order to provide utility service; amending s. 373.093, F.S.; granting additional time to water management districts to provide notification prior to executing lease agreements; amending s. 373.096, F.S.; authorizing water management districts to abandon easements, reservations, and right-of-way interests that are no longer needed; amending s. 373.139, F.S.; authorizing water management districts to cure title defects after a land sale is executed; allowing the disclosure of title information to private landowners under certain circumstances; allowing the disclosure of title information, appraisal information, offers, and counteroffers to third parties working on the district's behalf; authorizing the use of third-party appraisals under certain circumstances; amending s. 373.1401, F.S.; authorizing water management districts to contract with nongovernmental persons or entities for management, improvement, or maintenance of land held by the district; amending s. 712.04, F.S.; revising language with respect to interests extinguished by marketable record title to conform to the act; providing an effective date.

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

By Representative Machek—

**HB 1021**—A bill to be entitled An act relating to weapons and firearms; creating s. 790.146, F.S.; providing penalties for the possession of a firearm or destructive device within the premises of a health care provider; providing exceptions; providing an effective date.

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

By Representative Machek—

**HB 1023**—A bill to be entitled An act relating to airport funding; amending s. 332.007, F.S.; providing for extension of the reimbursement period for general aviation airports when the Department of Transportation funds project costs under certain circumstances; providing an effective date.

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

By Representative Holloway—

**HB 1025**—A bill to be entitled An act relating to self-insurers; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the department; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association's creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting a provision relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for

the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; providing an effective date.

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

By Representative Carassas—

**HB 1027**—A bill to be entitled An act relating to judgments; creating s. 55.032, F.S.; requiring the court to include prejudgment interest in judgments in actions for personal injury or wrongful death under certain circumstances; providing an exception; providing applicability; providing an effective date.

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

By Representative Holloway—

**HB 1029**—A bill to be entitled An act relating to road rage; amending s. 316.650, F.S.; providing that traffic enforcement officers must issue a copy of the traffic school reference guide with traffic citations; amending s. 318.1451, F.S.; providing that the traffic school reference guide must contain certain information; providing an effective date.

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

By Representative Carassas—

**HB 1031**—A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; providing for durable powers of attorney contingent upon a specified condition; providing guidelines for such powers; providing statutory forms for affidavits to attest to a specified condition; providing immunity from criminal and civil liability for physicians making a determination of incapacity to manage property under certain conditions; providing an effective date.

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

By Representatives Trovillion and Slosberg—

**HB 1033**—A bill to be entitled An act relating to uniform traffic control; creating the “Red Light Safety Act of 2001”; administered by the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; defining the term “traffic infraction detector”; authorizing counties and municipalities to enact ordinances permitting the use of traffic infraction detectors; providing an exception; providing penalties for traffic control signal violations detected by traffic infraction detectors; providing procedures; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain requirements; amending s. 320.03, F.S.; providing a cross reference in conformance to the act; prohibiting the issuance of license plates or revalidation stickers when fines are outstanding for violations detected by traffic infraction detectors; providing for an annual report on the use of traffic infraction detectors by counties and municipalities in the pilot project; providing an effective date.

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

By Representative Allen—

**HB 1035**—A bill to be entitled An act relating to civil actions for libel; creating s. 770.011, F.S.; creating the “Media Accuracy and Fairness Act”; providing definitions; providing scope of the act; providing circumstances under which a person may maintain a civil action for defamation; specifying time limit for timely request of a correction or clarification; providing criteria for adequacy of correction or clarification; tolling the period of limitation for commencement of a defamation action; providing procedure with respect to disclosure of evidence or falsity with respect to an alleged defamatory statement; providing requirements for timely and sufficient correction or clarification; providing requirements and procedure with respect to challenges to correction or clarification or to a request for correction or clarification; requiring specified notice; providing requirements and procedure with respect to an offer to correct or clarify prior to trial; specifying recoverable costs and damages in actions when an offer to

correct or clarify is not accepted; providing for scope of protection with respect to correction or clarification; providing for admissibility of evidence with respect to corrections or clarifications; providing construction; repealing s. 770.01, F.S., relating to the serving of specified written notice as a condition precedent to action or prosecution for libel or slander; repealing s. 770.02, F.S., relating to correction, apology, or retraction by a newspaper or broadcast station for statements in an article or broadcast alleged to be false and defamatory; providing severability; providing an effective date.

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

**First Reading of Council and Committee Substitutes by Publication**

By the Committee on Judicial Oversight; Representatives Littlefield and Crow—

**CS/HB 167**—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, and 943.171, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; amending s. 741.281, F.S.; deleting certain provisions relating to pretrial diversion programs; amending s. 741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; providing for recording of proceedings; providing an effective date.

**Reports of Councils and Standing Committees**

**Council Reports**

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

March 6, 2000

*Dear Mr. Speaker:*

The following actions were taken by the Procedural & Redistricting Council at our meeting of Tuesday, March 6, 2001.

- I. Pursuant to Special Rule 01-01 which applies to CS/CS/HB 273 and CS/HB 275, the attached 2 amendments were approved for floor consideration (amendment 371783 and amendment 685593).
- II. Pursuant to Special Rule 01-03 which applies to CS/HB 271, the attached 4 amendments were approved for floor consideration (amendment 905067, amendment 460543, amendment 570677, and amendment 191667).
- III. Pursuant to Special Rule 01-04 which applies to HB 21, the attached 2 amendments were approved for floor consideration (amendment 115305 and amendment 822457).

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair  
Procedural & Redistricting Council

**Committee Reports**

**Received March 7:**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:  
HB 115

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

The Committee on Judicial Oversight recommends the following pass:  
HB 367, with 2 amendments

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

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:  
HB 593

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

The Committee on Judicial Oversight recommends a committee substitute for the following:  
HB 167

**The above committee substitute was referred to the Committee on Child & Family Security, subject to review under Rule 6.3, and, under the rule, HB 167 was laid on the table.**

**Excused**

Rep. Baxley after 5:17 p.m.; Reps. Fasano, Prieguez after 5:59 p.m.; Rep. Ryan after 6:02 p.m.

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 6:25 p.m., to reconvene at 12:30 p.m., Thursday, March 8.



# The Journal OF THE House of Representatives

Number 3

Thursday, March 8, 2001

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

## Prayer

The following prayer was offered by the Bishop L. T. Weaver, Sr., Prelate of Church of God in Christ of Melbourne, upon invitation of Rep. Needelman:

O God, the God of Abraham, Isaac, and Jacob, we exhort You, that first of all, supplications, prayer, intercessions, and giving of thanks be made for all men, for kings, and for all that are in authority, that we may lead a quiet and peaceful life in all godliness and honesty. For this is good and acceptable in Your sight, our God and Savior, and it is in that vein that I pray.

I pray for the President of the United States, Mr. Bush, for his administration, and all government leaders across this great nation. And that I pray for the Governor of this great state, Mr. Bush, his Cabinet, and for the members of this Legislature. Father, I pray that during the deliberations of this session, that You would guide these, Your servants, to make wise decisions for their constituents. And I pray, O God, for the peace of Florida. You said in Your word that You would keep them in perfect peace whose mind is stayed on Thee. And, O God, help us to be submissive to Your will.

And I ask these blessings in the name of the Father, and of the Son, and to the Holy Ghost. Amen. And, may God bless America.

The following Members were recorded present:

Session Vote Sequence: 13

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

Mahon	Negron	Russell	Stansel
Mayfield	Paul	Ryan	Trovillion
Maygarden	Peterman	Seiler	Wallace
McGriff	Pickens	Simmons	Waters
Meadows	Prieguez	Siplin	Weissman
Mealor	Rich	Slosberg	Wiles
Melvin	Richardson	Smith	Wilson
Miller	Romeo	Sobel	Wishner
Murman	Ross	Sorensen	
Needelman	Rubio	Spratt	

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

A quorum was present.

## Pledge

The Members, led by Benji Adam Mendelsohn of Hollywood, Claudia Pollock of Lakeland, Shelbi Reffitt of Crawfordville, P. Justin Rossi of New Port Richey, and Cara L. Weldon of Longwood, pledged allegiance to the Flag. Benji Adam Mendelsohn served at the invitation of Rep. Sobel. Claudia Pollock served at the invitation of Rep. Dockery. P. Justin Rossi served at the invitation of Rep. Fasano. Cara L. Weldon served at the invitation of Rep. Simmons.

## House Physicians

The Speaker introduced Dr. Reddoch Williams III of Fort Walton Beach and Dr. Lucy Ertenberg of Auburndale, who served in the clinic today. Dr. Williams served at the invitation of Rep. Melvin.

## Correction of the *Journal*

The *Journal* of March 7 was corrected and approved as corrected.

## Reports of Councils and Standing Committees

### Report of the Procedural & Redistricting Council

*The Honorable Tom Feeney* March 8, 2001  
*Speaker, House of Representatives*

Dear Mr. Speaker:

In accordance with the vote of the House, the following report is submitted, which outlines a procedure for council; and floor action on the appropriations and related implementing bills.

No later than 4:30 p.m. on Monday, March 19, 2001, the Fiscal Responsibility Council will file notice of the proposed council bills to be considered at its meeting on Friday, March 23, 2001. The proposed council bills will be available to the members and the public at that time.

All amendments must be filed no later than 12:00 p.m. on Wednesday, March 21, 2001. Packages of amendments for the proposed council bills will be available from the Fiscal Responsibility Council as early as possible on Thursday morning, March 22, 2001.

All amendments to amendments and substitute amendments must be filed no later than 1:00 p.m. on Thursday, March 22, 2001.

Amendments will be filed with the Fiscal Responsibility Council, Room 221, The Capitol. Member requests for staff to draft amendments shall be deemed as timely filed if received before the relevant deadline.

Amendment deadlines apply to all members, including members of all Appropriations Committees and the Fiscal Responsibility Council.

The Fiscal Responsibility Council will meet at the noticed time on the morning of Friday, March 23, 2001, and will consider all timely filed amendments. Pursuant to Rule 6.5, after consideration and amendment of all PCB's, the Council will combine the bills into a single Council appropriations bill and a Council implementing bill.

The Fiscal Responsibility Council will publish the General Appropriations Bill and related implementing bills, as amended, on Monday, March 26, 2001.

All floor amendments to be considered on second reading of the bill must be filed no later than 12:00 p.m. on Wednesday, March 28, 2001.

Packages of amendments for the General Appropriations Bill and implementing bills will be available from the Fiscal Responsibility Council as early as possible on Thursday morning, March 29, 2001.

All amendments to floor amendments and substitute amendments to floor amendments must be filed no later than 1:00 p.m. on Thursday, March 29, 2001.

The bills will be read a second time on the floor on Friday, March 30, 2001.

Floor amendments will be filed with the Fiscal Responsibility Council, Room 221, The Capitol. Member requests for staff to draft amendments shall be deemed as timely filed if received before the relevant deadline.

Pursuant to House Rule 12.5, amendments to the appropriations bills must be balanced with increases offset by equivalent or greater decreases within the jurisdiction of the same appropriations committee. Floor amendments moving spending authority between sections of the bill require a 2/3 vote. Requests to draft amendments must include the item to be funded and the item from which funding is to be reduced.

Amendments can only be accepted from House Members, their legislative assistants, and staff of the Majority and Democratic Offices on behalf of the member.

Respectfully submitted,  
Johnnie B. Byrd, Jr., Chair  
Procedural & Redistricting Council

#### **TIME SCHEDULE**

##### **Procedure for Council and Floor Action on the Appropriations Bill and related Implementing Bills**

<b>Monday, March 19, 2001</b> <i>(file by 4:30 p.m.)</i>	Notice for the Fiscal Responsibility Council Proposed Council bills for the General Appropriations Bill and related implementing bills available
<b>Wednesday, March 21, 2001</b>	All amendments to the General Appropriations Bill and implementing bills must be filed (filed no later than 12:00 p.m.)
<b>Thursday, March 22, 2001</b> <b>(A.M.)</b>	Packages of amendments will be available as early as possible
<b>Thursday, March 22, 2001</b>	All amendments to the amendments and substitute amendments must be filed (filed no later than 1:00 p.m.)

Amendments will be filed with the  
Fiscal Responsibility Council  
Room 221, The Capitol

Member requests for staff to draft amendments, which requests are received before the relevant deadline, will be considered timely filed.

<b>Friday, March 23, 2001</b>	Fiscal Responsibility Council Meeting
<b>Monday, March 26, 2001</b>	General Appropriations Bill and related implementing bills, as amended, will be published
<b>Wednesday, March 28, 2001</b>	All floor amendments to be considered must be filed (filed no later than 12:00 p.m.)
<b>Thursday, March 29, 2001</b> <b>(A.M.)</b>	Packages of amendments will be available as early as possible
<b>Thursday, March 29, 2001</b>	All amendments to floor amendments and substitute amendments to floor amendments must be filed (filed no later than 1:00 p.m.)
<b>Friday, March 30, 2001</b>	Bills to be read second time on the floor

Floor amendments will be filed with the  
Fiscal Responsibility Council  
Room 221, The Capitol

Member requests for staff to draft amendments, which requests are received before the relevant deadline, will be considered timely filed.

On motion by Rep. Byrd, the rules were waived and the above report was adopted.

#### **Motions Relating to Committee or Council References**

On motion by Rep. Slosberg, agreed to by two-thirds vote, HB 71 was withdrawn from further consideration of the House.

#### **Bills and Joint Resolutions on Third Reading**

##### **Bill Subject to Special Rule**

**CS/CS/HB 273**—A bill to be entitled An act relating to reporting requirements under the Florida Election Code; amending s. 106.011, F.S.; modifying the definitions of "political committee" and "communications media"; amending s. 106.03, F.S.; requiring additional information for registration of political committees; amending s. 106.04, F.S.; requiring additional information for certification of committees of continuous existence; revising reporting periods and requirements; requiring electronic filing under certain circumstances; requiring membership dues of committees of continuous existence to be reported in the same manner as regular contributions; removing requirement to provide a membership list for inspection purposes; removing requirement for filing duplicate copies of reports; providing penalties; amending s. 106.07, F.S., relating to campaign treasurer's reports; revising reporting periods and requirements; removing requirement for duplicate reports; providing penalties; creating s. 106.0705, F.S.; requiring campaign treasurer's reports that are to be filed with the Division of Elections to be filed electronically when aggregate contributions or expenditures exceed a specified amount; providing filing requirements; providing penalties; providing rulemaking authority; amending s. 106.071, F.S.; revising provisions relating to the reporting of certain independent expenditures; providing penalties; creating s. 106.073, F.S.; requiring certain organizations that sponsor campaign-related advertisements to register under certain circumstances; providing definitions; requiring certain reports; providing requirements for such advertisements, including a disclaimer; providing penalties; providing rulemaking authority; amending s. 106.12, F.S.; revising the petty cash fund limit to conform to the revised



reporting periods; amending s. 106.29, F.S., relating to reports by political parties; requiring electronic filing under certain circumstances; removing requirement for duplicate reports; providing penalties; amending ss. 105.08, 106.025, 106.08, and 106.18, F.S., relating to reporting requirements applicable to candidates for retention to judicial office, campaign fund raisers held on behalf of a political party by its state or county executive committee, nonallocable, in-kind contributions by candidates and political parties, and the granting of certificates of election, to conform; providing severability; providing effective dates.

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

Session Vote Sequence: 14

Yeas—118

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

Nays—None

So the bill passed and was certified to the Senate.

**Bill Subject to Special Rule**

**CS/HB 275**—A bill to be entitled An act relating to public records exemption for certain identification and computer security algorithms in connection with campaign treasurer’s reports; creating s. 106.0706, F.S.; providing exemptions from public records requirements for personal identification numbers of and computer security algorithms required to maintain the security of information submitted or received through an electronic filing system for campaign treasurer’s reports; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

Session Vote Sequence: 15

Yeas—115

The Chair	Arza	Ball	Bense
Alexander	Attkisson	Barreiro	Benson
Allen	Atwater	Bean	Berfield
Andrews	Ausley	Bendross-Mindingall	Betancourt
Argenziano	Baker	Bennett	Bilirakis

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

Nays—None

Votes after roll call:

Yeas—Kottkamp, Lee

So the bill passed and was certified to the Senate.

**Bill Subject to Special Rule**

**HB 21**—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.032, F.S.; reducing the rate of the annual tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida’s Future Investment Fund, to conform; amending s. 199.185, F.S.; increasing exemptions for taxpayers who are natural persons; creating exemptions for taxpayers who are not natural persons; providing an effective date.

—was read the third time by title.

**REPRESENTATIVE MELVIN IN THE CHAIR**

**THE SPEAKER IN THE CHAIR**

The question recurred on the passage of HB 21. The vote was:

Session Vote Sequence: 16

Yeas—80

The Chair	Brown	Gibson	Littlefield
Alexander	Brummer	Goodlette	Lynn
Allen	Byrd	Green	Mack
Andrews	Cantens	Haridopolos	Mahon
Argenziano	Carassas	Harrell	Mayfield
Arza	Clarke	Harrington	Maygarden
Attkisson	Crow	Hart	Mealor
Atwater	Davis	Hogan	Melvin
Baker	Detert	Holloway	Miller
Ball	Diaz de la Portilla	Johnson	Murman
Barreiro	Diaz-Balart	Jordan	Needelman
Bean	Dockery	Kallinger	Negron
Bennett	Farkas	Kendrick	Paul
Bense	Fasano	Kilmer	Pickens
Benson	Fiorentino	Kottkamp	Prieguez
Berfield	Flanagan	Kravitz	Ross
Bilirakis	Garcia	Kyle	Rubio
Bowen	Gardiner	Lacasa	Russell

Simmons	Spratt	Trovillion	Waters
Sorensen	Stansel	Wallace	Wishner
Nays—38			
Ausley	Gelber	Lee	Seiler
Bendross-Mindingall	Gottlieb	Lerner	Siplin
Betancourt	Greenstein	Machek	Slosberg
Brutus	Harper	McGriff	Smith
Bucher	Henriquez	Meadows	Sobel
Bullard	Heyman	Peterman	Weissman
Cusack	Jennings	Rich	Wiles
Fields	Joyner	Richardson	Wilson
Frankel	Justice	Romeo	
Gannon	Kosmas	Ryan	

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

**Explanation of Vote**

I will cast my vote in opposition to House Bill 21. This tax cut costs too much and it comes too early in the budget process.

On the third day of session, before we receive our final 2001-2002 revenue estimates, we are considering this large tax cut while our budget subcommittees are forced to slash millions from critical programs. Projected budget cuts include a \$122 million cut for teacher recruitment and school technology, a \$1.9 million cut in the operational budget of the Florida School for the Deaf and Blind and hundreds of millions of dollars in cuts in our medically needy and prescription drug programs.

I went home last weekend and held town hall meetings in my district. The message from my constituents was clear: fund schools, fund public safety, fund health care and fund them first!

When the budget is flush, tax cuts are the right thing to do. But the budget is tight, and the timing is wrong. We should delay consideration of this bill, at least until we know how much revenue we have available. We should complete our budget process and revisit this tax cut only after the needs of all Floridians have been considered.

*Rep. Doug Wiles  
District 20*

**CS/HB 55**—A bill to be entitled An act relating to public medical assistance; amending s. 395.701, F.S.; reducing the annual assessment on hospital outpatient services to fund public medical assistance; limiting the financial information that may be required to determine the amount of the assessment; amending s. 395.7015, F.S.; reducing the annual assessment on certain other health care entities to fund public medical assistance; amending s. 395.7016, F.S.; providing for annual appropriations to replace funds lost due to such reductions; providing an effective date.

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

Session Vote Sequence: 17

Yeas—118

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

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

Nays—None

So the bill passed and was certified to the Senate.

**Bill Subject to Special Rule**

**CS/HB 271**—A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing purpose; providing definitions; providing a credit against said tax for contributions to a nonprofit scholarship funding organization; providing limitations; providing for use of such contributions by such organizations for scholarships for certain children and providing requirements and limitations with respect thereto; providing for annual funding through the General Appropriations Act; providing for allocation; providing duties of the Department of Revenue and Department of Education; providing for rules; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 220.13, F.S.; providing for the inclusion of amounts taken as credit under s. 220.187, F.S., in determining a taxpayer's adjusted federal income; providing an effective date.

—was read the third time by title.

**Motion**

On motion by Rep. Byrd, Special Rule 01-03 was waived and 15 minutes were added to the opponents' time for debate on **CS/HB 271**.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Rep. Wiles suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 18].

The question recurred on the passage of CS/HB 271. The vote was:

Session Vote Sequence: 19

Yeas—71

The Chair	Bilirakis	Goodlette	Lynn
Alexander	Bowen	Green	Mack
Allen	Brown	Haridopolos	Mahon
Andrews	Brummer	Harrell	Mayfield
Argenziano	Byrd	Harrington	Maygarden
Arza	Cantens	Hart	Mealor
Attkisson	Carassas	Hogan	Melvin
Atwater	Davis	Johnson	Miller
Baker	Diaz-Balart	Jordan	Murman
Ball	Dockery	Kallinger	Needelman
Barreiro	Farkas	Kilmer	Negron
Bean	Fasano	Kottkamp	Paul
Bennett	Flanagan	Kravitz	Pickens
Bense	Garcia	Kyle	Prieguez
Benson	Gardiner	Lacasa	Ross
Berfield	Gibson	Littlefield	Rubio

Russell	Sorensen	Trovillion	Waters
Simmons	Spratt	Wallace	

Nays—46

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

Votes after roll call:

Yeas—Diaz de la Portilla

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

**Explanation of Vote**

Today, I voted no on House Bill 271.

House Bill 271 could potentially drain our public school budget of over \$1 billion for private school vouchers. This plan is just another end around attempt to expand school vouchers.

Vouchers only succeed in taking funds out of our public school system. They do not reduce class size or school size, they do not improve student achievement and they do not address any of the root problems of public education system.

Florida should encourage corporations to make charitable contributions, however, not at the expense of our children and their education.

*Rep. Doug Wiles  
District 20*

**CS/CS/HB 269**—A bill to be entitled An act relating to school district best financial management practices reviews; creating the “Sharpening the Pencil Act”; amending s. 230.23025, F.S.; providing legislative intent; providing OPPAGA with primary responsibility for the completion of best financial practices reviews; revising areas in which best financial management practices are to be developed and adopted; revising and clarifying the best financial management practices adoption and revision process; clarifying that OPPAGA shall contract with a private firm to perform reviews, provided the review team has certain expertise; authorizing the inclusion of review items in addition to the adopted best financial management practices, after consultation with the school district; establishing a continuing 5-year review cycle; authorizing the Joint Legislative Auditing Committee to adjust the schedule under certain circumstances; authorizing the review of additional school districts under certain circumstances; specifying that reviews shall be conducted to the extent funded by the Legislature; specifying the use of such funds; requiring copies of the final report issued by OPPAGA to be provided to additional entities; requiring public meetings; revising provisions relating to eligibility for the “Seal of Best Financial Management”; establishing requirements relating to status reports; requiring OPPAGA to review a district’s status reports, assess implementation of the action plan, and assess progress toward implementing the best financial management practices and to issue a report; providing for appearance of school officials before the Legislature upon failure to implement an adopted action plan; providing for citizen appeals to the department; providing rulemaking authority; providing legislative intent; clarifying provisions relating to the award of the “Seal of Best Financial Management”; requiring school districts that are reviewed to maintain certain records; specifying use of cost savings; repealing s. 11.515, F.S., relating to school district performance reviews; repealing s. 230.2302, F.S., relating to performance reviews; repealing s. 230.23026, F.S., relating to the Florida School District Review Trust

Fund; amending s. 11.51, F.S., relating to school district performance reviews by the Office of Program Policy Analysis and Government Accountability, s. 230.23027, F.S., relating to the Small School District Stabilization Program, s. 233.43, F.S., relating to duties of superintendent relating to instructional materials, and s. 235.2197, F.S., relating to the Florida Frugal Schools Program; correcting cross references to conform; providing an effective date.

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

Session Vote Sequence: 20

Yeas—113

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

Nays—None

Votes after roll call:

Yeas—Attkisson, Bendross-Mindingall

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

**CS/HB 277**—A bill to be entitled An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; reducing temporary cash assistance based on failure to meet certain education participation requirements; requiring conferences between Learnfare participants and school officials; requiring the development of an electronic data transfer system; amending s. 228.041, F.S., relating to definitions; correcting a cross reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an effective date.

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

Session Vote Sequence: 21

Yeas—116

The Chair	Attkisson	Bean	Bilirakis
Alexander	Atwater	Bendross-Mindingall	Bowen
Allen	Ausley	Bennett	Brown
Andrews	Baker	Bense	Brummer
Argenziano	Ball	Berfield	Brutus
Arza	Barreiro	Betancourt	Bullard

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

Nays—None

Votes after roll call:

Yeas—Benson, Bucher

So the bill passed and was certified to the Senate.

**CS/HB 215**—A bill to be entitled An act relating to parental rights; amending s. 61.13, F.S.; providing that specified rights apply to both parents; providing an effective date.

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

Session Vote Sequence: 22

Yeas—113

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

Nays—None

Votes after roll call:

Yeas—Baker, Carassas, Clarke, Littlefield

So the bill passed and was certified to the Senate.

**CS/HB 141**—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining “adoption entity,” “legal custody,” “parent,” and “relative”; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney’s fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent’s right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent’s parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor’s placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services

maintain certain information in the state registry of adoption information for a specified period; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; providing an effective date.

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

Session Vote Sequence: 23

Yeas—104

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

Nays—8

Brunner	Lerner	Peterman	Sobel
Joyner	Mahon	Rich	Wilson

Votes after roll call:

Yeas—Cusack, Davis, Prieguez, Ryan, Wiles

Nays—Smith

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

**CS/HB 245**—A bill to be entitled An act relating to the Parole Commission; creating the “Parole Commission Reform Act of 2001”; amending s. 20.055, F.S.; deleting the requirement that the Parole Commission have an inspector general; amending s. 944.605, F.S.; requiring the Department of Corrections, rather than the Parole Commission or the Control Release Authority, to notify certain entities prior to inmate release; amending s. 947.04, F.S.; permitting Parole Commission staff to establish and maintain field offices within existing department facilities; amending s. 947.1405, F.S.; providing for deferral of conditional release supervision to probation or community control; providing for automatic revocation of conditional release supervision and forfeiture of gain-time under certain circumstances; providing for

reversion to conditional release supervision under certain conditions; requiring the Department of Corrections to review an inmate’s program participation and other records prior to conditional release, to conduct a personal interview with the inmate, to forward the inmate’s release plan to the Parole Commission, and to make recommendations to the commission; authorizing the commission to impose requirements relating to curfews; correcting references; clarifying the requirement that the commission impose restrictions relating to contact with children; authorizing the commission to require electronic monitoring for certain releasees; authorizing the Parole Commission to adopt rules necessary to implement the Conditional Release Program Act; amending s. 947.24, F.S.; requiring the department to provide to the commission information for parole or release reviews; repealing s. 947.175, F.S., relating to notice to local agencies by the Parole Commission; repealing s. 947.177, F.S., relating to inmate release, notice by Department of Corrections, Control Release Authority, or Parole Commission; providing an effective date.

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

Session Vote Sequence: 24

Yeas—114

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

Nays—1

Trovillion

Votes after roll call:

Yeas—Negron, Ross, Wiles

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

**Reviser’s Bills**

**HB 657**—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 2001 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2001 shall be effective immediately upon publication; providing that general laws enacted during the 2000 regular session and prior thereto and not included in the Florida Statutes 2001 are repealed; providing that general laws enacted during the 2001 regular session are not repealed by this adoption act.

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

Session Vote Sequence: 25

Yeas—105

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

Nays—1

Lee

Votes after roll call:

Yeas—Harper, Kallinger, Lerner, Pickens, Rich, Ross, Wilson, Wishner

Nays to Yeas—Lee

So the bill passed and was certified to the Senate.

**HB 659**—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 11.513, 17.26, 20.12, 20.315, 20.3315, 20.50, 24.113, 39.0015, 39.202, 39.3065, 55.209, 101.545, 110.112, 121.021, 121.051, 125.0108, 163.065, 163.2517, 163.345, 163.458, 166.231, 171.093, 186.504, 192.001, and 212.08, F.S.; renumbering s. 20.171(5)(c), F.S.; reenacting ss. 20.316(4)(f), 162.04(5), and 212.055(2)(c), F.S.; and repealing ss. 20.331(6)(d), 121.091(9)(b)11., 122.20(2), 163.2520(3), and 210.20(2)(b), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

Session Vote Sequence: 26

Yeas—115

The Chair	Arza	Ball	Bense
Alexander	Attkisson	Barreiro	Benson
Allen	Atwater	Bean	Berfield
Andrews	Ausley	Bendross-Mindingall	Betancourt
Argenziano	Baker	Bennett	Bilirakis

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

Nays—None

Votes after roll call:

Yeas—Peterman, Ross

So the bill passed and was certified to the Senate.

**HB 661**—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 215.96, 216.015, 216.177, 216.181, 216.348, 218.21, 228.082, 228.195, 229.006, 229.085, 229.57, 231.262, 231.6215, 232.50, 233.0655, 233.068, 235.26, 236.1225, 240.145, 240.2995, 240.345, 240.40208, 240.5285, 240.529, 240.711, 252.32, 252.34, 252.35, 252.36, 252.38, 252.46, 252.47, 252.50, 252.52, 253.115, 253.7829, 255.101, 255.102, 255.25, 255.5535, 259.037, 259.101, 265.284, 267.171, 282.303, 283.33, 285.18, 287.042, 287.055, 287.057, 287.0943, 288.012, 288.106, 288.1066, 288.1167, 288.1169, 288.1229, 290.0065, 290.007, 320.0848, 320.20, 320.27, 323.001, 328.16, 331.304, and 348.7543, F.S.; reenacting ss. 216.292(1)(b), 228.056(10), 231.600, 259.032(12), 265.284(4), 287.055(4)(b), and 322.051(1), F.S.; and repealing ss. 236.25(5)(b)1.-3. and 288.7771(1), F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

Session Vote Sequence: 27

Yeas—118

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

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

Nays—None

So the bill passed and was certified to the Senate.

**HB 663**—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 370.0603, 370.092, 370.093, 370.12, 372.5712, 372.5715, 373.4135, 375.021, 376.30713, 377.703, 380.012, 380.0555, 381.003, 381.004, 381.0065, 381.0303, 381.90, 383.50, 384.29, 393.0641, 394.875, 395.0163, 395.4045, 395.602, 395.7015, 400.0091, 400.022, 400.023, 400.141, 400.408, 400.464, 400.980, 402.166, 402.28, 402.50, 403.031, 403.714, 403.718, 403.7191, 403.7192, 408.02, 408.0361, 409.145, 409.1685, 409.908, 409.912, 409.946, 414.105, 418.302, 420.506, 420.507, 435.03, 435.05, 435.07, 440.15, 440.381, 440.4416, 443.1715, 445.024, 446.50, 456.025, 456.039, 458.3135, 458.319, and 460.403, F.S.; reenacting ss. 370.021(2), 375.045, 397.405, 409.9122(1), 445.003(6)(b), 445.009(7)(c), 467.001, 467.002, 467.004, 467.011, 467.0125, 467.014, 467.015, 467.016, 467.017, 467.201, 467.203, 467.205, 467.207, and 468.354(3)(b), F.S.; and repealing ss. 373.4593(2)(a)-(c), 381.0045(3), 383.0112(2)(g), 411.01(9)(c), 421.37, 421.38, 421.39, 421.40, 421.41, 421.42, 421.43, 421.44, 421.45, 427.0159(2), and 464.0045, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

Session Vote Sequence: 28

Yeas—118

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

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

Nays—None

So the bill passed and was certified to the Senate.

**HB 665**—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 470.016, 471.025, 472.001, 472.003, 472.005, 472.011, 472.015, 472.021, 472.025, 472.027, 472.031, 472.037, 476.024, 494.0017, 498.025, 499.015, 499.03, 499.05, 501.34, 514.0231, 527.01, 527.02, 538.11, 550.6305, 550.904, 550.912, 553.381, 553.507, 553.902, 569.11, 570.21, 576.045, 589.065, 597.003, 597.004, 607.1901, 617.1622, 620.8101, 620.9901, 626.112, 626.621, 626.6215, 626.797, 626.844, 626.8734, 626.909, 626.9911, 626.99275, 627.031, 627.062, 627.357, 627.481, 627.6487, 627.6699, 627.6735, 627.736, 627.9403, 627.9407, 627.94072, 627.944, 628.909, 631.718, and 631.911, F.S.; and repealing ss. 489.1136(1)(g), 499.005(26), 550.2633(3) and (4), 624.408(1)(b)1., and 627.0661, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

Session Vote Sequence: 29

Yeas—118

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

Russell	Slosberg	Stansel	Wiles
Ryan	Smith	Trovillion	Wilson
Seiler	Sobel	Wallace	Wishner
Simmons	Sorensen	Waters	
Siplin	Spratt	Weissman	

Nays—None

So the bill passed and was certified to the Senate.

**HB 667**—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 632.635, 633.021, 633.025, 634.191, 634.281, 641.185, 641.225, 642.032, 642.043, 648.44, 651.095, 651.106, 655.50, 655.962, 663.02, 663.09, 663.14, 715.07, 718.103, 718.111, 718.112, 718.504, 784.075, 817.55, 828.1231, 849.086, 849.0931, 914.27, 921.0022, 943.08, 943.11, 943.125, 960.065, 984.03, 985.201, 985.215, 985.225, and 985.228, F.S.; and reenacting ss. 985.23 and 985.3141, F.S., pursuant to s. 11.242, F.S.; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

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

Session Vote Sequence: 30

Yeas—118

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

Nays—None

So the bill passed and was certified to the Senate.

**HB 669**—A reviser’s bill to be entitled An act relating to the Florida Statutes; repealing ss. 17.43(3), 20.2553(3), 61.182, 240.3835, 240.408, 290.0075, 403.8533(3), 442.001, 442.002, 442.003, 442.004, 442.005, 442.006, 442.007, 442.008, 442.009, 442.0105, 442.011, 442.012, 442.013, 442.014, 442.015, 442.016, 442.017, 442.018, 442.019, 442.020, 442.021, 442.022, 442.023, 442.101, 442.102, 442.103, 442.104, 442.105,

442.106, 442.107, 442.108, 442.109, 442.111, 442.112, 442.113, 442.115, 442.116, 442.118, 442.1185, 442.119, 442.121, 442.123, 442.125, 442.126, 442.127, 442.20, 442.21, 570.205(3), and 713.5955, F.S., pursuant to s. 11.242, F.S.; all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the Florida Statutes 2001 only through a reviser’s bill duly enacted by the Legislature; repealing s. 290.009(2)(c), F.S., to conform to the repeal of s. 290.0075, F.S.; repealing s. 448.24(2)(d), F.S., to conform to the repeal of chapter 442, F.S.

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

Session Vote Sequence: 31

Yeas—118

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

Nays—None

So the bill passed and was certified to the Senate.

**HB 671**—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 11.90, 228.082, 445.004, 570.61, and 893.138, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

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

Session Vote Sequence: 32

Yeas—118

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



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

Nays—None

So the bill passed and was certified to the Senate.

**Repeal Bill**

**CS/HB 4007**—A bill to be entitled An act relating to obsolete, expired, or repealed provisions of law; repealing various provisions of law that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; deleting the Division of Blind Services from the Department of Labor and Employment Security to conform to the transfer of said division by chapter 99-240, Laws of Florida; repealing s. 34.021(3), F.S., relating to qualifications of county court judges; amending s. 39.824, F.S.; deleting obsolete provision relating to adoption of rules of criminal procedure; repealing s. 193.102(1), F.S., relating to obsolete provisions relating to lands subject to tax sale certificates and assessments; repealing s. 206.9825(2), F.S., relating to limitation on aviation fuel tax; amending s. 212.08, F.S.; repealing obsolete provisions relating to the sales, rental, use, consumption, distribution, and storage tax; amending s. 220.1501, F.S., relating to rulemaking authority to implement s. 220.15(2)(c), (4)(c), and (8), F.S.; deleting obsolete provision relating to report by Board of Regents; repealing s. 255.259(3), F.S.; deleting obsolete provision relating to xeriscape landscaping on public property; repealing s. 373.0361(3), F.S.; deleting obsolete provision relating to regional water supply planning; repealing s. 381.895(7), F.S., relating to standards for compressed air used for recreational diving; deleting obsolete effective date for said section; amending s. 394.4985, F.S.; deleting obsolete provision relating to implementation plan for a districtwide comprehensive child and adolescent mental health information and referral network; repealing s. 409.2559, F.S., relating to state disbursement unit; repealing s. 414.70(5), F.S.; deleting obsolete provision relating to evaluations and recommendations relating to the drug-screening and drug-testing program; amending s. 420.504, F.S.; repealing obsolete provision relating to changes in membership categories; amending s. 440.4416, F.S.; repealing obsolete provision relating to a report to the Legislature by the Workers' Compensation Oversight Board; repealing s. 468.609(6)(b), F.S.; deleting obsolete provision relating to building code administrators, plans examiners, and building code inspectors; repealing s. 570.381(1), F.S., relating to legislative findings relating to Appaloosa racing and breeding; repealing s. 624.4085(11), F.S., relating to risk-based capital reports; repealing s. 624.4392(2), F.S., relating to multiple-employer welfare arrangements; amending s. 626.2815, F.S.; repealing obsolete provision relating to establishment of criteria by the continuing education advisory board; amending s. 626.918, F.S.; repealing obsolete provisions relating to the required surplus as to policyholders for surplus lines insurers; repealing s. 627.4145 (6)(e), F.S., relating to obsolete exception to provisions relating to readable language in insurance policies; repealing s. 627.4147(3), F.S., relating to expired provision relating to medical malpractice insurance contracts; amending s. 627.6492, F.S.; repealing

obsolete provision relating to operating losses by insurers; amending s. 629.401, F.S.; deleting obsolete provisions relating to capitalization by underwriting members and certain investments existing prior to July 2, 1987; repealing s. 631.911(1), F.S., relating to creation of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated, merger, and effect of merger; repealing s. 631.912(3), F.S., relating to board of directors of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated; deleting references to s. 631.911(1), F.S., to conform; repealing s. 631.929, F.S., relating to election of remedies; amending s. 636.016, F.S.; repealing obsolete provision relating to prepaid limited health service organizations licensed prior to October 1, 1993; amending s. 636.043, F.S.; repealing obsolete provisions relating to financial statements required by certain prepaid limited health service organizations; repealing s. 713.5955, F.S., relating to acquisition of title to unclaimed molds; amending s. 721.24, F.S.; repealing obsolete provisions relating to delay of installation of firesafety equipment for timeshare units of timeshare plans; amending s. 744.7021, F.S.; repealing obsolete provision relating to submission of report relating to the Statewide Public Guardianship Office; repealing s. 753.004, F.S., relating to supervised visitation projects; providing an effective date.

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

Session Vote Sequence: 33

Yeas—118

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

Nays—None

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

**Bills Subject to Special Rule**

**HB 383**—A bill to be entitled An act relating to a public records exemption for bank account numbers or debit, charge, or credit card numbers obtained by agencies; amending s. 119.07, F.S., which provides an exemption from public records requirements for bank account numbers or debit, charge, or credit card numbers given to an agency for the purpose of payment of fee or debt; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 34

Yeas—118

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

Nays—None

So the bill passed and was certified to the Senate.

**HB 385**—A bill to be entitled An act relating to a public records exemption for certain information used by municipally owned utilities; amending s. 119.07, F.S., which provides an exemption from public records requirements for a specified period of time for certain information used by a municipal utility to prepare and submit certain sealed bids to customers or prospective customers; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 35

Yeas—117

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

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

Nays—None

Votes after roll call:

Yeas—Sobel

So the bill passed and was certified to the Senate.

**HB 387**—A bill to be entitled An act relating to a public records exemption for certain information obtained by the direct-support organization authorized to assist in the promotion of sports-related industries; amending s. 288.12295, F.S., which provides an exemption from public records requirements for the identity of donors and prospective donors to the direct-support organization; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 36

Yeas—117

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

Nays—None

So the bill passed and was certified to the Senate.

**HB 389**—A bill to be entitled An act relating to a public records exemption for certain records of economic development agencies which contain information concerning private entities; amending s. 288.075, F.S., which provides an exemption from public records requirements for records of an economic development agency which contain or would provide plans, intentions, or interests of private entities regarding their business activities; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 37

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Harrington, Jennings

So the bill passed and was certified to the Senate.

**HB 391**—A bill to be entitled An act relating to public records exemptions for certain information obtained in connection with administration of the qualified defense contractor and qualified target industry tax refund programs; amending s. 288.1066, F.S., which provides exemptions from public records requirements for certain identifying, proprietary, tax, and trade secret information received in connection with administering said tax refund programs; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; deleting superfluous language; providing an effective date.

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

Session Vote Sequence: 38

Yeas—117

The Chair	Argenziano	Ausley	Bean
Alexander	Arza	Baker	Bendross-Mindingall
Allen	Attkisson	Ball	Bennett
Andrews	Atwater	Barreiro	Bense

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

Nays—None

So the bill passed and was certified to the Senate.

**HB 393**—A bill to be entitled An act relating to a public records exemption for certain information obtained by the Florida Tourism Industry Marketing Corporation; amending s. 288.1226, F.S., which provides an exemption from public records requirements for the identity of any person responding to marketing or research projects conducted by the corporation and for trade secrets obtained pursuant thereto; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 39

Yeas—113

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

Siplin	Sorensen	Trovillion	Wiles
Slosberg	Spratt	Wallace	Wilson
Smith	Stansel	Weissman	Wishner
Sobel			

Session Vote Sequence: 41

Yeas—117

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

Nays—None

So the bill passed and was certified to the Senate.

**HB 395**—A bill to be entitled An act relating to public records exemptions for specified information relating to airports; amending s. 331.22, F.S., which provides exemptions from public records requirements for airport security plans of an aviation authority or county or municipal aviation department and for other material that depicts critical airport operating facilities; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 40

Yeas—116

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

Nays—None

So the bill passed and was certified to the Senate.

**HB 397**—A bill to be entitled An act relating to a public records exemption for certain information relating to prepayment of electronic toll facility charges; amending s. 338.155, F.S., which provides an exemption from public records requirements for personal identifying information given to the Department of Transportation, a county, or an expressway authority for the purpose of prepaying electronic toll facility charges by check, credit card, or charge card; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; clarifying a cross reference; providing an effective date.

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

Nays—None

So the bill passed and was certified to the Senate.

**HB 399**—A bill to be entitled An act relating to a public records exemption for certain information relating to emergency telephone number “911”; amending s. 365.171, F.S., which provides an exemption from public records requirements for information that reveals the name, address, telephone number, or personal information about, or other information that would identify, a person requesting emergency service or reporting an emergency; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; correcting a reference; providing an effective date.

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

Session Vote Sequence: 42

Yeas—116

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

Kosmas	Mayfield	Pickens	Smith
Kottkamp	Maygarden	Prieguez	Sobel
Kravitz	McGriff	Rich	Sorensen
Kyle	Meadows	Richardson	Spratt
Lacasa	Mealor	Ross	Stansel
Lee	Melvin	Rubio	Trovillion
Lerner	Miller	Russell	Wallace
Littlefield	Murman	Ryan	Waters
Lynn	Needelman	Seiler	Weissman
Machek	Negron	Simmons	Wiles
Mack	Paul	Siplin	Wilson
Mahon	Peterman	Slosberg	Wishner

Nays—None

Votes after roll call:

Yeas—Carassas

So the bill passed and was certified to the Senate.

**HB 401**—A bill to be entitled An act relating to a public records exemption for certain information submitted to the Office of the Attorney General by members of the health care community; amending s. 408.185, F.S., which provides an exemption from public records requirements for certain documents, contracts, and proprietary confidential business information submitted by such entities in connection with a request for an antitrust no-action letter for a specified period; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 43

Yeas—116

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

Nays—1

Baker

Votes after roll call:

Nays to Yeas—Baker

So the bill passed and was certified to the Senate.

**HB 403**—A bill to be entitled An act relating to a public records exemption for records relating to pawnbroker transactions; amending s. 539.003, F.S., which provides an exemption from public records requirements for records relating to pawnbroker transactions delivered to appropriate law enforcement officials; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 44

Yeas—116

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

Nays—None

So the bill passed and was certified to the Senate.

**HB 405**—A bill to be entitled An act relating to public records exemptions for certain surplus lines insurance records; amending s. 626.921, F.S., which provides an exemption from public records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the exemption to apply to information specific to a particular policy or policyholder; providing an exemption from public records requirements for certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Session Vote Sequence: 45

Yeas—117

The Chair	Argenziano	Ausley	Bean
Alexander	Arza	Baker	Bendross-Mindingall
Allen	Attkisson	Ball	Bennett
Andrews	Atwater	Barreiro	Bense

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

Nays—None

Votes after roll call:

Yeas—Mealor

So the bill passed and was certified to the Senate.

**HB 407**—A bill to be entitled An act relating to public records and meetings exemptions for university health services support organizations; repealing s. 240.2995(6), F.S., which provides that meetings of the governing board of a university health services support organization are public and requires that certain records be made available to the Department of Insurance; amending s. 240.2996, F.S., which provides exemptions from public records and meetings requirements for certain contracts and related documents, marketing plans, trade secrets, and evaluation records of such organizations, for meetings at which any of such records or information is discussed, and for records of such meetings; reenacting such exemptions and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the type of marketing plans exempted; requiring university health services support organizations to make certain records available to the Department of Insurance; providing an effective date.

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

Session Vote Sequence: 46

Yeas—118

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

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

Nays—None

So the bill passed and was certified to the Senate.

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

### Motions Relating to Committee References

On motion by Rep. Gottlieb, agreed to by two-thirds vote, HB 207 was withdrawn from further consideration of the House.

On motion by Rep. Negron, agreed to by two-thirds vote, HB 1075 was withdrawn from further consideration of the House.

On motion by Rep. Rubio, agreed to by two-thirds vote, HB 219 was withdrawn from further consideration of the House.

### Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 1:30 p.m., Wednesday, March 21. The motion was agreed to.

### Prime Sponsors

HB 21—Kyle  
HB 621—Machek

### Cosponsors

CS/HB 11—Betancourt  
HB 21—Murman, Sorensen  
HB 35—Jennings  
HB 47—Benson  
CS/HB 55—Sorensen  
HB 61—Allen, Andrews  
CS/HB 67—Allen, Bendross-Mindingall, Henriquez, Justice, Machek, McGriff, Paul, Wishner  
HB 69—Kottkamp, Slosberg  
CS/HB 79—Wishner  
HB 159—Diaz-Balart  
HB 161—Gibson  
HB 165—Gannon  
CS/HB 245—Sorensen  
HB 247—Gannon  
CS/CS/HB 269—Goodlette, Seiler, Sorensen  
CS/HB 279—Baxley, Gannon, Sorensen, Wiles  
HB 361—Bean  
HB 363—Bennett, Hart, Murman  
HB 409—Attkisson  
HB 411—Allen, Gibson, Johnson, Kosmas, Negron  
HB 421—Atwater, Baker, Ball, Byrd, Davis, Harrington, Hogan, Kottkamp, Murman, Negron, Paul, Pickens  
HB 427—Gannon  
HB 577—Garcia, Negron, Weissman  
HB 591—Allen, Andrews, Argenziano, Barreiro, Baxley, Bean, Bense, Benson, Bowen, Brummer, Brutus, Bullard, Cantens, Clarke, Crow, Davis, Detert, Diaz de la Portilla, Dockery, Farkas, Gibson, Green,

Hogan, Holloway, Johnson, Kallinger, Kendrick, Kottkamp, Maygarden, Melvin, Miller, Needelman, Paul, Rubio, Russell, Spratt, Stansel, Wallace, Weissman

HB 621—Green

HB 633—Allen

HB 635—Baker

HB 649—Argenziano, Barreiro, Bennett, Bense, Bowen, Brummer, Cantens, Carassas, Crow, Diaz de la Portilla, Farkas, Green, Hart, Kilmer, Kyle, Littlefield, Miller, Stansel

HB 651—Argenziano, Barreiro, Bennett, Bense, Bowen, Brummer, Cantens, Carassas, Crow, Diaz de la Portilla, Green, Hart, Kilmer, Kyle, Littlefield, Melvin, Miller, Paul, Pickens, Stansel

HB 743—Argenziano

HB 991—Kendrick

HB 1003—Bense, Green, Rubio

#### Withdrawals as Cosponsor

HB 895—Romeo

#### Introduction and Reference

By Representative Bennett—

**HB 1037**—A bill to be entitled An act relating to the West Manatee Fire and Rescue District, Manatee County; amending chapter 2000-401, Laws of Florida; specifying that the rates provided in the schedule of non-ad valorem assessments are caps on the rates that may be levied without legislative approval; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Paul, Bense, Miller, Rubio, Mealor, Kottkamp, Clarke, Mahon, Pickens, Atwater, Melvin, Brown, Simmons, Baxley, Benson, Needelman, Carassas, Bennett, Bowen, Garcia, Allen, Ross, Negron, Harrell, Siplin, Greenstein, Littlefield, Hogan, Attkisson, Haridopolos, Jordan, Kallinger, Green, Harrington, Bilirakis, Mack, Byrd, Diaz-Balart, Gibson, Baker, Cantens, Gardiner, Brutus, Machek, Meadows, Bullard, and Trovillion—

**HB 1039**—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.24, F.S.; increasing the amount of the exemption provided under s. 3(b), Art. VII of the State Constitution for certain disabled ex-service members; providing an effective date.

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

By Representative Green—

**HB 1041**—A bill to be entitled An act relating to the Fort Myers Beach Mosquito Control District, Lee County; providing legislative intent; providing for codification of the special acts relating to the District pursuant to s. 189.429, F.S.; codifying, reenacting, and amending all prior special acts relating to the District; codifying the several county resolutions relating to the District; providing a District charter; repealing all prior special acts relating to the District; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Kilmer, Sorensen, Farkas, Melvin, Diaz de la Portilla, Rubio, Kendrick, Stansel, Bean, Baker, Benson, Berfield, Hogan, Allen, Baxley, Kallinger, Brutus, Paul, Gibson, Brummer, Cantens, Argenziano, Bense, Harrell, Green, Littlefield, Bilirakis, Barreiro, Bowen, Weissman, Needelman, Kottkamp, Fiorentino, Bullard, Holloway, Jennings, Davis, Ball, Wallace, Crow, Atwater, Johnson, Spratt, Harrington, and Byrd—

**HB 1043**—A bill to be entitled An act relating to sewer and water systems and stormwater systems; providing for administration of a grant program by the Department of Environmental Protection to establish or upgrade sewer and water systems and stormwater systems;

providing priority of projects to be funded; requiring an annual report; providing for future repeal; providing an effective date.

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

By Representative Jennings—

**HB 1045**—A bill to be entitled An act relating to workforce improvement through access to technology; providing purposes; providing goals; providing for purposes and uses of certain moneys; providing an effective date.

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

By Representatives Hart, Miller, Bense, Wilson, Greenstein, and Henriquez—

**HB 1047**—A bill to be entitled An act relating to the Career Fast Start Program; creating s. 239.515, F.S.; establishing the Career Fast Start Program; providing definitions; providing procedures for application to participate in the program; providing guidelines for program approval; providing requirements for approved programs; providing for funding of the program; providing methodology for competitive funding of approved programs; providing requirements for the continuation of funding for programs; requiring an interim report to the Florida Governor's Alliance for the Employment of Disabled Citizens; requiring an annual end-of-the-year report to the alliance; requiring the alliance to report annually to the Governor, the Legislature, and the Agency for Workforce Innovation on the effectiveness of the program; requiring the alliance to provide for annual audits of the program and to include audit results in the report; providing an effective date.

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

By Representative Betancourt—

**HB 1049**—A bill to be entitled An act relating to cargo theft; amending s. 550.6305, F.S., to conform; amending s. 812.012, F.S.; providing additional definitions; amending s. 812.014, F.S.; specifying felony penalties for theft of certain cargo; providing for minimum mandatory sentences for cargo theft under certain circumstances; amending s. 921.0022, F.S.; revising the offense severity ranking chart to conform; reenacting s. 538.23, F.S., to conform; providing an effective date.

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

By Representative Andrews—

**HB 1051**—A bill to be entitled An act relating to public accountancy; amending s. 473.313, F.S.; providing for reinstatement of an individual whose license has become null and void because of failure to comply with reactivation requirements due to illness or unusual hardship; providing for reinstatement standards; amending s. 473.323, F.S.; providing for immediate suspension of a licensee who fails to comply with the terms and conditions of a final disciplinary order; providing an effective date.

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

By Representative Russell—

**HB 1053**—A bill to be entitled An act relating to the Department of Transportation; amending s. 206.46, F.S.; raising the statutory cap on the department's required debt service coverage for right-of-way acquisition and bridge construction; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the

department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.141, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; providing that local governments which perform projects for the department are reimbursed promptly; amending s. 339.135, F.S.; increasing the statutory budgetary amendment caps for certain activities; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting language requiring the department to perform certain railroad regulation tasks which are federal responsibilities; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; providing an effective date.

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

By Representative Needelman—

**HB 1055**—A bill to be entitled An act relating to workers' compensation; amending s. 440.092, F.S.; characterizing certain activities of certain officers as arising out of and in the course of employment for compensability purposes; providing an effective date.

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

By Representative Kottkamp—

**HB 1057**—A bill to be entitled An act relating to traffic infractions; amending s. 318.14, F.S.; revising the noncriminal requirement that a person cited for a traffic infraction sign and accept a citation to appear; providing an effective date.

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

By Representative Baker—

**HB 1059**—A bill to be entitled An act relating to small aircraft transportation; providing legislative intent with respect to NASA's

Small Aircraft Transportation System; providing an appropriation; providing an effective date.

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

By Representative Gannon—

**HB 1061**—A bill to be entitled An act for the relief of Laura D. Strazza; providing an appropriation to compensate her for injuries sustained as a result of the negligence of the Department of Agriculture and Consumer Services; providing an effective date.

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

By Representative Needelman—

**HB 1063**—A bill to be entitled An act relating to the additional homestead exemption for persons 65 and older; amending s. 196.075, F.S., which allows counties and municipalities to grant such exemption; providing requirements with respect to the taxpayer's statement of household income and supporting documents; revising the submission date for such documents; authorizing random audits of such statements; providing requirements with respect to release of tax information to the property appraiser; providing an effective date.

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

By Representative Needelman—

**HB 1065**—A bill to be entitled An act relating to the placement of rip current warning signs; creating s. 380.275, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the placement of rip current warning signs; providing that the Department of Community Affairs shall direct and coordinate the program; requiring the development of a uniform rip current warning sign; authorizing the department to coordinate the location, distribution, and erection of rip current warning signs; providing for rules; limiting the liability of participating governmental entities; providing for the responsibilities of governmental entities; providing an effective date.

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

By Representative Kyle—

**HB 1067**—A bill to be entitled An act relating to public records; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

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

By Representative Haridopolos—

**HB 1069**—A bill to be entitled An act relating to school facilities; amending s. 235.061, F.S.; requiring school district administrative personnel to move into relocatables and the existing school district administrative facilities to be used for additional classroom space under certain circumstances; providing an effective date.

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

By Representative Brutus—

**HB 1071**—A bill to be entitled An act relating to workers' compensation; amending s. 440.24, F.S.; requiring suspension or revocation of an authorization for an employer to become a self-insurer under certain circumstances; requiring sale of certain securities to satisfy certain orders; providing an effective date.

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

By Representative Murman—

**HB 1073**—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 394.66, F.S.; providing legislative



intent relating to the accreditation and cost-efficiency of substance abuse and mental health service providers; creating s. 394.741, F.S., relating to accreditation requirements for providers of behavioral health care services; defining the term "behavioral health care services"; providing methods of accreditation to be accepted in lieu of licensure, administrative, and program monitoring requirements; authorizing the adoption of rules; requiring that the department and the agency be allowed access to all accreditation reports, corrective action plans, and performance data submitted to accrediting organizations; authorizing followup monitoring by the department and the agency if major deficiencies are identified through the accreditation process; requiring the department and the agency to report to the Legislature on the viability of mandating accreditation and privatizing licensure and monitoring functions; specifying that the accreditation requirements of s. 394.741, F.S., apply to contracted organizations that are already accredited; amending s. 394.90, F.S., relating to substance abuse and mental health services; revising provisions relating to licensure, accreditation, and inspection of facilities, to conform; providing a cross reference; amending s. 397.411, F.S., relating to substance abuse service providers; revising provisions relating to licensure, accreditation, and inspection of facilities, to conform; providing a cross reference; amending ss. 397.403 and 409.1671, F.S.; revising the name of the Commission on Accreditation of Rehabilitation Facilities; providing legislative findings with respect to providing mental health and substance abuse treatment services; requiring the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health care service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance abuse treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each service delivery strategy; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a statewide Behavioral Health Policy Integration Council; requiring the council to coordinate mental health and substance abuse treatment policy; providing for the membership of the council; requiring the council to report annually to the Governor and the Legislature; providing for the abolishment of the council; providing an effective date.

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

By Representative Negron—

**HB 1075**—A bill to be entitled An act relating to consent to medical care or treatment of a minor; amending s. 743.0645, F.S.; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; providing an effective date.

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

By Representative Mack—

**HB 1077**—A bill to be entitled An act relating to health care; creating s. 456.41, F.S.; authorizing provision of and access to complementary or alternative health care treatments; requiring patients to be provided with certain information regarding such treatments; requiring the keeping of certain records; providing effect on the practice acts; amending s. 381.026, F.S.; revising the Florida Patient's Bill of Rights and Responsibilities to include the right to access any mode of treatment the patient or the patient's health care practitioner believes is in the patient's best interests; providing an effective date.

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

By Representative Atwater—

**HB 1079**—A bill to be entitled An act relating to the tobacco settlement; amending ss. 17.41 and 215.56005, F.S.; deleting the

requirement of prior approval of the Legislature for the sale of all or part of the state's right, title, and interest in and to the tobacco settlement agreement and for the issuance of bonds by the Tobacco Settlement Financing Corporation which are payable from and secured by tobacco settlement proceeds; amending s. 215.5601, F.S.; changing amounts to be transferred to the Lawton Chiles Endowment Fund from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund; providing an effective date.

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

By Representatives Sobel, Weissman, Ritter, Gannon, Holloway, Rich, Greenstein, Henriquez, Prieguez, Wilson, and Peterman—

**HB 1081**—A bill to be entitled An act relating to the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0628, F.S.; limiting authority of insurers to use findings of the commission in a rate filing under s. 627.062, F.S.; providing that such findings are not admissible and relevant in consideration by the Department of Insurance of a rate filing unless the department has access to all factors and assumptions used in developing the standards or models found by the commission to be reliable or accurate; repealing s. 627.062(6), F.S., which provides for arbitration of property and casualty insurance rate filings; providing an effective date.

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

By Representatives Johnson, Miller, Lynn, Bean, Mayfield, Baker, Murman, Berfield, Allen, Cantens, Stansel, and Farkas—

**HB 1083**—A bill to be entitled An act relating to public records; providing an exemption from the public records law for photographs and video recordings of an autopsy; providing for access by a state or federal agency as provided by law and in furtherance of the agency's statutory duties; providing a penalty; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

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

Referred to the Committee on State Administration.

By Representatives Pickens, Hogan, Baker, Arza, Garcia, Stansel, Kendrick, Bean, and Melvin—

**HB 1085**—A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the Rodman Reservoir State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons with easements in the area; requiring a report; providing an effective date.

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

By Representatives Pickens and Davis—

**HB 1087**—A bill to be entitled An act relating to the Florida State Boxing Commission; amending s. 548.002, F.S.; providing a definition; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the commission; amending s. 548.008, F.S.; increasing the penalty for participating in or promoting a toughman or badman competition; providing for certification of violations; amending s. 548.017, F.S.; providing requirements for ringside physicians; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the commission to adopt rules which provide for background investigations of applicants for licensure; authorizing the commission to require submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the commission shall not license; amending s. 548.041, F.S.; providing requirements and

restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; providing state insurance coverage and sovereign immunity protection for assigned physicians; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between managers and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.06, F.S.; providing that required reports and tax payments on total gross receipts of matches apply only to matches held within the state; exempting the sale of tickets for the viewing of matches via closed circuit telecast; amending s. 548.061, F.S.; requiring promoters holding or showing boxing matches on a closed circuit telecast viewed within the state to file required reports and remit gross receipts tax payments for such showings; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; providing an effective date.

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

By Representative Bilirakis—

**HB 1089**—A bill to be entitled An act relating to real estate brokers, salespersons, schools, and appraisers; amending s. 475.25, F.S.; authorizing licensees to return escrowed property to a buyer of real property without notifying the Real Estate Commission or initiating a required escape procedure if the buyer, in good faith, fails to satisfy the terms contained in the financing clause of the contract for sale and purchase of the real property; amending s. 475.622, F.S.; providing signature and disclosure requirements of primary and secondary supervisors with respect to signatures and disclosures required of registered assistant appraisers; creating s. 475.6221, F.S.; providing requirements for employment of registered assistant appraisers; requiring designation of a primary supervisor; authorizing designation of secondary supervisors; requiring notice to the Department of Business and Professional Regulation of such designations and of termination of the relationship with the primary sponsor; prohibiting direct payment to a registered assistant appraiser for an appraisal report unless agreed to by the primary supervisor; providing an effective date.

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

By Representative Wishner—

**HB 1091**—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; providing for a Florida Golf license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a Florida Golf license plate; providing for the distribution of fees; providing an effective date.

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

By Representative Joyner—

**HB 1093**—A bill to be entitled An act relating to reading instruction; providing legislative intent regarding required reading instruction;

requiring each public elementary school to develop and implement programs for reading and literacy development in kindergarten through grade 4; requiring the Department of Education to provide technical support; providing an effective date.

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

By Representatives Green, Goodlette, Spratt, Kottkamp, Littlefield, Murman, Argenziano, Detert, Rubio, Barreiro, Kilmer, Negron, and Farkas—

**HB 1095**—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting the imposition of a sentence of death on a defendant who has mental retardation; providing requirements for raising mental retardation as a bar to the death sentence; providing for a separate proceeding to determine whether the defendant has mental retardation; providing for a determination of mental retardation to be appealed; providing for application of provisions prohibiting imposition of a sentence of death; providing an effective date.

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

By Representative Kyle—

**HB 1097**—A bill to be entitled An act relating to real estate brokers; amending s. 475.01, F.S.; expanding the definition of the term “broker”; amending s. 475.25, F.S.; specifying additional actions for which the Florida Real Estate Commission may institute disciplinary action; amending s. 475.42, F.S.; prohibiting specified breach of fiduciary duties and providing penalties therefor; reenacting ss. 468.383(7), 475.25(1)(h), and 475.274, F.S., to incorporate the amendment to s. 475.01(1)(a), F.S., in references thereto; providing an effective date.

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

By Representative Diaz de la Portilla—

**HB 1099**—A bill to be entitled An act relating to the Florida Airport Authority Act; creating ss. 332.201, 332.202, 332.203, 332.204, 332.205, 332.206, 332.207, 332.208, 332.209, 332.210, and 332.211, F.S.; creating the Florida Airport Authority Act; providing definitions; providing that certain counties shall form an airport authority; providing that certain former military facilities redeveloped and operated as an airport shall be redeveloped and operated by an authority under the act, and providing for membership of the governing body of such authorities; providing for appointment of members of the governing body of an authority; providing for officers, employees, expenses, removal from office, and application of financial disclosure provisions; providing purposes and powers of an authority; providing restrictions on authority powers; providing for issuance of bonds; providing that the county may be appointed as an authority's agent for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing a covenant of the state with respect to bond issuance and agreements with federal agencies; providing an exemption from taxation; providing for applicability; requiring members of the authority to file financial disclosure; providing an effective date.

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

By Representative Gannon—

**HB 1101**—A bill to be entitled An act relating to insurer rehabilitation and liquidation; amending s. 631.001, F.S.; providing interpretation, construction, and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to certain persons and entities; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.041, F.S.; entitling the estate of an insurer to actual damages and additional sanctions for certain injuries; limiting application of certain time restrictions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the

receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by the department preliminary or incidental to receivership proceedings; providing department powers; prohibiting hindering or withholding information from the department in such investigations; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; creating s. 631.3995, F.S.; providing procedures and requirements for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; creating s. 817.2341, F.S.; providing criminal penalties for certain activities; amending ss. 626.9541 and 631.041, F.S.; correcting cross references; providing an effective date.

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

By Representative Gannon—

**HB 1103**—A bill to be entitled An act relating to public records; creating s. 631.195, F.S.; providing an exemption from public records requirements for certain records that come into the Department of Insurance's possession pursuant to insurer receivership proceedings; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

By Representative Gannon—

**HB 1105**—A bill to be entitled An act relating to trust funds; creating the Closed Estate Fund Trust Account within the Department of Insurance; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust account; providing a contingent effective date.

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

By Representatives Davis, Bense, and Spratt—

**HB 1107**—A bill to be entitled An act relating to pawnbrokers and secondhand dealers; creating s. 943.0546, F.S.; requiring the Department of Law Enforcement to administer a statewide database of pawnshop transactions and acquisitions of secondhand goods; requiring local law enforcement agencies to submit records of such transactions to the department; authorizing a law enforcement agency to access the database only for investigative purposes and subject to specified conditions; requiring the department to submit an annual report to the Legislature; requiring the Department of Law Enforcement to adopt rules; amending s. 539.001, F.S., relating to the Florida Pawnbroking Act; specifying the form of a petition under which a claimant may bring an action to recover possession of misappropriated property; providing for a court to determine the disposition of misappropriated property as part of a criminal case; requiring the Department of Agriculture and Consumer Services to prescribe a pamphlet to describe a claimant's rights to recover misappropriated property from a pawnbroker; requiring that the division prescribe by rule a disclosure form; requiring that such form be provided to any person demanding the return of property from a pawnbroker; providing rulemaking authority; providing an effective date.

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

By Representative Jennings—

**HB 1109**—A bill to be entitled An act relating to trust funds; creating the Digital Divide Trust Fund within the Executive Office of the Governor; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

By Representative Allen—

**HB 1111**—A bill to be entitled An act relating to the Spaceport Infrastructure Reinvestment Act; creating said act; providing legislative findings; amending s. 212.20, F.S.; providing that taxes on sales, use, and other transactions collected by dealers conducting business at a fixed location at the Kennedy Space Center or Cape Canaveral Air Station on admissions thereto and on sales of tangible personal property at such business shall be separately returned and distributed by the Department of Revenue to the Florida Commercial Space Financing Corporation and used for funding aerospace infrastructure; providing a definition; providing for rules; providing an effective date.

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

By Representative Seiler—

**HB 1113**—A bill to be entitled An act relating to the North Broward Hospital District; providing for the relief of Mark Schwartz, a minor, for injuries sustained as a result of the negligence of employees of the Coral Springs Medical Center; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Needelman—

**HB 1115**—A bill to be entitled An act relating to Brevard County; providing for codification of existing special laws relating to the creation, powers, and duties of the Melbourne-Tillman Water Control District, a dependent special district in Brevard County, as provided in chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida, except as amended by this act; providing legislative purpose; amending definitions of "District," "general obligation bonds," and "revenue bonds"; amending scope of revenue sources allowed to be bonded; clarifying provisions relating to liens, collection, and foreclosure to include special assessments and stormwater management user fees; amending liability of District where lands are made available to public for outdoor recreational purposes, as defined therein; providing editorial revisions; establishing obstruction or impeding of a drainage canal or watercourse as a criminal offense; providing for civil damages for obstruction and impeding drainage canal or watercourse; amending, codifying, reenacting, and repealing chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida; re-creating the District and re-creating and reenacting the charter; providing an effective date.

Proof of publication of the required notice was attached.

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

## Reports of Councils and Standing Committees

### Committee Reports

#### Received March 8:

The Committee on Health Promotion recommends the following pass:  
HB 563, with 1 amendment

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on Transportation recommends the following pass:  
CS/HB 175

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

The Committee on Banking recommends the following pass:  
HB 137, with 5 amendments

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

The Committee on State Administration recommends the following pass:

HB 469  
 HB 499  
 HB 501, with 8 amendments

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

The Committee on Banking recommends the following pass:  
 HB 521, with 1 amendment

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

The Committee on Economic Development & International Trade recommends the following pass:  
 HB 435  
 HB 527

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

The Committee on State Administration recommends the following pass:  
 HB 351, with 1 amendment  
 HB 529

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

The Committee on Tourism recommends the following pass:  
 HB 289, with 4 amendments

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

The Committee on Transportation recommends the following pass:  
 HB 489

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

The Committee on Banking recommends the following pass:  
 HB 531

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

The Committee on Transportation recommends the following pass:  
 HB 157, with 1 amendment

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

The Committee on Health Promotion recommends the following pass:  
 HB 475, with 6 amendments  
 HB 477, with 1 amendment

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

The Committee on Health Regulation recommends the following pass:  
 HB 339

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

The Committee on Tourism recommends the following pass:  
 HB 345, with 5 amendments

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

The Committee on Health Promotion recommends the following pass:  
 HB 365, with 1 amendment

**The above bill was referred to the Committee on State Administration.**

**Excused**

Rep. Baxley; Rep. Kallinger between 1:00 p.m. and 1:12 p.m.; Rep. Kosmas between 1:14 p.m. and 1:56 p.m.; Rep. Ritter

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 6:49 p.m., to reconvene at 1:30 p.m., Wednesday, March 21.



# *The Journal* OF THE *House of Representatives*

Number 4

Monday, March 19, 2001

## Messages from the Senate

### First Reading by Publication

*The Honorable Tom Feeny, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SBs 544, 546, 548, 558, 560, 564, 566, 568, 572, 574, 576, 578, 580, 582, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, and 616 by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senator Clary—

**SB 544**—A bill to be entitled An act relating to the re-creation of the Lottery Administrative Trust Fund without modification; re-creating the Lottery Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 546**—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 548**—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 558**—A bill to be entitled An act relating to trust funds; re-creating the Florida Facilities Pool Working Capital Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 560**—A bill to be entitled An act relating to trust funds; re-creating the Florida Facilities Pool Working Capital Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 564**—A bill to be entitled An act relating to trust funds; re-creating the Wireless Emergency Telephone System Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 566**—A bill to be entitled An act relating to trust funds; re-creating the Wireless Emergency Telephone System Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 568**—A bill to be entitled An act relating to trust funds; re-creating the State Agency Law Enforcement Radio System Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 572**—A bill to be entitled An act relating to trust funds; re-creating the Public Facilities Financing Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 574**—A bill to be entitled An act relating to trust funds; re-creating the Public Facilities Financing Trust Fund within the Department of Management Services without modification; carrying

forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 576**—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 578**—A bill to be entitled An act relating to trust funds; re-creating the Pretax Benefits Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 580**—A bill to be entitled An act relating to trust funds; re-creating the Retiree Health Insurance Subsidy Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 582**—A bill to be entitled An act relating to trust funds; re-creating the Retiree Health Insurance Subsidy Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 590**—A bill to be entitled An act relating to the re-creation of the Dedicated License Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 592**—A bill to be entitled An act relating to the re-creation of the Florida Panther Research and Management Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 594**—A bill to be entitled An act relating to the re-creation of the Florida Preservation 2000 Trust Fund without modification; terminating and re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 596**—A bill to be entitled An act relating to the re-creation of the Florida Preservation 2000 Trust Fund without modification; re-creating

the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 598**—A bill to be entitled An act relating to the re-creation of the Florida Forever Program Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 20.3315(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 600**—A bill to be entitled An act relating to the re-creation of the Land Acquisition Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 602**—A bill to be entitled An act relating to the re-creation of the Lifetime Fish and Wildlife Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 604**—A bill to be entitled An act relating to the re-creation of the Marine Resources Conservation Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 606**—A bill to be entitled An act relating to the re-creation of the Nongame Wildlife Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 608**—A bill to be entitled An act relating to the re-creation of the Save the Manatee Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 610**—A bill to be entitled An act relating to the re-creation of the State Game Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 612**—A bill to be entitled An act relating to the re-creation of the Federal Law Enforcement Trust Fund without modification; terminating and re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 614**—A bill to be entitled An act relating to the re-creation of the Federal Law Enforcement Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 372.107(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 616**—A bill to be entitled An act relating to the re-creation of the Conservation and Recreation Lands Program Trust Fund without modification; re-creating the Conservation and Recreation Lands Program Trust Fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 372.127(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

Referred to the Calendar of the House.

## Introduction and Reference

By Representative Byrd—

**HB 1117**—A bill to be entitled An act relating to state contracts with faith-based organizations; providing intent; providing a definition; authorizing certain agencies to contract or subcontract with faith-based organizations under certain programs or allow faith-based organizations to accept certificates, warrants, or other forms of disbursement under certain programs under certain circumstances; specifying eligibility of faith-based organizations; providing certain protections for faith-based organizations; requiring certain agencies to prepare implementation plans and submit the plans to the Governor and the Legislature; creating the Task Force on Florida Partnerships; providing membership; providing duties; providing for per diem and travel; providing for a report; providing an effective date.

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

By Representatives Byrd and Littlefield—

**HB 1119**—A bill to be entitled An act relating to water and land use relationships; amending s. 163.3177, F.S.; providing additional criteria and requirements for comprehensive plan amendments; amending s. 163.3180, F.S.; providing additional limitations on concurrency requirements; deleting a public transit facilities exception to certain concurrency requirements; amending s. 373.019, F.S.; revising a definition; amending s. 373.223, F.S.; providing additional requirements for obtaining a permit; providing additional criteria for board evaluation of use of ground or surface waters; amending s. 373.229, F.S.; requiring board approval of permit applications during water shortages or emergencies; amending s. 373.246, F.S.; revising requirements, procedures, and limitations for declarations of a water shortage or emergency; amending s. 373.414, F.S.; revising criteria for certain mitigation activities in granting or denying a permit; providing an effective date.

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

By Representative Byrd—

**HB 1121**—A bill to be entitled An act relating to drivers' licenses; amending s. 322.01, F.S.; defining the term "county tax collector" with respect to duties of the Department of Highway Safety and Motor Vehicles relating to drivers' licenses; amending ss. 322.02, 322.03, 322.05, 322.051, 322.059, 322.07, 322.08, 322.09, 322.091, 322.095, 322.12, 322.121, 322.125, 322.13, 322.135, 322.14, 322.141, 322.142, 322.16, 322.161, 322.1615, 322.17, 322.18, 322.20, 322.21, 322.212, 322.22, 322.221, 322.251, 322.26, 322.28, 322.282, 322.32, F.S.; specifying those powers and duties that the department may delegate to county tax collectors; providing for the disposition of fees when services are performed by county tax collectors; providing an effective date.

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

By Representatives Kendrick, Spratt, Bense, Stansel, Machek, Bendross-Mindingall, Cusack, Pickens, Bean, Henriquez, Greenstein, Ausley, Fields, and Justice—

**HB 1123**—A bill to be entitled An act relating to assault or battery on specified officials; amending s. 784.081, F.S.; providing enhanced penalties for the offenses of assault, battery, aggravated assault, and aggravated battery if the offense is committed on a person officiating an interscholastic activity; providing an effective date.

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

By Representative Sorensen—

**HB 1125**—A bill to be entitled An act relating to Monroe County; amending ch. 99-395, Laws of Florida; establishing effluent water quality standards for reuse systems; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Andrews—

**HB 1127**—A bill to be entitled An act relating to non-ad valorem assessments; amending s. 197.3632, F.S., relating to the uniform method for the levy, collection, and enforcement of non-ad valorem assessments; defining the term "levied for the first time"; specifying the circumstances in which a local government must adopt a non-ad valorem assessment roll at a public hearing; prescribing requirements relating to the notice that must be given before such a hearing is held; providing an effective date.

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

By Representative Greenstein—

**HB 1129**—A bill to be entitled An act relating to nursing education; amending s. 464.019, F.S.; requiring approval by the State Board of Education before the Board of Nursing may adopt certain rules for nursing programs; providing an effective date.

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

By Representative Barreiro—

**HB 1131**—A bill to be entitled An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.473, F.S.; requiring certain inmates to participate in substance-abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the Addiction-Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance-abuse-transition housing programs; providing program requirements; requiring prerelease screening; providing requirements for offenders who participate in the program; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703, 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition-assistance specialists at institutions; amending ss. 944.705, 944.706, 944.707, F.S.; authorizing the department to contract with faith-based service groups for release-assistance programs and postrelease services; amending s. 944.803, F.S.; providing additional requirements for faith-based programs for inmates; requiring the department to assign chaplains to certain community correctional centers; providing for inmates to be informed of the availability of certain faith-based housing programs; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; amending s. 948.08, F.S.; providing that specified offenders are eligible for certain pretrial intervention programs;

amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the Department of Corrections to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management before release; providing an appropriation; providing an effective date.

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

By Representatives Brutus, Trovillion, and Heyman—

**HB 1133**—A bill to be entitled An act relating to operations of correctional work programs; revising provisions relating to leased or managed work programs to conform to current operations and applications; amending ss. 946.502, 946.5025, 946.5026, 946.503, 946.506, 946.509, 946.511, 946.514, 946.516, 946.518, 946.520, F.S.; conforming internal cross-references; deleting obsolete provisions; clarifying a definition; changing a reporting date; amending s. 957.04, F.S., to conform a cross-reference; providing an effective date.

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

By Representative Ross—

**HB 1135**—A bill to be entitled An act relating to administrative procedure; amending s. 57.111, F.S.; redefining the term “small business party”; increasing the limitation on attorney’s fees and costs; amending s. 120.52, F.S.; redefining the term “agency”; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under the Administrative Procedure Act; providing for sanctions; amending s. 120.574, F.S.; redesignating summary hearings as expedited hearings; providing procedures for expedited hearings; revising the status of an administrative law judge’s decision; providing for recommended orders and final orders; amending s. 120.595, F.S.; redefining the term “improper purpose” for determining an award of attorney’s fees; amending s. 120.60, F.S.; revising the process for the approval of license applications and license renewals; amending s. 120.68, F.S.; providing for costs, damages, and attorney’s fees under certain circumstances; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to specified review; amending ss. 373.1501 and 403.088, F.S.; conforming references; amending s. 403.412, F.S.; restricting persons without substantial interests from initiating specified proceedings under the Environmental Protection Act; amending s. 403.973, F.S.; conforming references; revising conditions under which expedited hearings apply; amending s. 408.7056, F.S.; conforming references; amending ss. 120.57, 120.595, 120.81, 409.2564, 409.913, 501.608, 628.461, 628.4615, 633.161, and 766.207, F.S.; correcting cross references; providing an effective date.

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

By Representative Gelber—

**HB 1137**—A bill to be entitled An act relating to scooters; amending s. 316.2065, F.S.; applying certain bicycle safety laws to nonmotorized scooters; requiring the wearing of a helmet; regulating the operation of scooters; proscribing certain activities involving scooters; providing penalties; providing an effective date.

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

By Representative Garcia—

**HB 1139**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.002, F.S.; redefining the term “full schedule of live racing or games” to provide that quarter horse permitholders and thoroughbred permitholders must have conducted a certain number of live performances during the preceding year to meet the definition; providing an effective date.

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

By Representatives Justice, Stansel, Richardson, Wiles, Siplin, Romeo, Seiler, Henriquez, and Benson—

**HB 1141**—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the term “bonus,” for purposes of determining compensation under the Florida Retirement System, to exclude certain payments under the Florida Mentor Teacher School Pilot Program and the Excellent Teaching Program; providing an effective date.

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

By Representative Garcia—

**HB 1143**—A bill to be entitled An act relating to trust business; amending s. 660.45, F.S.; requiring a court to assign a time and place for a hearing on the accounting of a common trust fund held by a trust company or trust department upon the filing of an application therefor with the court; requiring the trust company or trust department operating the fund to provide notice of the hearing once within a specified time period by publication in a daily newspaper of general circulation designated by the court; providing an effective date.

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

By Representatives Murman, Rich, and Flanagan—

**HB 1145**—A bill to be entitled An act relating to foster care and related services; amending s. 39.521, F.S.; providing for court-ordered placement of certain children with a history of multiple placements into residential group care; amending s. 409.1671, F.S.; providing an additional requirement for eligible lead community-based providers competing for a foster care privatization project; providing a procedure for implementation of privatization if attempts to competitively procure services through eligible lead community-based providers fail; creating s. 409.16735, F.S.; providing for establishment of a comprehensive residential services program; providing legislative intent; providing definitions; directing the Department of Children and Family Services to contract with specified entities for the provision of services; directing the department to establish model comprehensive residential services programs in specified districts through such contracts for services; specifying model program elements; requiring comprehensive residential services programs, including the model programs, to be operational by a specified time; requiring status reports on implementation; providing for annual program evaluations; providing legal authority to the entities providing services for performance of certain activities; requiring the department to provide technical assistance and contract for management services; authorizing the entities providing services to obtain certain resources for services; providing for annual funding; amending s. 409.175, F.S.; providing for issuance of a 3-year family foster home license if certain standards are met; amending s. 784.081, F.S.; providing enhanced penalties for assault or battery upon an employee or subcontractor of a lead agency contracting with the department; providing an effective date.

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

Referred to the Committees on Child & Family Security; Health & Human Services Appropriations; and Council for Healthy Communities.

By Representative Kendrick—

**HB 1147**—A bill to be entitled An act relating to public records; creating s. 627.3111, F.S.; providing an exemption from public records requirements for financial or patient records of an insured or consumer in records of the Department of Insurance and for personal identifying information relating to such persons; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

By Representative Seiler—

**HB 1149**—A bill to be entitled An act relating to educational facilities; amending ss. 235.15, 235.185, F.S.; allowing each school district to



modify the capacity for a district facility so that it varies from the capacity reported in the Florida Inventory of School Houses report; providing criteria and procedures for making such modifications; repealing s. 235.2157, F.S., which requires schools that are placed under architectural contract after a specified date to be small schools; providing an effective date.

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

By Representatives Brown, Brummer, Bennett, Kilmer, Baker, Pickens, Trovillion, Bowen, Carassas, Wallace, and Gibson—

**HB 1151**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for tangible personal property sold to a contractor employed directly by or as an agent of the United States Government or state or local government when such property will become part of a public facility owned by the governmental entity, if specified conditions are met; providing duties of such governmental entities, contractors, and sellers with respect to documentation and recordkeeping; providing for application of penalties; providing an effective date.

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

By Representatives Harrell, McGriff, Jennings, Bilirakis, Kendrick, and Alexander—

**HB 1153**—A bill to be entitled An act relating to certificate of need; amending s. 408.039, F.S.; specifying circumstances under which a hospital may intervene in administrative proceedings involving the issuance or denial of a certificate of need for an organ transplantation program; providing an effective date.

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

By Representative Bennett—

**HB 1155**—A bill to be entitled An act relating to corporate income tax; amending s. 220.15, F.S., which provides for apportionment of adjusted federal income to this state; revising the conditions for determining when sales of tangible personal property occur in this state for certain industries; providing for retroactive effect; providing an effective date.

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

By Representative Miller—

**HB 1157**—A bill to be entitled An act relating to the Department of State; providing legislative findings; amending s. 679.401, F.S.; providing for alternative locations of certain filings; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to establishing and maintaining the registry; providing criteria for the registry; providing effective dates.

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

By Representative Mack—

**HB 1159**—A bill to be entitled An act relating to corporate income tax; creating s. 220.187, F.S.; providing a credit against the tax for businesses that donate qualified computer equipment to a public elementary or secondary school, community college, area technical center, or university; providing for determination of the amount of the credit; providing duties of the Department of Education; providing for rules; amending s. 220.02, F.S.; providing for order of credits against the tax; providing an effective date.

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

By Representative Sorensen—

**HM 1161**—A memorial to the Federal Emergency Management Agency, urging the agency to adopt a policy towards the Florida Keys that is consistent with Florida law and its own policy.

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

By Representative Dockery—

**HB 1163**—A bill to be entitled An act relating to the Beverage Law; creating s. 561.548, F.S.; authorizing direct shipment of wine from outside the state to certain charitable organizations for fundraising purposes; exempting such wine from the excise tax on wine; amending s. 562.15, F.S.; authorizing possession of not more than 24 bottles of wine purchased outside the state and brought, shipped, or caused to be shipped into the state by the possessor, under certain circumstances; amending s. 561.545, F.S., which prohibits certain shipments of beverages, to conform; providing an effective date.

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

By Representatives Romeo, Joyner, Bendross-Mindingall, Fields, Cusack, Hogan, Slosberg, Frankel, Wishner, Henriquez, Detert, Rich, Wilson, Cantens, Kosmas, Lerner, Heyman, Peterman, Gannon, Justice, McGriff, Bilirakis, Prieguez, Murman, Sobel, Gottlieb, Holloway, and Wiles—

**HB 1165**—A bill to be entitled An act relating to Xeriscape; amending ss. 125.568, 166.048, 255.259, 335.167, and 373.185, F.S.; redefining the term “Xeriscape”; prohibiting certain restrictions on the practice of Xeriscape; amending s. 373.62, F.S.; providing for the operation and maintenance of rain sensor devices; providing an effective date.

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

By Representatives Siplin, Weissman, and Bennett—

**HB 1167**—A bill to be entitled An act relating to the Voting System Technology Task Force; creating a Voting System Technology Task Force; providing for membership, officers, organization, per diem, and staffing; providing duties; providing for a report and termination of the task force upon submission of the report; providing an appropriation; providing an effective date.

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

By Representatives McGriff, Heyman, Jordan, Kravitz, Romeo, Justice, Fields, Hogan, Davis, Henriquez, Bean, Stansel, Kendrick, Pickens, and Seiler—

**HB 1169**—A bill to be entitled An act relating to the misuse of hand-held laser lighting devices; creating s. 784.062, F.S.; defining the term “laser lighting device”; providing that it is a second degree misdemeanor to knowingly and willfully shine the beam of a laser lighting device at a law enforcement officer in such a manner as to cause the law enforcement officer to believe that a firearm is pointed at him or her; providing a penalty; providing an effective date.

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

By Representative Weissman—

**HB 1171**—A bill to be entitled An act relating to taxation; amending s. 72.011, F.S.; providing for the venue and jurisdiction of taxpayer actions in circuit court; amending s. 199.023, F.S.; redefining the term “intangible personal property”; amending s. 199.185, F.S.; revising exemptions from the intangible personal property tax; amending s. 212.12, F.S.; providing for methods of determining overpayments by persons paying the tax on sales, use, and other transactions; amending s. 213.21, F.S.; revising the process for review of a taxpayer’s liability for tax and interest; amending s. 220.03, F.S.; providing for the tax classification of specified entities; amending s. 608.471, F.S.; providing for the tax treatment of certain types of limited liability companies; providing an effective date.

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

By Representative Trovillion—

**HB 1173**—A bill to be entitled An act relating to civil penalties from traffic violations; requiring any county or municipality that receives more than a specified percentage of its total annual revenue for the prior year from civil penalties collected from traffic violations to deposit such

excess revenue into the Highway Safety Operating Trust Fund and the Brain and Spinal Cord Injury Rehabilitation Trust Fund; providing an effective date.

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

By Representatives Kottkamp, Needelman, Harrington, Bowen, Kyle, Hart, Clarke, Green, Harrell, Pickens, Ross, Murman, Mahon, Negron, Gardiner, Garcia, Berfield, Melvin, Kilmer, Maygarden, and Bullard—

**HB 1175**—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; providing additional acts which constitute cruelty to an animal; providing a penalty; specifying conditions of sentencing and release for second or subsequent conviction for intentional commission of an act upon any animal which results in the cruel death of or excessive or repeated infliction of unnecessary pain or suffering upon the animal; provides that any person convicted of such a violation, where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall, in addition to any other sentence imposed, be ordered to complete an anger management treatment program; providing a minimum mandatory fine and minimum mandatory period of incarceration for conviction of any crime where the finder of fact determines that the violation includes an intentional act of cruelty to animals; providing for nonapplicability of the act; providing construction; reenacting ss. 550.2415(6)(d), 828.122(5) and (6)(a), 828.17, 828.29(14), 943.051(3)(b)11., 985.212(1)(b)11., and 921.0022(3)(c), F.S., to incorporate the amendment to s. 828.12, F.S., in references thereto; providing an effective date.

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

By Representatives Kottkamp and Allen—

**HM 1177**—A memorial to the Congress of the United States, urging Congress to allow the citizens of Florida open access to the waterways of Florida.

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

By Representatives Wiles, Henriquez, Kosmas, and Frankel—

**HB 1179**—A bill to be entitled An act relating to school improvement; providing a short title; amending s. 229.57, F.S.; exempting certain students from the statewide assessment program; revising the schedule of school performance grade categories to include an additional plus sign designation; providing intent relating to the designation of school performance grade categories; revising the method for determining school performance categories; revising the timeframe for implementation of statewide assessments; prohibiting a school that has shown at least a 50 percent increase in performance from being designated as performance grade category "F"; providing for schools to retain an "A" designation under certain circumstances; requiring the Legislature to conduct public hearings; requiring the Department of Education to provide assistance to district school boards regarding the development of local assessments; amending s. 230.23, F.S., relating to powers and duties of district school boards; establishing a minimum percentage salary increase required to be paid by a district to employees who demonstrate outstanding performance; requiring district school boards to adopt a plan for compliance with performance-based pay provisions; providing additional mechanisms for providing assistance and intervention for schools needing improvement; deleting obsolete language; amending s. 231.17, F.S.; revising requirements for receipt of a temporary teaching certificate; amending s. 236.08104, F.S.; requiring that categorical funds for supplemental academic instruction be adjusted for inflation and growth; holding a district harmless for certain funds received; providing requirements for determining a district's allocation; requiring the University of South Florida to develop and establish a teacher preparation program; providing program requirements; providing legislative intent; providing an effective date.

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

By Representative Ritter—

**HB 1181**—A bill to be entitled An act relating to the City of Coral Springs; providing for the relief of Helene Rippe; providing for an

appropriation to compensate her for personal injuries suffered due to the negligence of the city; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Paul—

**HB 1183**—A bill to be entitled An act relating to the Englewood Area Fire Control District in Sarasota and Charlotte Counties; codifying, reenacting, amending, and repealing special laws relating to the district; providing that the district is an independent special district; providing legislative intent; providing for applicability of chapters 191 and 189, Florida Statutes, and other general laws; providing a district charter; providing boundaries; providing for a district board; providing authority of the board; providing for staff; providing duties and powers of the board; providing for elections to the board; providing salary of board members; providing for removal of board members; providing for revenue raising; providing for the levying of non-ad valorem assessments; providing for capital improvement impact fees; providing severability; providing for liberal construction; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Mahon—

**HB 1185**—A bill to be entitled An act relating to construction contracts; amending s. 725.06, F.S.; providing that indemnification in construction contracts is against public policy and void; providing exceptions; providing an effective date.

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

By Representatives Wishner, Harrell, Weissman, Seiler, Mayfield, Ross, Ritter, Diaz-Balart, Crow, and Gottlieb—

**HB 1187**—A bill to be entitled An act relating to criminal activities; creating the White Collar Crime Victim Protection Act; providing legislative intent; providing definitions; specifying crimes and acts that constitute a white collar crime; providing that a person commits an aggravated white collar crime if the white collar crime is committed against certain persons or against a state agency or political subdivision; providing enhanced penalties for aggravated white collar crimes; requiring that a defendant convicted of an aggravated white collar crime pay court costs and restitution; requiring that payment of restitution be a condition of probation; amending s. 910.15, F.S.; providing that a communication made by or through the use of the Internet was made in every county of the state for purposes of prosecuting certain fraudulent practices; providing for severability; providing an effective date.

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

By Representative Diaz-Balart—

**HB 1189**—A bill to be entitled An act relating to brownfield redevelopment economic incentives; amending s. 376.84, F.S.; providing definitions; providing that a county that constructs, renovates, or expands a significant new facility on a qualifying brownfield site is entitled to a sales tax rebate; requiring such county to submit certain information to the Department of Revenue; providing for certification of the county by the department; providing for rules; providing for use of the rebate funds; providing the amount of the rebate; amending s. 212.20, F.S.; providing for distribution of the sales tax rebate to such counties; providing effective dates.

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

By Representative Waters—

**HB 1191**—A bill to be entitled An act relating to Pinellas County; amending chapter 75-489, Laws of Florida, as amended; renaming

aluminum contractors as specialty structure contractors for construction licensing purposes and revising the scope of work, to conform; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Arza and Rubio—

**HB 1193**—A bill to be entitled An act relating to teacher quality; amending s. 121.091, F.S.; revising provisions relating to the reemployment of retired members of the Florida Retirement System as school district personnel; amending s. 228.041, F.S.; revising the definition of “other instructional staff” to include adjunct educators; amending s. 230.23, F.S.; prohibiting a district school board from assigning any instructional personnel or school administrator to a school unless the principal of that school approves the assignment; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 230.33, F.S.; prohibiting a superintendent of schools from recommending the assignment of any instructional personnel or school administrator to a school unless the principal of that school approves the assignment; amending s. 231.17, F.S.; authorizing the use of an approved alternative certification program by a district other than that which developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers; charging the superintendent of schools with knowledge of such policies and procedures; stating that a superintendent is presumed to have knowledge of each legally sufficient complaint; authorizing the withholding of discretionary funds from a school district, and the imposition and collection of fines against a school district and superintendent, for noncompliance; authorizing the temporary suspension of a teaching certificate pending the completion of proceedings in order to protect the health, safety, and welfare of students; correcting cross references to conform; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board, subject to applicable collective bargaining requirements, to recognize and accept years of satisfactory performance for purposes of pay and retirement; providing an exemption; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, and identify best practices for retaining high-quality teachers; deleting the requirement that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for attracting teachers to Florida; creating s. 231.675, F.S.; establishing the advanced placement instruction bonus program; specifying amounts of bonuses; limiting the amount awarded to a teacher annually; providing an appropriation; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; repealing s. 236.081(1)(k) and (m), F.S., relating to calculations of additional full-time equivalent membership based on international baccalaureate examination scores of students and based on college board advanced placement scores of students; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; correcting a cross reference; amending ss. 230.2305, 231.045, 231.1725, 231.36, 231.471, and 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs; periodic criminal history record checks; employment of substitute teachers, teachers of adult education, nondegree teachers of career education, and career specialists; professional service contracts; part-time teachers; and athletic trainers, respectively; revising provisions to include adjunct educators; amending s. 240.529, F.S.; providing a waiver of 9 semester hours of professional education course requirements for certain teacher preparation program participants; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Fields—

**HB 1195**—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Lawrence Douglas Bigney; authorizing and directing the Sheriff's Office of Palm Beach County to compensate him for personal injuries suffered due to the unlawful acts of an employee of the sheriff's office; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Berfield—

**HB 1197**—A bill to be entitled An act relating to legislative oversight of governmental programs; amending s. 11.40, F.S.; authorizing the Legislative Auditing Committee to direct the Auditor General and the Office of Program Policy Analysis and Government Accountability to conduct audits, reviews, and examinations of certain entities; authorizing the Legislative Auditing Committee to conduct investigations; authorizing the Legislative Auditing Committee to hold hearings; amending s. 11.42, F.S.; revising the requirements to become Auditor General; transferring report requirement; revising the employment restrictions for employees of the Auditor General; exempting the Auditor General from certain provisions; amending s. 11.45, F.S.; revising definitions; providing for duties of the Auditor General; transferring certain district school board authority; transferring the requirement that a charter school provide for an annual financial audit; transferring the requirement that certain district school boards have certain financial audits; providing for authority of the Auditor General; providing for scheduling and staffing of audits conducted by the Auditor General; requiring the Legislative Auditing Committee to direct an audit of a municipality by the Auditor General under certain circumstances; authorizing a local governmental entity to request an audit by the Auditor General; transferring the requirement that the Office of Program Policy Analysis and Government Accountability maintain a schedule of performance audits; deleting the requirement that the Office of Program Policy Analysis and Government Accountability identify and comment upon certain alternatives in conducting a performance audit; transferring a report distribution requirement; transferring the annual financial auditing provisions related to local governmental entities; transferring the auditor selection procedures for local governmental entities, district school boards, and charter schools; transferring the penalty provisions for failure to file an annual financial audit; providing for Auditor General reporting requirements; transferring the penalty provisions for failure by a local governmental entity to pay for the cost of an audit by the Auditor General; transferring the Legislative Auditing Committee's authority to conduct investigations; deleting the content required within an audit report issued by the Auditor General; deleting the requirement that an agency head must file a report; deleting a report issued by the Auditor General and the Office of Program Policy Analysis and Government Accountability; transferring the authority for district school boards and district boards of trustees of community colleges for performance audits and financial audits; amending s. 11.47, F.S.; requiring certain officers to provide the Office of Program Policy Analysis and Government Accountability with information; requiring the staff of the Office of Program Policy Analysis and Government Accountability to make proper examinations; providing criminal penalties for false reports; providing penalties for persons who fail to provide the Office of Program Policy Analysis and Government Accountability with records; amending s. 11.51, F.S.; deleting the provision that the Office of Program Policy Analysis and Government Accountability is a unit of the Auditor General; redefining the duties of the office; eliminating the provision requiring the Auditor General to provide administrative support for the office; requiring the office to maintain a schedule of examinations; providing authority to the office to examine certain programs; requiring the office to deliver preliminary findings; providing deadlines for responses to preliminary findings; providing protection for office workpapers; requiring the office to conduct followup reports; amending s. 11.511, F.S.; redefining the duties of the director of the Office of Program Policy Analysis and Government Accountability; revising employment restrictions for the office staff; providing for postponement

of examinations; amending s. 11.513, F.S.; correcting cross references; transferring the authority of the Legislative Auditing Committee; transferring and rewording the authority of the director of the Office of Program Policy Analysis and Government Accountability to postpone projects; amending ss. 14.29, 20.2551, 288.1226, 320.08058, and 943.2569, F.S.; providing for audits of programs; amending s. 20.055, F.S.; transferring the review of state agencies' internal audit reports conducted by the Auditor General; providing responsibilities to agencies' inspectors general; amending s. 20.23, F.S.; requiring the Department of Transportation to implement certain recommendations made by the Office of Program Policy Analysis and Government Accountability; amending ss. 24.105, 39.202, 119.07, 195.084, 213.053, 944.719, and 948.15, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; amending s. 24.120, F.S.; requiring the Department of the Lottery to provide access to the facilities of the department to the Office of Program Policy Analysis and Government Accountability; amending s. 27.3455, F.S.; deleting a reporting requirement; correcting cross references; amending ss. 30.51, 116.07, 122.03, 122.08, 145.022, 145.14, 154.331, 206.60, 212.08, 290.0056, 403.864, 657.008, and 946.31, F.S.; deleting obsolete provisions; amending ss. 110.109, 216.177, 216.178, 216.292, 334.0445, and 985.311, F.S.; designating the Office of Program Policy Analysis and Government Accountability as a recipient of information; amending s. 112.313, F.S.; expanding the definition of employees subject to postemployment restrictions to include the director of the Office of Program Policy Analysis and Government Accountability; amending s. 112.324, F.S.; expanding the list of persons subject to consequences regarding a breach of public trust to include the director and staff of the Office of Program Policy Analysis and Government Accountability; amending ss. 112.63, 175.261, 185.221, 189.4035, 189.412, 189.418, 189.419, 215.94, 230.23025, and 311.07, F.S.; correcting cross references; amending s. 125.01, F.S.; deleting a requirement that the Auditor General retain county audit reports for a specific period of time; amending ss. 154.11, 253.025, and 259.041, F.S.; revising provisions related to the Auditor General; amending s. 163.356, F.S.; deleting the Auditor General from the list of entities receiving a report from a community redevelopment agency; amending s. 189.428, F.S.; revising the criteria to be utilized by a local government conducting an oversight review of a special district; amending ss. 193.074 and 196.101, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; amending ss. 195.096, 228.056, 228.505, 455.32, and 471.038, F.S.; revising provisions related to certain audits; amending s. 215.44, F.S.; deleting the requirement that the Auditor General annually audit the State Board of Administration; revising provisions related to an examination by the Office of Program Policy Analysis and Government Accountability; creating s. 215.86, F.S.; providing for management systems and controls for state agencies; creating s. 215.98, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending ss. 229.8021, 237.40, 240.299, 240.2995, 240.331, 240.3315, 240.5285, 240.711, 250.115, 266.0018, 267.17, 288.1229, 288.809, 372.0215, 413.615, 413.87, 446.609, 944.802, 960.002, and 985.4145, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending s. 218.31, F.S.; providing additional definitions; amending s. 218.32, F.S.; providing that certain entities file an audit report with the Department of Banking and Finance; correcting a cross reference; providing for the Department of Banking and Finance to prescribe the format of local governmental entities that are required to provide for certain audits; transferring the penalty provisions relating to failure of a local governmental entity to file an annual financial report with the Department of Banking and Finance; amending s. 218.33, F.S.; revising provisions related to the establishment of uniform accounting practices and procedures; amending s. 218.38, F.S.; transferring penalty provisions for failure to verify or provide information to the Division of Bond Finance within the State Board of Administration; creating s. 218.39, F.S.; providing for audits of local governmental entities, district school boards, charter schools, and charter technical career centers; providing for the format of county audits; authorizing dependent special districts to be included within the audit of a county or municipality; prohibiting an independent special district from being included within the audit of a county or municipality; providing for a management letter within each audit

report; providing for discussion of the auditor's findings and recommendations; providing for a response to the auditor's findings and recommendations; requiring that a predecessor auditor of a district school board provide the Auditor General with access to the prior year's working papers; requiring certain audits to be conducted in accordance with rules adopted by the Auditor General; creating s. 218.391, F.S.; providing for auditor selection procedures; amending s. 218.415, F.S.; correcting a cross reference; transferring responsibilities of the Auditor General; transferring penalty provisions; amending s. 228.093, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access records; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; requiring the office to destroy personally identifiable data under certain circumstances; amending s. 230.23, F.S.; authorizing school boards to employ an internal auditor; authorizing school boards to hire independent certified public accountants; amending s. 240.214, F.S.; clarifying that accountability reports are to be designed in consultation with the Office of Program Policy Analysis and Government Accountability; amending s. 240.311, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; creating s. 240.3631, F.S.; authorizing district boards of trustees of community colleges to hire an independent certified public accountant to conduct audits; amending s. 240.512, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; requiring the office to maintain confidentiality; amending s. 240.551, F.S.; providing for audits of direct-support organizations; deleting a paragraph which provides for audits of direct-support organizations; amending ss. 240.609, 288.9517, 296.17, 296.41, 403.1826, 550.125, 601.15, and 744.708, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to examine programs; amending s. 290.015, F.S.; providing responsibilities to the Office of Program Policy Analysis and Government Accountability regarding the Florida Enterprise Zone Act of 1994; amending ss. 320.023, 320.08062, and 322.081, F.S.; deleting provisions related to audits of certain organizations; requiring annual attestations of certain organizations; transferring the Auditor General's authority to conduct audits; amending s. 339.406, F.S.; revising provisions related to audits of transportation corporations; providing the Department of Transportation and the Auditor General with the authority to conduct audits of transportation corporations; amending s. 365.171, F.S.; revising the provision related to auditing the 911 fees; correcting a cross reference; amending s. 373.45926, F.S.; replacing certain terms; amending s. 373.507, F.S.; deleting an obsolete provision; correcting a cross reference; providing for the distribution of audits of water management districts; amending ss. 402.73, 411.01, and 413.88, F.S.; deleting provisions related to an audit by the Auditor General; amending s. 403.8532, F.S.; replacing certain terms; amending s. 411.221, F.S.; adding reports issued by the Office of Program Policy Analysis and Government Accountability to the information considered in strategic plan revisions; amending s. 570.903, F.S.; transferring the authority for certain direct-support organizations to conduct business; providing for audits of direct-support organizations; amending s. 616.263, F.S.; providing the Auditor General with the authority to conduct audits; amending s. 943.25, F.S.; providing for the conduct of audits of the criminal justice trust fund; amending s. 944.512, F.S.; providing that certain costs are to be certified by a prosecuting attorney and an imprisoning entity and subject to review by the Auditor General; amending s. 957.07, F.S.; providing responsibilities for the Department of Corrections and the Auditor General; amending ss. 957.11 and 985.416, F.S.; transferring duties from the Auditor General to the Office of Program Policy Analysis and Government Accountability; repealing s. 11.149, F.S., relating to nonapplication of certain provisions to the Legislative Auditing Committee or the Auditor General; repealing s. 11.46, F.S., relating to accounting procedures; repealing s. 125.901(2)(e), F.S., relating to audits of independent special districts related to children's services; repealing ss. 215.56005(2)(l), 216.2815, 228.053(11), 228.082(6), 253.037(3), 288.906(2), 288.9616, 298.65, 348.69, 374.987(3), 380.510(8), 400.335, 403.1837(14), 440.49(14)(i), and 517.1204(14), F.S., relating to authority of the Auditor General to conduct audits; repealing

s. 218.415(23), F.S., relating to local government investments; repealing s. 265.607, F.S., relating to audits of local cultural sponsoring organizations; repealing s. 331.419(3), F.S.; deleting obsolete provisions; repealing s. 339.413, F.S., relating to audits of transportation corporations; repealing s. 373.589, F.S., relating to audits of water management districts; repealing s. 388.331, F.S., relating to audits of mosquito control districts and mosquito control programs; repealing ss. 570.912, 581.195, 589.013, and 590.612, F.S., relating to direct support organizations within the Department of Agriculture; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Holloway, Arza, Bullard, Peterman, and Harrington—

**HB 1199**—A bill to be entitled An act relating to education; authorizing individual district school boards by resolution to allow invocation or benediction at specified secondary school-related events; providing legislative intent; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Sobel and Romeo—

**HB 1201**—A bill to be entitled An act relating to managed care; creating the “Managed Care Organization Accountability Act of 2001”; providing legislative intent; providing definitions; providing for responsibility to patients; providing duty to exercise ordinary care when making health care treatment decisions; providing for liability; providing certain defenses in actions against a health insurance carrier, health maintenance organization, or managed care entity; providing severability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Meador—

**HB 1203**—A bill to be entitled An act relating to motor vehicles; amending s. 322.09, F.S.; providing that a foster parent or a group home representative who signs an application for a learner’s driver’s license for a minor who is in foster care is not, by reason of having signed the application, assuming any obligation or liability for any damages caused by the minor; creating s. 627.746, F.S.; prohibiting insurers that issue insurance policies for private passenger automobiles from charging an additional premium for a minor who operates his or her parent’s vehicle, during the time that the minor has a learner’s driver’s license; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Diaz-Balart—

**HB 1205**—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; providing for payment to the employee’s beneficiary under specified conditions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Carassas—

**HB 1207**—A bill to be entitled An act relating to nonprofit civic organizations; amending s. 561.422, F.S.; authorizing nonprofit civic organizations to purchase alcoholic beverage permits for three events per calendar year; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Brown—

**HB 1209**—A bill to be entitled An act relating to local taxing jurisdiction property address databases; amending s. 624.509, F.S.; providing immunity from liability by an insurer for certain taxes, interest, and penalties under certain circumstances; providing for a fine for failing to exercise due diligence; requiring the Department of Revenue to develop, maintain, and update an electronic database for certain property addresses for certain purposes; providing requirements; providing duties of the department; requiring participating local taxing jurisdictions to provide certain information to the department for such purposes; requiring the department to provide copies of such database upon request; providing criteria for an insurance company’s due diligence in developing a database; authorizing the department to adopt certain rules; providing for an annual appropriation to pay certain expenses of the department; providing an adjustable cap; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Siplin, Cusack, Smith, Wilson, Joyner, Bendross-Mindingall, Peterman, Fields, and Richardson—

**HB 1211**—A bill to be entitled An act relating to pharmaceutical expense assistance; amending s. 409.9065, F.S.; increasing the maximum income level for eligibility under the pharmaceutical expense assistance program; increasing the maximum monthly benefit amount per participant; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Siplin, Joyner, Weissman, Smith, Wilson, Cusack, Bendross-Mindingall, Peterman, Negron, and Bennett—

**HB 1213**—A bill to be entitled An act relating to a managed care patient’s bill of rights; providing a short title; providing requirements and limitations for group health plans and health insurance issuers that provide health insurance coverage relating to utilization review, internal and external appeals, grievances, consumer choice options, choice of health care professionals, emergency care, specialty care, obstetrical and gynecological care, pediatric care, continuity of care, prescription drugs, access to information, interference with medical communications, discrimination against providers, payment of claims, and protection of patient advocacy; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Andrews—

**HB 1215**—A bill to be entitled An act relating to a corporate income tax credit to promote new product development; providing a short title; creating s. 288.907, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and of Enterprise Florida, Inc.; providing requirements for product development agreements; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies; providing for determination of the amount of the credit by Enterprise Florida, Inc., and notification to the Department of Revenue; providing for carryover of the credit; amending s. 220.02, F.S.; providing order of credits against the tax; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kendrick—

**HB 1217**—A bill to be entitled An act relating to Medicaid fraud; amending s. 409.9205, F.S.; deleting a restriction on the inclusion of investigators employed by the Medicaid Fraud Control Unit in the Special Risk Class of the Florida Retirement System; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Brown—

**HB 1219**—A bill to be entitled An act relating to insurance agents; amending s. 624.318, F.S.; requiring maintenance of separate records relating to insurance products and transactions; amending s. 626.112, F.S.; describing activities which constitute the solicitation of insurance requiring licensure as an insurance agent; prohibiting certain referral payments or receipts of payments; amending s. 626.171, F.S.; revising agent application requirements; creating s. 626.202, F.S.; requiring fingerprinting of certain persons; amending s. 626.431, F.S.; extending a period of eligibility for reappointment; amending s. 626.5715, F.S.; applying requirements of the Florida Insurance Code equally to all insurance transactions; creating s. 626.9531, F.S.; requiring identification of insurers, agents, and insurance contracts; amending s. 626.541, F.S.; revising requirements for notification of name and information change; amending s. 626.601, F.S.; deleting a limitation on a confidentiality provision; amending 626.611, F.S.; prohibiting the sale of certain unregistered securities; amending ss. 626.741, 626.792, and 626.835, F.S.; limiting authority of certain nonresident licenses; amending ss. 626.927 and 626.8427, F.S.; revising certain time provisions relating to licensure; amending s. 626.872, F.S.; clarifying a temporary license loss adjustment provision; amending s. 626.856, F.S.; revising a definition; amending s. 626.873, F.S.; clarifying application of certain adjuster provisions; amending s. 626.521, F.S.; revising certain information reporting requirements; repealing s. 624.501(11) and (23), F.S., relating to appointment fees for vending machines and health care risk managers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Cantens—

**HB 1221**—A bill to be entitled An act relating to water resources; amending s. 373.083, F.S.; authorizing water management districts to solicit donations; amending s. 373.085, F.S.; authorizing water management districts to establish permit durations for works connecting to or using the works or land of the district; amending s. 373.093, F.S.; authorizing water management districts to lease certain personal property; creating s. 373.608, F.S.; authorizing water management districts to obtain and enforce patents, copyrights, and trademarks on work products of the district; providing for rules; creating s. 373.610, F.S.; authorizing water management districts to suspend contractors who have defaulted on contracts; providing procedure; providing for rules; creating s. 373.611, F.S.; authorizing water management districts to enter into contracts to limit or alter the measure of damages recoverable from a vendor; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Cantens—

**HB 1223**—A bill to be entitled An act relating to plans review and inspection of commercial buildings; amending ss. 471.015 and 481.213, F.S.; requiring the Board of Professional Engineers and the Board of Architecture and Interior Design to establish by rule qualifications for certifying professional engineers and licensed architects, respectively, as commercial building inspectors; requiring the boards to also establish minimum qualifications for authorized representatives of commercial building inspectors; amending ss. 471.045 and 481.222, F.S.; allowing professional engineers and licensed architects certified as commercial building inspectors to perform certain building code inspection services; providing for the conduct and applicability of complaint and disciplinary provisions; prohibiting plans review or building code inspection on certain projects; creating s. 553.791, F.S.; providing requirements for plans review and inspection of commercial buildings by commercial building inspectors; providing definitions; providing for inspection records and certificates of compliance; providing for resolution of disagreements; providing requirements for local enforcement agencies; providing for initiation of disciplinary proceedings; requiring certain minimum liability coverage; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Pickens, Kilmer, and Richardson—

**HB 1225**—A bill to be entitled An act relating to economic development; amending s. 212.096, F.S.; revising a definition and defining “jobs”; increasing the enterprise zone jobs credit against the sales tax and revising the method of computing the credit; providing an increased credit for a business located in a rural enterprise zone; increasing the period during which the credit may be allowed; amending s. 212.098, F.S.; providing that a business eligible for the qualified target industry business tax refund is eligible for the rural job tax credit program; amending s. 220.03, F.S.; revising a definition and defining “jobs”; amending s. 220.181, F.S.; increasing the enterprise zone jobs credit against the corporate income tax and revising the method of computing the credit; providing an increased credit for a business located in a rural enterprise zone; increasing the period during which the credit may be allowed; amending s. 288.018, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to contract with Enterprise Florida, Inc., to administer the Regional Rural Development Grants Program; creating s. 288.0185, F.S.; directing the member agencies of the Rural Economic Development Initiative (REDI) to review and develop modifications for grant and loan application evaluation criteria and scoring procedures to ensure access for rural counties and providing requirements with respect thereto; providing for review of future rules, programs, criteria, and processes; creating s. 288.019, F.S.; directing the REDI member agencies to develop proposals to waive or reduce financial match requirements for projects in rural communities; authorizing use of certain funds or donations as matches; creating s. 288.0195, F.S.; providing for review by REDI agencies of state agency proposed rules; amending s. 288.065, F.S.; providing that an economic development organization substantially underwritten by a unit of local government is eligible for loans under the Rural Community Development Revolving Loan Fund Program; amending s. 290.004, F.S.; defining “rural enterprise zone”; deleting obsolete definitions; amending ss. 290.0055, 290.0056, and 290.0058, F.S.; correcting obsolete references; deleting a time limitation on submission of applications for enterprise zone boundary changes; amending s. 290.0065, F.S.; including Enterprise Florida, Inc., in certain duties relating to designation of enterprise zones; including rural champion communities in areas that may be designated as state rural enterprise zones; providing for the development of certain guidelines by the Office of Tourism, Trade, and Economic Development in consultation with other agencies; revising requirements relating to amendment of boundaries of enterprise zones designated by the state; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise zone job credit against the sales tax and corporate income tax, if the business is located in a rural enterprise zone; modifying the employee residency requirements for maximum exemptions or credits with respect to the sales tax credits for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the corporate income tax enterprise zone property tax credit, if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities or communities within a designated rural area of critical economic concern as enterprise zones; providing requirements with respect thereto; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Spratt, Kilmer, Melvin, Kendrick, Bense, Stansel, Machek, Bean, Miller, Russell, Pickens, Attkisson, Richardson, Harrington, Brown, Gibson, and Bowen—

**HB 1227**—A bill to be entitled An act relating to the state group health insurance and prescription drug programs; creating s. 110.1228, F.S.; authorizing specified local governmental entities to apply for participation; providing eligibility requirements for enrollment; exempting the program from ss. 624.436-624.446, F.S., relating to

multiple-employer welfare arrangements; authorizing the Department of Management Services to adopt rules; providing a conditional effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Gibson—

**HB 1229**—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.202, F.S.; increasing the amount of the exemption for property of a widow, widower, blind person, or totally and permanently disabled person; providing certification requirements for a totally and permanently disabled person for purposes of said exemption; amending s. 196.031, F.S.; reducing the amount of the increased homestead exemption for disabled persons qualified for the exemption under s. 196.202, F.S., to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Kravitz, Gardiner, Davis, Gibson, Alexander, Arza, Clarke, and Kyle—

**HB 1231**—A bill to be entitled An act relating to property crimes; amending s. 812.014, F.S.; decreasing the value of stolen property which constitutes the offense of grand theft or petit theft; requiring that the Department of Law Enforcement conduct a campaign to increase the public's awareness of such change in the law; amending s. 812.015, F.S.; defining the term "merchant's employee" to include private security guards; redefining the term "retail theft" to include theft of property and altering or removing a universal product code; redefining the term "antishoplifting or inventory control device" to include film used for security purposes and cash register receipts; redefining the term "antishoplifting or inventory control device countermeasure" to include any item or device used to defeat an antishoplifting or inventory control device; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; increasing the penalty for unlawfully possessing antishoplifting or inventory control device countermeasures; providing that it is a second-degree felony to commit certain types of retail theft; creating s. 812.0155, F.S.; requiring that the court order a person's driver's license to be suspended following an adjudication of guilt for certain misdemeanor violations involving retail theft; providing for an increased period of suspension for a second or subsequent adjudication; authorizing the court to revoke, suspend, or withhold issuance of a minor's driver's license as an alternative to certain other sanctions; creating s. 812.017, F.S.; providing penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing penalties for dealing in stolen property by use of the Internet; creating s. 812.0351, F.S.; requiring that the court consider a person's complete criminal record in sentencing that person for a violation of ss. 812.012-812.037, F.S., relating to theft and dealing in stolen property, or for a violation of s. 812.081, F.S., relating to stealing, embezzling, or unlawfully copying a trade secret; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to a second conviction of uttering forged bills, to incorporate the amendment to s. 831.09, F.S., in references thereto; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; prohibiting the counterfeiting of payment instruments with intent to defraud; prohibiting the possession of a counterfeit payment instrument; providing penalties; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S., relating to worthless checks, drafts, or debit card orders; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; providing penalties for the offense of drawing a check, draft, or other order on a nonexistent account or closed account; providing penalties for a third or subsequent

violation; creating s. 832.11, F.S.; requiring that the court consider a person's complete criminal record in sentencing that person for a violation of ch. 832, F.S.; prohibiting the court from sentencing such a person to a pretrial intervention program under certain circumstances; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition and operation of such a task force; providing for severability; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bean—

**HB 1233**—A bill to be entitled An act relating to trust funds; creating the Comprehensive Child and Adolescent Mental Health Services Trust Fund within the Department of Children and Family Services; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Benson—

**HB 1235**—A bill to be entitled An act relating to health insurance; amending s. 627.4235, F.S.; providing for payments of benefits under multiple health insurance policies regardless of certain timeframes; amending s. 627.613, F.S.; defining the term "clean claim" for purposes of health insurance claims made by a provider under contract with a health insurer; requiring payment within specified periods; requiring the payment of interest on overdue payments; providing payment procedures; requiring the Department of Insurance to adopt rules prescribing forms; requiring the use of standard code sets; creating s. 627.6135, F.S.; defining the term "emergency medical condition"; prohibiting a health insurer from placing certain requirements or limits on the provision of emergency services; providing for determining whether an emergency medical condition exists; providing requirements for providing emergency care and treatment; amending s. 641.19, F.S.; defining the term "emergency medical condition" for purposes of part I of ch. 641, F.S., relating to health maintenance organizations; amending s. 641.315, F.S.; providing that a contract is unenforceable to the extent that it conflicts with part I of ch. 641, F.S.; amending s. 641.3155, F.S.; providing procedures for the payment of claims; requiring payment within specified periods; requiring the payment of interest on overdue payments; requiring the coordination of benefits; amending s. 641.3156, F.S.; specifying that certain authorizations for service are binding upon the health maintenance organization; amending s. 641.495, F.S.; providing requirements for issuing treatment authorizations; amending s. 408.7057, F.S.; redefining the term "managed care organization"; providing requirements for filing a claim dispute with a resolution organization; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Atwater—

**HB 1237**—A bill to be entitled An act relating to postsecondary education; creating s. 240.401, F.S.; creating the Florida Public Student Assistance Grant program for part-time students; providing for rulemaking by the State Board of Education; providing purpose; providing eligibility criteria; requiring participating institutions to report certain information to the Department of Education; requiring the department to allocate to public postsecondary institutions funds to be distributed under this program; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Diaz-Balart—

**HB 1239**—A bill to be entitled An act relating to motor vehicle dealer franchise agreements; amending s. 320.60, F.S.; revising definitions used in ss. 320.61-320.70, F.S.; amending s. 320.61, F.S.; amending procedures to be followed when a complaint of unfair cancellation of a

dealer agreement has been made by a motor vehicle dealer against a licensee; defining the term "final decision"; amending s. 320.63, F.S.; providing that the terms and conditions of a franchise agreement must comply with ss. 320.60-320.70, F.S., or they are unenforceable; prohibiting licensees from performing certain acts; amending s. 320.64, F.S.; providing penalties and remedies for violations; amending s. 320.641, F.S.; providing procedures relating to discontinuations, cancellations, nonrenewals, modifications, and replacements of franchise agreements; amending s. 320.642, F.S.; amending procedures for establishing an additional motor vehicle dealer who deals in a specific line-make in an area that is already served by another such dealer; amending s. 320.643, F.S.; amending provisions relating to the transfer, assignment, or sale of franchise agreements; amending s. 320.645, F.S.; amending provisions relating to restrictions upon a licensee's owning a dealership; providing for "dealer development arrangements"; providing powers of the Department of Highway Safety and Motor Vehicles; amending s. 320.695, F.S.; amending procedures for enjoining any person from acting as a licensee under ss. 320.60-320.70, F.S., without being properly licensed or from violating those statutes or rules adopted thereunder; amending s. 320.699, F.S.; amending procedures for administrative hearings and adjudications relating to a motor vehicle dealer's allegations of harm due to an applicant's or licensee's violation of ss. 320.60-320.70, F.S.; providing for severability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Hart—

**HB 1241**—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Agency for Workforce Innovation; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bennett—

**HB 1243**—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.505, F.S.; providing and deleting definitions; amending s. 489.507, F.S.; revising membership of the Electrical Contractors' Licensing Board; providing rulemaking authority to the board to implement the local certification licensure category; requiring the board to employ staff sufficient to ensure uniform and prompt regulation of electrical and alarm system contracting; requiring the board to review its operations to determine whether there are functions or services of the board that can be outsourced to increase productivity; providing for transition from registration to local certification; amending s. 489.509, F.S.; revising and providing fees; creating s. 489.512, F.S.; providing for local certification of registered electrical and alarm system contractors; providing requirements with respect to local certification; providing for expiration of such licensure category; repealing s. 489.513, F.S., to eliminate registration of electrical and alarm system contracting; revising various provisions of pt. II, ch. 489, F.S., relating to electrical and alarm system contracting, to conform; amending s. 489.514, F.S.; extending certification grandfathering provisions to local certificateholders; amending s. 489.516, F.S.; requiring persons desiring to engage in electrical or alarm system contracting in the state to be certified; deleting the requirement to pay the fee for a local occupational license; amending s. 489.517, F.S.; providing for quadrennial renewal of certificates; revising continuing education requirements, to conform; amending s. 489.5185, F.S.; providing for quadrennial renewal of identification cards of fire alarm system agents; revising continuing education requirements, to conform; amending s. 489.521, F.S.; deleting requirements of business organizations relating to local occupational licenses; repealing s. 489.5315, F.S., relating to exemption of proprietary electrical and alarm contractors from local occupational licensure requirements; amending s. 489.537, F.S.; deleting provisions that preserve the power of counties and municipalities to collect local occupational license and inspection fees, require a bond for each electrical contractor, and create local boards; deleting provisions

relating to registration; amending s. 489.5335, F.S.; providing for a statewide journeyman competency card; requiring a fee; amending ss. 489.503, 489.510, 489.511, 489.515, 489.518, 489.519, 489.520, 489.523, 489.531, and 489.533, F.S.; deleting or revising references and provisions relating to registration, to conform; amending s. 205.194, F.S.; deleting cross references, to conform; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Cusack and Rich—

**HB 1245**—A bill to be entitled An act relating to unemployment compensation for birth and adoption; creating s. 443.232, F.S.; prohibiting denial of unemployment compensation benefits for certain leaves of absence relating to adopting or giving birth to a baby; providing for reductions in the amount of compensation; requiring employers to post certain notices; specifying certain payments as not chargeable against employers; requiring the Secretary of the Department of Labor and Employment Security to report to the Governor and Legislature; providing application; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ryan—

**HB 1247**—A bill to be entitled An act relating to apportionment; creating s. 11.035, F.S.; providing standards for the Legislature to follow in legislative apportionment and congressional redistricting; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Littlefield—

**HB 1249**—A bill to be entitled An act providing adoption benefits for employees of the state or water management districts; amending s. 110.152, F.S.; specifying employees who are entitled to receive such benefits for adopting a special-needs child; prescribing the manner of establishing the amount of such benefits; amending s. 110.15201, F.S.; providing that rules for administering such adoption benefits may provide for an application process; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Siplin, Bullard, Haridopolos, Paul, Smith, Rich, Rubio, Wilson, Weissman, Gardiner, Richardson, Bendross-Mindingall, Machek, Joyner, Cusack, Peterman, Fields, Negron, Baker, Bennett, and Bowen—

**HB 1251**—A bill to be entitled An act relating to relative caregivers; amending s. 39.5085, F.S.; revising provisions of the Relative Caregiver Program to eliminate requirement for judicial placement of the child in the home of the relative; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Farkas—

**HB 1253**—A bill to be entitled An act relating to limited benefit policies or contracts; amending s. 627.6699, F.S.; revising a definition; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; providing an exception; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Diaz-Balart—

**HB 1255**—A bill to be entitled An act relating to the Florida Building Code; amending s. 489.509, F.S.; transferring certain electrical and alarm contracting fees from the Department of Education to the



Department of Community Affairs; amending ss. 553.505 and 553.507, F.S.; deleting application of a uniform traffic control enforcement provision relating to disabled parking; amending s. 553.73, F.S.; requiring the Florida Building Commission to conduct certain hearings; authorizing the Florida Building Commission to adopt rules governing the status of construction projects on the date the Florida Building Code takes effect; exempting certain buildings from the wind impact resistance standards of the Florida Building Code; amending s. 553.77, F.S.; providing for administrative hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the Florida Building Code to set standards and criteria for preliminary construction prior to completion of plan review; amending s. 553.842, F.S.; requiring the commission to adopt rules for certain purposes; providing requirements and procedures for local and statewide approval of products or methods or systems of construction; providing for validation of approvals; requiring the commission to conduct certain hearings; amending s. 553.895, F.S.; exempting certain spaces within telecommunications buildings from code application under certain circumstances; providing an effective date for the Florida Building Code; repealing s. 553.77(2), F.S., relating to certification fees for special inspectors of threshold buildings; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Farkas—

**HB 1257**—A bill to be entitled An act relating to in-school suspension; amending s. 228.041, F.S.; revising the definition of the term “in-school suspension” to include an additional alternative program; creating s. 230.23155, F.S.; providing funding for the establishment of School-based Alternative to Suspension Programs (SASPs); providing a process for applying to the Commissioner of Education for funds to establish and conduct a SASP; providing program requirements; requiring an annual report; providing for future repeal; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Mack—

**HB 1259**—A bill to be entitled An act relating to education; creating s. 228.507, F.S.; directing the Commissioner of Education to make recommendations to the Legislature for funding off-site learning grants; providing funding requirements; providing for a review panel; providing for the adoption of criteria for reviewing grant applications; requiring the Commissioner of Education to include funding for the grants in the department’s legislative budget request; providing requirements for grant recipients; requiring compliance with certain statutes; requiring the adoption of rules; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Murman—

**HB 1261**—A bill to be entitled An act relating to health care access; providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Dockery and Murman—

**HB 1263**—A bill to be entitled An act relating to phosphogypsum stack management; amending s. 378.035, F.S.; authorizing the transfer of funds between trust funds; authorizing the expenditure of closure funds for abandoned stack systems from reserve funds in the Nonmandatory Land Reclamation Trust Fund; establishing a deadline

for filing applications for funds; amending s. 403.4154, F.S.; defining the terms “phosphogypsum stack system” and “process wastewater”; authorizing the Department of Environmental Protection to abate imminent hazards from a phosphogypsum stack system through the use of funds from the Phosphogypsum Stack System Safety Assurance Trust Fund; providing for registration fees; providing a right of action and lien in favor of the state to seek reimbursement of expended abatement funds; providing for closure of abandoned systems; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Dockery—

**HB 1265**—A bill to be entitled An act creating the Phosphogypsum Stack System Safety Assurance Trust Fund; providing for its purpose and source of moneys; providing for review and termination or re-creation of the trust fund; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Bennett, Harrell, and Brown—

**HB 1267**—A bill to be entitled An act relating to the re-creation of the Florida Forever Program Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 20.3315(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1269**—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1271**—A bill to be entitled An act relating to trust funds; re-creating the Pretax Benefits Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1273**—A bill to be entitled An act relating to the re-creation of the Land Acquisition Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1275**—A bill to be entitled An act relating to trust funds; re-creating the Retiree Health Insurance Subsidy Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1277**—A bill to be entitled An act relating to the re-creation of the Lifetime Fish and Wildlife Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1279**—A bill to be entitled An act relating to trust funds; re-creating the Retiree Health Insurance Subsidy Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Mayfield, Kendrick, Holloway, Bennett, Lee, Harrell, and Brown—

**HB 1281**—A bill to be entitled An act relating to the re-creation of the Marine Resources Conservation Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1283**—A bill to be entitled An act relating to the re-creation of the Dedicated License Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Bennett, Lee, Harrell, and Brown—

**HB 1285**—A bill to be entitled An act relating to the re-creation of the Nongame Wildlife Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1287**—A bill to be entitled An act relating to the re-creation of the Florida Panther Research and Management Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Bennett, Lee, Harrell, and Brown—

**HB 1289**—A bill to be entitled An act relating to the re-creation of the Save the Manatee Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1291**—A bill to be entitled An act relating to the re-creation of the Florida Preservation 2000 Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Bennett, Lee, Harrell, and Brown—

**HB 1293**—A bill to be entitled An act relating to the re-creation of the State Game Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1295**—A bill to be entitled An act relating to the re-creation of the Lottery Administrative Trust Fund without modification; re-creating the Lottery Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1297**—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1299**—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1301**—A bill to be entitled An act relating to trust funds; re-creating the Florida Facilities Pool Working Capital Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1303**—A bill to be entitled An act relating to trust funds; re-creating the Florida Facilities Pool Working Capital Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1305**—A bill to be entitled An act relating to trust funds; re-creating the Public Facilities Financing Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1307**—A bill to be entitled An act relating to trust funds; re-creating the Wireless Emergency Telephone System Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1309**—A bill to be entitled An act relating to the re-creation of the Florida Preservation 2000 Trust Fund without modification;

terminating and re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1311**—A bill to be entitled An act relating to trust funds; re-creating the Wireless Emergency Telephone System Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Bennett, Harrell, and Brown—

**HB 1313**—A bill to be entitled An act relating to the re-creation of the Federal Law Enforcement Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 372.107(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1315**—A bill to be entitled An act relating to trust funds; re-creating the State Agency Law Enforcement Radio System Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1317**—A bill to be entitled An act relating to the re-creation of the Federal Law Enforcement Trust Fund without modification; terminating and re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Bennett, Lee, Harrell, and Brown—

**HB 1319**—A bill to be entitled An act relating to the re-creation of the Conservation and Recreation Lands Program Trust Fund without modification; re-creating the Conservation and Recreation Lands Program Trust Fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 372.127(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Kendrick, Mayfield, Holloway, Lee, Bennett, Harrell, and Brown—

**HB 1321**—A bill to be entitled An act relating to trust funds; re-creating the Public Facilities Financing Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 1323**—A bill to be entitled An act relating to rulemaking authority of the Department of State; amending s. 99.061, F.S.; authorizing the department to prescribe by rule the requirements for filing candidate qualifying papers; amending s. 101.161, F.S.; requiring the designating number for constitutional amendments to be in accordance with rules adopted by the department; amending s. 101.62, F.S.; authorizing the department to adopt rules for the preparation and mailing of absentee ballots to overseas electors; amending s. 106.07, F.S.; authorizing the department to prescribe by rule the requirements for the filing of campaign treasurer's reports; amending s. 106.22, F.S.; authorizing the department to adopt rules to the filing and investigation of voter fraud complaints; amending s. 106.23, F.S.; requiring requests for advisory opinions to be submitted in accordance with rules adopted by the department; amending s. 120.54, F.S.; authorizing the department to adopt rules for incorporating materials by reference; providing legislative intent; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives McGriff and Greenstein—

**HJR 1325**—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution, relating to finance and taxation, to allow the Legislature to exempt from ad valorem taxation the homestead of a person who becomes totally and permanently disabled in the line of duty as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer, or as a full-time professional firefighter.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives McGriff and Greenstein—

**HB 1327**—A bill to be entitled An act relating to ad valorem homestead tax exemption; creating s. 196.032, F.S.; providing an exemption from the tax for law enforcement officers, correctional officers, correctional probation officers, and full-time professional firefighters who are totally and permanently disabled in the line of duty; providing applicability; providing definitions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Gannon—

**HB 1329**—A bill to be entitled An act relating to the Simplified Sales and Use Tax Administration Act; creating said act; providing definitions; providing legislative findings; authorizing the state to enter into multistate discussions to review and/or amend the Streamlined Sales and Use Tax Agreement; providing for appointment of delegates; directing the Department of Revenue to enter into the agreement and act jointly with other states to establish certain standards; specifying relationship of the agreement to state law; providing requirements for the agreement; specifying that the agreement is an accord among individual cooperating sovereigns; specifying the effect of the agreement with respect to individual persons; providing liabilities of sellers, certified service providers, and providers of certified automated systems; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Holloway—

**HB 1331**—A bill to be entitled An act relating to school district capital outlay revenue; amending s. 199.292, F.S.; providing for transfer of a portion of nonrecurring intangible personal property tax revenues to the School District Capital Outlay Trust Fund; providing for distribution of a portion of such revenues to school districts that collected impact fee revenues in fiscal year 2000-2001 to supplant such impact fees; providing requirements for distribution of the remainder of such revenues to all school districts; amending ss. 212.055, 236.25, F.S.; providing that school boards may levy a local option sales surtax in lieu of levying all or a part of the nonvoted district school capital improvement millage; authorizing levy of such surtax by resolution and providing requirements with respect thereto; providing for uses of the surtax proceeds; amending s. 212.054, F.S.; providing for application of certain notice requirements for levy of the surtax; amending s. 125.01, F.S.; providing that a county in which the school board is receiving such intangible tax revenues or levying the local option sales surtax is prohibited from levying school impact fees; amending s. 235.056, F.S., relating to lease or rental of educational facilities and sites, s. 235.199, F.S., relating to funding of career educational facilities, and s. 235.435, F.S., relating to requests for funding from the Special Facility Construction Account, to conform; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Holloway—

**HB 1333**—A bill to be entitled An act relating to the School District Capital Outlay Trust Fund; amending s. 235.014, F.S.; providing for administration of the trust fund by the Department of Education; creating s. 235.45, F.S.; creating the trust fund within the department and specifying the moneys that comprise the fund; exempting the trust fund from service charges imposed by s. 215.20, F.S.; providing that balances remaining at the end of a fiscal year shall remain in the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Fields, Bendross-Mindingall, Wilson, Brutus, Meadows, Romeo, Peterman, Harper, and Holloway—

**HB 1335**—A bill to be entitled An act relating to firearms; amending s. 790.174, F.S.; requiring that, if a minor is likely to gain access to a firearm, the firearm must be stored in a locked box or container in a location that is secure and that the firearm be secured with a trigger lock; providing penalties for failure to store or leave the firearm in the required manner, under specified circumstances; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Fields, Bendross-Mindingall, Wilson, Brutus, Peterman, Harper, Siplin, and Holloway—

**HB 1337**—A bill to be entitled An act relating to investments by insurers and health maintenance organizations; amending s. 625.012, F.S.; including derivative instruments within a definition of assets; amending s. 625.305, F.S.; revising limitations on certain investments for purposes of diversification; amending s. 625.324, F.S.; authorizing insurers to invest in certain additional stocks; creating ss. 625.336 and 641.195, F.S.; providing for investments by insurers and health maintenance organizations in financial derivative instruments; providing requirements and limitations; amending s. 641.35, F.S.; including derivative instruments within a definition of assets; including certain notes and accounts receivable within certain assets for certain purposes; increasing allowable investments by health maintenance organizations in certain corporate stocks; clarifying and revising special consent investments; providing limitations; authorizing certain health maintenance organizations to elect regulation under alternative provisions of law for determining certain practices; providing election requirements; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Farkas and Alexander—

**HB 1339**—A bill to be entitled An act relating to the State University System; amending s. 240.2011, F.S.; creating a fiscally autonomous campus of the University of South Florida; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Benson—

**HB 1341**—A bill to be entitled An act relating to ad valorem taxation; amending s. 194.013, F.S.; providing for refund of the value adjustment board filing fee if a petitioner prevails at a board hearing or in a conference with the property appraiser; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Greenstein—

**HB 1343**—A bill to be entitled An act relating to children; creating an Office of Counsel for Children in the tenth regional district of the Department of Children and Family Services to represent the legal interests of children in out-of-home care pursuant to court order; providing an administrative counsel for the office; specifying qualifications; providing for appointment by the Governor; providing duties of the Office of Counsel for Children; providing that a child may not waive the right to counsel supplied by the office; providing that the office is substituted for the department in dependency cases when appointed by the court; requiring a report to the Legislature and the Governor; amending s. 39.013, F.S.; providing that time limitations under ch. 39, F.S., do not include continuances requested by any party; providing limitations on continuances; amending s. 39.402, F.S.; providing that time limitations governing placement of a child in a shelter do not include continuances requested by any party; providing limitations on continuances; amending s. 39.506, F.S.; eliminating the requirement for a court's continued review of a child's placement in a shelter; amending s. 39.601, F.S.; modifying case-plan requirements; requiring the department to adopt rules governing the content and format of case plans; amending s. 39.602, F.S.; eliminating certain criteria in case plans when parents do not participate and the child is in out-of-home care; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Wilson—

**HB 1345**—A bill to be entitled An act relating to medical education; expanding the Program in Medical Sciences (PIMS) to include Florida Agricultural and Mechanical University, which shall offer the first year of medical education for students in the program; specifying the minimum number of students to be accepted into the program; providing for students to transfer to certain other universities upon completion of the first year of study; providing for the program to recruit students to serve areas in the state that lack sufficient medical services; providing an appropriation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Johnson—

**HB 1347**—A bill to be entitled An act relating to school transportation; creating the "School Transportation Act of 2001"; providing a short title; amending s. 234.01, F.S.; requiring the provision of public transportation for students subjected to hazardous walking conditions whose grade level does not exceed grade 8, rather than grade 6; amending s. 236.083, F.S.; revising determinations of student membership for purposes of funds for student transportation to include students subjected to hazardous walking conditions whose grade level does not exceed grade 8, rather than grade 6; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Mealor—

**HB 1349**—A bill to be entitled An act relating to criminal offenses; creating s. 934.215, F.S.; providing that the use of a two-way communications device to facilitate or further the commission of a crime is a felony of the third degree; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; ranking the offense of unlawfully using a two-way communications device on the offense severity ranking chart; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Arza—

**HB 1351**—A bill to be entitled An act relating to construction materials mining activities; repealing s. 552.30, F.S., which provides the State Fire Marshal with sole and exclusive authority to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with construction materials mining activities; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kosmas—

**HB 1353**—A bill to be entitled An act relating to nursing homes; amending s. 400.021, F.S.; defining "isolated deficiency"; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.23, F.S.; specifying minimum staffing requirements for nursing homes; requiring documentation and daily posting of staff on duty; revising provisions relating to classification of deficient practices; revising penalties; providing penalties for isolated deficiencies; amending s. 397.405, F.S.; correcting a cross reference; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Gannon—

**HB 1355**—A bill to be entitled An act relating to public medical assistance; amending s. 409.904, F.S.; providing Medicaid eligibility for women diagnosed with breast or cervical cancer who meet certain criteria; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ausley—

**HB 1357**—A bill to be entitled An act relating to state employment; amending s. 110.205, F.S.; providing that prospective members of the Selected Exempt Service and the Senior Management Service be subject to background checks prior to employment in either service; providing for a report of both services by the Office of Program Policy Analysis and Government Accountability; providing for requests of the report; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Needelman—

**HB 1359**—A bill to be entitled An act relating to insurance; creating the Producer Licensing Model Act; providing purpose and scope; defining terms; providing for licensing; providing for applications for examination and license; providing for nonresident licensing; providing an exemption from examination; requiring notification to the Department of Insurance if an assumed name is used; providing for denial, nonrenewal, and revocation of license; providing for commissions and appointments; providing for reciprocity; providing for reporting of actions; authorizing the Department of Insurance to adopt rules; providing for severability; providing for repeal of inconsistent statutes; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Arza—

**HB 1361**—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; prohibiting a public school from using the

word “charter” in its name unless it is currently operating under a charter that has been granted pursuant to this section; providing additional purposes of charter schools; requiring a public school to have been in operation for at least 2 years prior to application to convert to charter school status; prohibiting a sponsor from charging a fee related to the consideration of a charter school application; prohibiting the consideration or approval of a charter school application from being contingent on the promise of future payment of any kind; clarifying provisions relating to appeals of denial of charter school applications; deleting provisions relating to failure to act in accordance with the recommendation of the State Board of Education regarding a charter school application; requiring the Department of Education to provide mediation for any dispute relating to an approved charter; deleting a cap on the number of newly created charter schools; authorizing the establishment of reasonable academic, artistic, or other standards as a condition for eligibility; requiring the capacity of a charter school to be annually determined by the charter school’s governing body based on certain factors; allowing required financial records to follow generally accepted accounting principles for not-for-profit organizations; providing for appeal of a sponsor’s decision to terminate a charter; providing for a charter school governing board to request a waiver of statutes directly from the commissioner, rather than through the sponsor; providing for notice of receipt and final disposition of such request; providing requirements relating to teachers teaching out-of-field; stipulating that a charter school may not “knowingly” employ an individual whose certification has been revoked by this or any other state; prohibiting a sponsor from withholding an administrative fee from certain funds; clarifying the term “information services” for purposes of charter school administrative fees; authorizing the establishment of a charter school-in-the-workplace by a consortium of business partners or employers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Fasano—

**HB 1363**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.3551, F.S.; authorizing thoroughbred permitholders when not conducting current race meets to receive and accept wagers on direct broadcast of out-of-state races under specified conditions; requiring payments to purse accounts; amending s. 550.6305, F.S.; providing requirements for thoroughbred permitholders with respect to rebroadcasting and receiving and accepting wagers on out-of-state races when not conducting a current race meet; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Arza—

**HB 1365**—A bill to be entitled An act relating to bail and judicial bonds; amending s. 625.071, F.S.; revising provisions relating to the special reserve for bail and judicial bonds; requiring insurers to file a supplementary schedule with the Department of Insurance; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Gottlieb—

**HB 1367**—A bill to be entitled An act relating to local government; amending s. 218.503, F.S.; revising provisions which authorize certain municipalities which have been declared in a state of financial emergency to impose a per-vehicle surcharge on revenues from the sale or rental of space at parking facilities; revising a requirement relating to such municipality’s population; revising the authorized uses of surcharge proceeds; removing the future repeal of such provisions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Bilirakis and Fiorentino—

**HB 1369**—A bill to be entitled An act relating to higher education; providing Legislative intent; redesignating St. Petersburg Junior

College as “St. Petersburg College and University Center”; requiring accreditation; providing a mission; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; providing an appropriation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Betancourt—

**HB 1371**—A bill to be entitled An act relating to optional Medicaid services; amending s. 409.906, F.S.; restricting Medicaid reimbursement for adult denture and children’s dental services rendered in a mobile dental unit; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Green—

**HB 1373**—A bill to be entitled An act relating to health insurance; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term “eligible individual” for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members; requiring that the plan of the association be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual audit; specifying grievance procedures; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members; requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; allowing certain assessments to be charged by the health insurer directly to each insured, member, or subscriber and to not be subject to department review or approval; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health Association from accepting applications for coverage after a certain date; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Fiorentino—

**HB 1375**—A bill to be entitled An act relating to the student financial assistance; creating s. 240.4061, F.S.; establishing the “Chappie” James Teach Florida scholarship loan program to provide scholarship loans and summer institutes for program participants; requiring the Department of Education to develop and coordinate summer institutes; authorizing the department to compensate school district staff who

serve as staff of summer institutes; providing student eligibility requirements; requiring for repayment of a scholarship loan under certain circumstances; authorizing the adoption of rules; amending s. 240.4063, F.S.; revising the name of the Florida Teacher Scholarship and Forgivable Loan Program; eliminating the “Chappie” James Most Promising Teacher Scholarship; amending s. 240.4065, F.S.; clarifying provisions relating to past recipients of the “Chappie” James Most Promising Teacher Scholarship; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Benson, Murman, and Jennings—

**HB 1377**—A bill to be entitled An act relating to civil rights; amending s. 760.11, F.S., pertaining to administrative and civil remedies for violations of ss. 760.01-760.10, F.S., the “Florida Civil Rights Act of 1992”; revising procedures for filing complaints; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Flanagan—

**HB 1379**—A bill to be entitled An act relating to the emergency telephone system; amending ss. 365.171, 365.172, 365.174, F.S.; transferring state control over the Florida Emergency Telephone Act and the Wireless Emergency Communications Act from the Department of Management Services to the Office of State Technology; conforming statutory references; amending s. 365.173, F.S.; authorizing the State Treasurer to invest moneys in the Wireless Emergency Telephone System Fund; removing requirements that funds be held in escrow; revising the date for submission of the legislative budget request; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Green—

**HB 1381**—A bill to be entitled An act relating to engaging in contracting as a business organization; amending s. 489.119, F.S.; deleting provisions relating to obtaining a certificate of authority to engage in contracting as a business organization through a qualifying agent; amending ss. 287.055 and 489.127, F.S., to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kallinger—

**HB 1383**—A bill to be entitled An act relating to attorney fees; creating the “Reasonable Attorney Fees for Taxpayers Act”; providing a definition; requiring state agencies retaining an attorney for legal services to do so by competitive bid; providing a separate procedure for contracts for legal services exceeding a certain amount; providing a limitation on the payment of per-hour fees by state agencies; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Joyner—

**HB 1385**—A bill to be entitled An act relating to public meetings and public records; creating s. 414.295, F.S.; providing an exemption from public meetings requirements for any meeting, or portion thereof, of the Department of Children and Family Services, Agency for Workforce Innovation, Workforce Florida, Inc., Department of Management Services, Department of Health, Department of Revenue, Department of Education, or a regional workforce board, or their contract service providers, at which certain identifying information regarding temporary assistance programs, which is restricted pursuant to requirements of federal law, is discussed; providing an exemption from public records requirements for certain identifying information in such entities’ records of such programs; authorizing release of confidential information for specified purposes; providing procedures for release of information under specified circumstances; providing a finding of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Joyner—

**HB 1387**—A bill to be entitled An act relating to postsecondary education; amending s. 240.418, F.S., relating to need-based financial aid; requiring the state to set aside money to fund need-based scholarships at certain state universities; providing formulae for determining the number of need-based scholarships to be funded at each school; prescribing qualifications of students who may receive need-based scholarships; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Dockery—

**HB 1389**—A bill to be entitled An act relating to rural land conservation easements; creating the “Rural and Family Lands Protection Act”; providing definitions; creating s. 570.70, F.S.; providing for the purchase of rural land conservation easements by the Department of Agriculture and Consumer Services; providing criteria; providing for an application, selection, and agreement process; directing the department to seek funds from federal sources; amending s. 201.15, F.S.; providing for the distribution of certain taxes to the department to be used for the program; creating s. 215.619, F.S.; providing for bonds; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Simmons—

**HB 1391**—A bill to be entitled An act relating to felony traffic cases; amending s. 26.012, F.S.; authorizing the chief judge of a circuit court to transfer all felony traffic and vessel cases to the county courts in the circuit; providing exceptions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Spratt and Alexander—

**HB 1393**—A bill to be entitled An act relating to the Hurricane Loss Mitigation Program; amending s. 215.559, F.S.; providing an annual appropriation from the Florida Hurricane Catastrophe Fund to the Department of Insurance for purposes of the program; requiring the department to contract with a state institution of higher learning to administer the program; removing the limitation on the amount of funds to be used for programs to improve the wind resistance of specified residences and structures; providing additional programs; specifying the amount of the appropriation to be used to inspect and improve tie-downs for manufactured/mobile homes; eliminating funding for retrofitting existing facilities used as public hurricane shelters; authorizing the administering entity to enter into a multiyear agreement; requiring the entity to monitor the performance criteria under the agreement and issue a report; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Crime Prevention, Corrections & Safety; Representatives Needelman and Bilirakis—

**HB 1395**—A bill to be entitled An act relating to the exclusionary rule; creating s. 90.959, F.S.; providing legislative findings regarding the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles; providing legislative findings regarding records maintained by the division; providing legislative findings regarding the mission of the division and the department; providing legislative findings regarding the application of the exclusionary rule; prohibiting the exclusion of evidence in certain circumstances; amending s. 322.20, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 322, F.S., shall not be considered law enforcement functions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Kyle and Greenstein—

**HB 1397**—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 320.0805, F.S.; creating the

Florida Mobile Home Relocation Trust Fund; providing for its purposes; creating the Florida Mobile Home Relocation Corporation; providing for the membership and authority of the corporation; providing for review and termination or re-creation of the trust fund; creating s. 320.08051, F.S.; providing for the levy of a surcharge on mobile home license taxes; amending s. 320.081, F.S.; providing for the collection and distribution of the license tax surcharge; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Lynn—

**HB 1399**—A bill to be entitled An act relating to funeral and cemetery services; amending s. 497.003, F.S.; revising references relating to burial records and need determinations; amending s. 497.005, F.S.; providing and revising definitions; amending ss. 497.101, 497.103, 497.105, 497.107, and 497.109, F.S.; replacing the Board of Funeral and Cemetery Services and the Board of Funeral Directors and Embalmers with the Board of Funeral Directors, Embalmers, and Cemetery Services at a future date; providing for membership and terms; providing rulemaking authority; providing for board headquarters; providing for appointment of committees to conduct board business as needed; amending s. 497.201, F.S.; increasing minimum acreage requirements to establish a cemetery company; eliminating need determinations for new cemeteries; clarifying authorized trust companies, banks, and savings and loan associations; revising experience requirements for the general manager of a cemetery company; amending s. 497.237, F.S.; authorizing care and maintenance trust funds to be established with a federal savings and loan association holding trust powers in this state; amending s. 497.245, F.S.; revising provisions establishing the percentage of payments for burial rights to be deposited in care and maintenance trust funds; amending s. 497.253, F.S.; revising minimum acreage requirements and references, to conform; revising requirements for sale or disposition of certain cemetery lands, to conform; amending s. 497.257, F.S.; requiring cemetery companies to disclose to purchasers the month and year of scheduled completion of units of mausoleums, columbaria, or belowground crypts under construction; creating s. 497.259, F.S.; requiring and providing for placement of permanent labels on containers used for final disposition or inurnment of human remains; amending s. 497.309, F.S.; providing grave location recordkeeping requirements; applying certain recordkeeping requirements to certificateholders; amending s. 497.333, F.S.; requiring each customer purchasing a burial right to be provided a copy of a map reflecting the location of the burial right; amending s. 497.337, F.S.; revising provisions relating to prohibition on the sale of personal property and services to provide delivery requirements for such property and services; repealing s. 497.353(12), F.S., relating to prohibiting the use in need determinations of spaces or lots from burial rights reacquired by a cemetery, to conform; amending s. 497.405, F.S.; requiring a certificate of authority to guarantee funeral merchandise or services in the future or offer a preneed contract; clarifying authorized trust companies, banks, and savings and loan associations; amending s. 497.413, F.S., relating to the Preneed Funeral Contract Consumer Protection Trust Fund; providing for separate accounting of funds received pursuant to s. 497.425, F.S., from bond sureties; authorizing the Board of Funeral and Cemetery Services to adopt rules for the distribution of such separated funds; revising the total amount of restitutions that may be made from the trust fund in any fiscal year to certain applicants; amending s. 497.417, F.S.; clarifying authorized trust companies, banks, and savings and loan associations; providing a restriction on the amount of trust assets of a preneed contract a certificateholder may re-vest title to; amending s. 497.425, F.S., relating to financial responsibility alternatives to the placing in trust of preneed contract funds; revising the amount required to be secured by a surety bond; authorizing the sale of preneed merchandise and services under other forms of security; revising requirements relating to the filing of claims with such sureties; providing for deposit in the Preneed Funeral Contract Consumer Protection Trust Fund of sums received by the board from sureties for payment to claimants; providing for payment to such claimants from the trust fund; amending s. 497.429, F.S.; clarifying authorized trust companies, banks, and savings and loan associations; revising

requirements for disbursement of trust funds discharging or refunding a preneed contract; amending s. 470.002, F.S.; revising the definition of the term “department”; amending s. 470.003, F.S.; providing for placement of the Board of Funeral Directors and Embalmers within the Department of Banking and Finance; providing application of ch. 455, F.S.; providing for trust fund references; providing for transfer of all records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of ch. 470, F.S., relating to funeral directing, embalming, and direct disposition, from the Department of Business and Professional Regulation to the Department of Banking and Finance; preserving the validity of judicial and administrative proceedings pending at the time of such transfer and the validity of licenses and registrations in effect at the time of such transfer; amending s. 215.321, F.S.; providing for deposit of funds received pursuant to ch. 470, F.S., into the Regulatory Trust Fund of the Department of Banking and Finance in a separate account; amending ss. 20.165, 455.2226, and 470.002, F.S., and repealing s. 470.003, F.S., to abolish the Board of Funeral Directors and Embalmers and eliminate references thereto at a future date, to conform; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Pickens and Clarke—

**HB 1401**—A bill to be entitled An act relating to driving under the influence; amending ss. 316.193 and 921.0022, F.S.; providing a minimum term of imprisonment for any person convicted of driving under the influence; providing a third degree felony penalty for a third conviction of driving under the influence within 10 years after the first of two or more convictions; providing a minimum fine and minimum mandatory term of imprisonment; revising the Criminal Punishment Code offense severity ranking chart to conform; providing a third degree felony penalty for a fourth or subsequent conviction of driving under the influence within 10 years after the first of three or more convictions; providing a minimum fine and minimum mandatory term of imprisonment; including the offense within the Criminal Punishment Code offense severity ranking chart; providing a third degree felony penalty for driving under the influence with a canceled, suspended, or revoked license; providing a minimum fine and minimum mandatory term of imprisonment; including the offense within the Criminal Punishment Code offense severity ranking chart; providing a third degree felony penalty for driving under the influence with a license restricted solely to business or employment purposes; providing a minimum fine and minimum mandatory term of imprisonment; including the offense within the Criminal Punishment Code offense severity ranking chart; requiring a specified portion of fines imposed pursuant to a conviction for driving under the influence with a blood-alcohol level or a breath-alcohol level of 0.20 or higher to be remitted to county correctional facilities; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Healthy Communities.

By Representative Mealor—

**HB 1403**—A bill to be entitled An act relating to continuing dental education; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic violence education courses; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Clarke, Harrell, Atwater, Kravitz, Rubio, Garcia, Benson, Attkisson, Kottkamp, Ross, Kallinger, McGriff, Melvin, Alexander, Fields, Sobel, Baker, Gibson, Bennett, and Berfield—

**HB 1405**—A bill to be entitled An act relating to student records; amending s. 228.093, F.S.; revising terminology; revising definitions; revising exceptions; expanding the right to a hearing; providing a penalty for third-party violation; clarifying and revising lawful release of records and directory information in certain circumstances;



expanding notification requirements; authorizing the release of personally identifiable student records to the Department of Highway Safety and Motor Vehicles for purposes of the compulsory attendance driver's license eligibility requirements, and to the Department of Children and Family Services for purposes of the Learnfare program compulsory attendance requirements; amending s. 232.23, F.S., relating to maintenance and transfer of student records, to conform; reenacting ss. 229.57(6), 240.237, 240.323, 240.40401(3), 242.3315, 381.0056(5)(p), and 411.223(2), F.S., relating to student assessment, university student records, community college student records, student financial assistance, student and employee personnel records, school health services, and uniform standards, to incorporate the amendment of s. 228.093, F.S.; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kallinger—

**HB 1407**—A bill to be entitled An act relating to road designations; designating a portion of Semoran Boulevard in the City of Orlando, Orange County, as “Toni Jennings Boulevard”; directing the Department of Transportation to erect suitable markers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Lerner—

**HB 1409**—A bill to be entitled An act relating to the food stamp program; amending s. 414.31, F.S.; providing a methodology for valuing vehicles as assets for purposes of food stamp eligibility; providing rulemaking authority; providing a deadline for implementation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Pickens—

**HB 1411**—A bill to be entitled An act relating to the district school tax; amending s. 236.25, F.S.; allowing certain school districts to levy, by referendum, additional district school taxes; providing limitations on the uses of the resulting revenues; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Garcia—

**HB 1413**—A bill to be entitled An act relating to the care of children; amending s. 39.5085, F.S., relating to the Relative Caregiver Program; revising eligibility guidelines; amending s. 230.2305, F.S., relating to the prekindergarten early intervention program; revising the list of eligible children to include otherwise eligible children for whom the state is paying a relative caregiver payment; amending s. 239.117, F.S., relating to workforce development postsecondary student fees; exempting from the payment of specified fees otherwise eligible students for whom the state is paying a relative caregiver payment; revising eligibility requirements for such students and for certain other students who are eligible to receive this exemption; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kallinger—

**HB 1415**—A bill to be entitled An act relating to Medicaid environmental modification services; creating s. 409.9072, F.S.; providing for Medicaid enrollment of licensed general, building, and residential contractors as providers of environmental modification services for Medicaid recipients under any home and community-based services waiver program; providing a definition; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Holloway—

**HB 1417**—A bill to be entitled An act relating to insurance transactions involving nonresidents; amending s. 624.402, F.S.;

providing an exception to certain certificate-of-authority requirements for certain insurers issuing policies to certain persons; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Tourism; Representatives Trovillion, Bullard, Allen, Justice, and Davis—

**HB 1419**—A bill to be entitled An act relating to historic preservation; repealing pt. I of ch. 266, F.S.; eliminating general provisions relating to historic preservation boards of trustees and the responsibilities of the Department of State with respect thereto; repealing ss. 266.0011, 266.0012, 266.0013, 266.0014, 266.0015, 266.00155, 266.0016, and 266.0017, F.S.; eliminating the Historic Pensacola Board of Trustees; amending s. 267.031, F.S.; providing powers and duties of the Division of Historical Resources; providing for the establishment of historic preservation regional offices; providing purpose; requiring the division to establish a citizen support organization for each regional office; requiring the division to establish and maintain a central inventory of historic properties; requiring the employment of a state archaeologist; providing qualifications and responsibilities for the state archaeologist; requiring the employment of a state historic preservation officer and other personnel; providing for designation and responsibilities of the state historic preservation officer; amending s. 267.061, F.S.; correcting a cross reference; requiring rules for historic property renovation to be based on certain national guidelines and standards; repealing provisions relating to division responsibilities, state archaeologist, and state historic preservation officer; amending s. 267.0612, F.S.; deleting provisions relating to the Historic Preservation Advisory Council; creating the Florida Historical Commission; providing powers and duties; providing composition of the commission; providing for initial membership and subsequent appointments; providing terms and organization; providing responsibilities of the commission; providing that specified members of the commission shall sit as Florida's National Register Review Board; amending s. 267.0617, F.S.; requiring review of special category historic preservation grants-in-aid by the Florida Historical Commission; defining such grants; providing for review of other grants by grant review panels; conforming cross references; amending s. 267.062, F.S.; correcting a cross reference; amending s. 267.072, F.S., relating to Museum of Florida History programs; renumbering provisions relating to historical museum grants as s. 267.0619, F.S.; revising provisions with respect to grant application review; renumbering provisions relating to the Great Floridians program as s. 267.073, F.S.; correcting a cross reference; creating s. 267.074, F.S.; requiring the Division of Historical Resources to coordinate and direct the Historical Marker Program; delineating program responsibilities; providing classification of markers; requiring the division to establish a central register of markers and to establish and maintain the Florida Register of Heritage Landmarks; requiring rules; requiring a comprehensive plan; providing for the establishment of fees; specifying funding sources for markers; creating s. 267.0743, F.S.; creating the State Historical Marker Council; providing for membership, meetings, organization, and responsibilities of the council; amending s. 267.081, F.S.; authorizing the division to exercise the right of trademark and service mark over specified terms; creating s. 267.115, F.S.; providing division authority and responsibilities pertaining to objects of historical or archaeological value; requiring maintenance of records; providing for loan, sale, exchange, or other disposition of objects under certain circumstances; providing for disposition of funds; providing for rules; providing a penalty; providing for contracts; allowing program for administering finds of artifacts in state-owned river bottoms; amending s. 267.13, F.S.; revising provisions with respect to restitution for the commission of practices prohibited under ch. 267, F.S.; defining value elements for purposes of determining restitution; amending s. 267.14, F.S.; providing public policy declarations; creating s. 267.173, F.S.; requiring the Department of State to contract with the University of West Florida for management of certain state-owned properties; providing contract goals; requiring use of proceeds derived from the management of such properties; authorizing transfer and ownership of certain artifacts, documents, and properties to the university; providing for transfer of records, property, personnel, and

funds of the Historic Pensacola Board of Trustees to the university; specifying certain powers and duties of the University of West Florida; providing that the university may contract with its direct-support organization to perform all acts necessary to assist the university in carrying out its historic preservation and historic education responsibilities; delineating certain powers; authorizing the Department of State to contract with the University of West Florida to serve as a regional office; providing an exception to the requirement for a separate direct-support organization for regional offices; amending and renumbering s. 266.0018, F.S.; requiring the authorization of a direct-support organization to assist the University of West Florida in historic preservation and historic preservation education purposes and responsibilities; conforming references; providing membership criteria and selection; delineating contract and other governance requirements; providing for preservation of judicial or administrative actions involving the Historic Pensacola Preservation Board of Trustees; amending ss. 607.1901 and 872.05, F.S.; correcting cross references; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Economic Development & International Trade; Representatives Prieguez, Wilson, Meadows, Betancourt, Atwater, Benson, Carassas, Mahon, Pickens, Kilmer, and Harper—

**HB 1421**—A bill to be entitled An act relating to public records; amending s. 288.1066, F.S.; extending the scheduled repeal of a public records exemption for specified business information received under the qualified defense contractor and qualified target industry tax refund programs; eliminating obsolete references to the Department of Commerce; making the listing of tax information covered by the public records exemption consistent with the program's terms and conditions; providing confidentiality for information concerning taxes paid by businesses while participating in the programs; providing confidentiality for information concerning jobs created and wages paid by such businesses; providing for future repeal and legislative review; providing a statement of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Gelber—

**HB 1423**—A bill to be entitled An act relating to youthful offenders; amending s. 958.03, F.S.; redefining the term "youthful offender" to include any inmate under a specified age; amending s. 958.11, F.S.; requiring that the Department of Corrections continuously screen its institutions, facilities, and programs for the presence of inmates who are under that specified age; requiring that the department classify and assign any such offender as a youthful offender; providing for inmates under specified age to be housed in youthful offender facilities; providing an exception under certain circumstances; amending s. 944.17, F.S., relating to commitments and classifications of prisoners; requiring inmates under specified age be classified as youthful offenders and assigned to facilities for youthful offenders; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Bowen and Spratt—

**HB 1425**—A bill to be entitled An act relating to law enforcement; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; revising membership; providing circumstances for additional meetings; providing grants to law enforcement agencies for certain investigations; providing statutory limits on funding of investigative efforts by the council; authorizing the Victim and Witness Protection Review Committee to conduct meetings by teleconference under certain circumstances; amending s. 943.17, F.S.; conforming a reference; amending s. 943.042, F.S.; renaming the Violent Crime Emergency Account as the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account; revising provisions relating to use of emergency supplemental funds; clarifying limits on disbursement of funds for certain purposes; requiring the Department of Law Enforcement to adopt rules pertaining to certain investigations;

requiring reports by recipient agencies; providing circumstances for limitation or termination of funding or return of funds by recipient agencies; amending s. 943.0585, F.S., relating to court-ordered expunction of certain criminal history records; adding sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.059, F.S., relating to court-ordered sealing of certain criminal history records; adding offenses relating to sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.325, F.S.; permitting collection of approved biological specimens other than blood for purposes of DNA testing; permitting collection of specimens from certain persons who have never been incarcerated; limiting liability; authorizing use of force to collect specimens under certain circumstances; amending s. 760.40, F.S., to conform to changes made by s. 943.325, F.S.; amending ss. 938.01 and 943.25, F.S., relating to the Court Cost Clearing Trust Fund and criminal justice trust funds; preserving certain funding functions scheduled for repeal on July 1, 2001; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; providing for adoption of rules; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ritter—

**HB 1427**—A bill to be entitled An act relating to greyhound adoptions; requiring dogracing permitholders to provide a greyhound adoption booth at each dogracing facility in the state; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as "Greyhound Adopt-A-Pet Day"; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Byrd—

**HB 1429**—A bill to be entitled An act relating to automatic external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automatic external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S., relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Byrd—

**HB 1431**—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bennett—

**HB 1433**—A bill to be entitled An act relating to growth management; amending s. 163.3177, F.S.; requiring each licensed publicly owned and

operated airport to prepare an airport master plan and providing requirements with respect thereto; providing for incorporation of the plan into the affected local government comprehensive plan and providing requirements with respect thereto; providing for technical assistance; providing that development that is consistent with an approved plan is not a development of regional impact; amending s. 380.06, F.S., relating to developments of regional impact; removing the rebuttable presumptions with respect to application of the statewide guidelines and standards; removing provisions which specify that certain changes in airport facilities, increases in the storage capacity for chemical or petroleum storage facilities, or development at a waterport constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; exempting proposed waterport development in certain counties from such requirements and providing application of such exemption to counties identified in s. 370.12(2)(f), F.S.; repealing s. 380.0651(3)(a) and (e), F.S., which provide the development-of-regional-impact statewide guidelines and standards for airports and port facilities; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports, marinas, and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Simmons—

**HB 1435**—A bill to be entitled An act relating to campaign financing; creating s. 106.081, F.S.; providing a limitation on contributions to organizations engaging in campaign-related advertising; exempting contributions to political parties from such limitation; requiring return of amounts received in excess of such limitation; providing a finding of compelling state interest in imposing such limitation; providing penalties; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ball—

**HB 1437**—A bill to be entitled An act relating to public records exemptions; amending s. 119.07, F.S.; exempting from disclosure technical information pertaining to trunking radio communication systems and mobile data communications systems used by governmental agencies; providing legislative findings of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Berfield—

**HB 1439**—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; requiring certain group certificates for health insurance coverage to be subject to the requirements for individual health insurance policies; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies;

amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; amending s. 627.6741, F.S.; requiring that insurers offer Medicare supplement policies to certain individuals; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Miller—

**HB 1441**—A bill to be entitled An act relating to easements; amending s. 704.08, F.S.; granting an easement for ingress and egress for purposes of visiting or maintenance of a cemetery to members of not-for-profit organizations whose purposes include the preservation of Florida's history; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Hart—

**HB 1443**—A bill to be entitled An act relating to shopping carts; amending s. 506.5131, F.S.; revising the types of assessments which may be made against the owner of a shopping cart found on public property; providing a limit on fees which may be assessed against such owner; removing a condition that such fee be approved by the Department of Agriculture and Consumer Services; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Wishner—

**HB 1445**—A bill to be entitled An act relating to property or liability insurance contracts; providing that certain pollution-exclusion provisions may exclude only certain incidents and hazards; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Needelman—

**HB 1447**—A bill to be entitled An act relating to youthful offenders; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing that the court may not sentence as youthful offenders certain offenders who have pled nolo contendere or guilty to, or been found guilty of, capital felonies, life felonies, first-degree felonies, or second-degree felonies involving the use or threatened use of force or violence; increasing the maximum period of commitment of a youthful offender to the custody of the Department of Corrections or maximum period of incarceration or placement under supervision on probation or community control; removing legislative declaration with respect to construction of a basic training program facility; reenacting s. 958.03(5), F.S., relating to the definition of the term "youthful offender," s. 958.046, F.S., relating to placement in county-operated boot camp programs for youthful offenders, and s. 958.11(4), F.S., relating to designation of institutions and programs for youthful offenders and assignment from youthful offender institutions and programs, to incorporate the amendment to s. 958.04, F.S., in references thereto; amending s. 951.231, F.S.; conforming an obsolete reference to provisions relating to mandatory participation in the youthful offender basic training program under certain circumstances; amending s. 958.045, F.S., relating to youthful offender basic training program; revising the sanctions for a youthful offender in the basic training program who becomes unmanageable; allowing the department to

revoke the offender's gain-time, to terminate the offender's participation in the program, and to return the offender to the general population of inmates in the correctional system; providing for alternative placement on probation or community control of an offender who has completed the basic training program; providing for the offender to remain on community control upon release from a community residential program; providing for revocation of community control and sentencing of the offender if the offender violates the conditions of community control; revising a presumption relating to a departmental request that a court place a youthful offender in the program; modifying release procedures; conforming terminology; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Agriculture & Consumer Affairs; Representatives Spratt, Stansel, and Kendrick—

**HB 1449**—A bill to be entitled An act relating to consumer protection; amending s. 496.411, F.S.; requiring charitable organizations or sponsors to display certain information on certain solicitation materials; amending s. 501.017, F.S.; requiring certain health studio contract refunds to be issued within a time certain; amending s. 501.019, F.S.; expanding application of felony penalties for knowingly making false representations for certain purposes; amending s. 539.001, F.S.; prohibiting pawnbrokers from knowingly accepting stolen property; correcting terminology; amending s. 559.801, F.S.; revising a definition; amending s. 559.803, F.S.; specifying additional information required in certain business opportunity contract disclosure statements; amending s. 559.807, F.S.; revising application of requirements for certain securities relating to selling business opportunities; amending s. 559.809, F.S.; specifying an additional prohibited act by business opportunity sellers; amending s. 559.902, F.S.; providing an additional exception for certain schools to application of certain motor vehicle repair shop provisions; amending s. 559.904, F.S.; revising certain requirements for motor vehicle repair shop registrations; amending s. 559.905, F.S.; providing additional estimated cost of repair requirements for written repair estimates; amending s. 559.9221, F.S.; revising Motor Vehicle Repair Advisory Council membership requirements; repealing s. 559.903(5), F.S., relating to a definition of minor repair service; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Negrón—

**HJR 1451**—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution relating to exemption from ad valorem taxation of certain tangible personal property.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Gelber—

**HB 1453**—A bill to be entitled An act relating to nursing homes; creating s. 400.0226, F.S.; providing a safe harbor provision for certain nursing homes; prohibiting claims for punitive damages against nursing home licensees, facilities, or facility owners under certain circumstances; providing requirements; authorizing trial judges to consider certain information; providing a rebuttable presumption; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kravitz—

**HB 1455**—A bill to be entitled An act relating to the Criminal Punishment Code; amending s. 921.0022, F.S.; providing for waiver of the sentencing scoresheet under certain circumstances; amending s. 921.0024, F.S., to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kravitz—

**HB 1457**—A bill to be entitled An act relating to powers and duties of the inspector general of the Department of Corrections; amending s.

944.31, F.S.; authorizing the Secretary of Corrections to designate certain persons as law enforcement officers under certain circumstances; requiring said persons to be certified pursuant to s. 943.1395, F.S.; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ausley—

**HB 1459**—A bill to be entitled An act relating to state employee travel and per diem; amending s. 112.061, F.S.; increasing the meal allowances for state employees for specified travel; restricting applicability to state agencies operating under an appropriated performance budget; providing for implementation subject to availability of funds and approval by the Executive Office of the Governor; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ausley—

**HB 1461**—A bill to be entitled An act relating to retirement; amending s. 121.091, F.S.; providing for indexing compensation, as used for calculating benefits for terminated vested members of the Florida Retirement System, by 3 percent a year; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Haridopolos—

**HB 1463**—A bill to be entitled An act relating to education; creating s. 231.6015, F.S.; authorizing a mathematics and science teacher-education program; requiring demonstration of certain uses of funds; providing a program purpose, required components, and resource allocation; requiring collaborative planning and implementation; authorizing incentives and certification; creating s. 240.149, F.S.; creating a nongovernmental organization to plan and implement a program for mathematics and science teacher education; requiring a board of directors, a chief executive officer, other staff, and an advisory council; providing for membership, terms of office, and an appointments process; providing responsibility and authority to conduct certain activities; requiring a budget request; amending s. 229.592, F.S.; requiring a report; amending s. 231.600, F.S.; requiring certain additions to professional development programs; amending s. 236.08106, F.S.; authorizing a salary bonus for teachers who complete certain training programs; amending s. 236.685, F.S.; requiring a report to include certain information; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Wiles and Ball—

**HB 1465**—A bill to be entitled An act relating to sentencing; amending s. 775.082, F.S.; redefining the term "prison releasee reoffender" to include a defendant who commits certain felonies within a specified period after being released from a correctional institution outside the state or while escaped from a correctional institution outside the state; providing requirements for sentencing a defendant if the state attorney proves by a preponderance of the evidence that the defendant is a prison releasee reoffender; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Jennings—

**HB 1467**—A bill to be entitled An act relating to education; providing legislative intent for certain technical programs within comprehensive programs of study in high schools; providing for programs to be certified or endorsed by an industry; providing for certain required courses and activities; authorizing certification or endorsement and funding; authorizing rules of the Department of Education; requiring certain schools to be selected as pilot projects; providing duties of the Department of Education and the schools; requiring certain programs and career-development activities to assist counselors; amending ss. 228.041, 229.601, 229.602, 239.121, F.S.; revising a personnel

classification title; amending s. 236.081, F.S.; providing for funding of certain programs; prohibiting certain courses and programs from being reported for funding or from being substituted for other courses or programs; providing for certain professional-development activities; amending s. 239.229, F.S.; providing certain responsibilities for school boards and superintendents; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Rich—

**HB 1469**—A bill to be entitled An act relating to group insurance for public officers, employees, and volunteers; amending s. 112.08, F.S.; prescribing procedure for a local governmental unit to replace health insurance when the contracting provider becomes financially impaired or fails or refuses to provide coverage; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Alexander—

**HB 1471**—A bill to be entitled An act relating to food service employee training; amending s. 509.049, F.S.; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to adopt rules for the administration of a food safety training certificate program for food service employees; requiring the division to review specified food safety training programs at the request of a public food service establishment operator; providing for division approval of food safety training programs; providing for training to be administered by a certified food service manager; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Alexander—

**HB 1473**—A bill to be entitled An act relating to economic development; creating s. 288.0115, F.S.; stating public policy; requiring reviews of departmental programs and policies; requiring reports; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Joyner—

**HB 1475**—A bill to be entitled An act relating to the Florida High School Activities Association; requiring the association to include certain minority students' past athletic accomplishments in its official records; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Benson—

**HB 1477**—A bill to be entitled An act relating to athlete agents; revising pt. IX, ch. 468, F.S., to adopt a uniform law for regulating athlete agents in place of current law regulating athlete agents; creating ss. 468.4611-468.4631, F.S.; providing a short title; providing definitions; providing for service of process and issuance of subpoenas; requiring registration of athlete agents and providing requirements therefor; providing for issuance and renewal of certificates of registration; providing for suspension, revocation, or refusal to renew registration; providing for temporary registration; providing fees; providing contract requirements; requiring certain notice to educational institution; providing student-athlete's right to cancel a contract; providing recordkeeping requirements; prohibiting certain conduct; providing criminal penalties, civil remedies, and administrative penalties; providing liability; providing for uniformity of application and construction; providing requirements with respect to electronic records, signatures, and contracts; repealing ss. 468.451-468.457, F.S., relating to regulation of athlete agents, to conform; providing applicability to current licensees; providing severability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bowen—

**HB 1479**—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting an applicant for a license as a customer

representative from examination requirements under certain conditions; exempting an applicant for a license as an adjuster from examination requirements under certain conditions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Wishner—

**HB 1481**—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; defining the terms "instant bingo" and "package"; providing rules for the operation of instant bingo games; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Harper—

**HB 1483**—A bill to be entitled An act for the relief of the estate of Frank Lee Smith; providing an appropriation to compensate that estate for Mr. Smith's having been the victim of a miscarriage of justice; providing for a waiver of any claims by the estate of Frank Lee Smith; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kravitz—

**HB 1485**—A bill to be entitled An act relating to sexual offenders; amending s. 947.1405, F.S.; prohibiting sexual offenders subject to conditional release supervision from living within a specified distance of certain places where children congregate; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Russell—

**HB 1487**—A bill to be entitled An act relating to growth management; amending s. 163.3167, F.S.; requiring that each local government provide in its growth management plan for the long-term availability of water supplies for approved land development; amending s. 163.3177, F.S.; directing local government comprehensive plans to coordinate with regional water supply plans; directing future land use plans to be based on data regarding the availability of sufficient water supplies for present and future growth; amending s. 163.3180, F.S.; adding concurrency requirements for water resource and water supply availability; amending s. 186.009, F.S.; requiring the growth management portion of the state comprehensive plan to provide for long-term availability of water supplies for approved land development; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Dockery—

**HB 1489**—A bill to be entitled An act relating to fees and penalties assessed by the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; specifying source of the county portion of vessel registration fees; increasing vessel registration fees; amending s. 328.76, F.S.; revising provisions relating to distribution and uses of funds in the Marine Resources Conservation Trust Fund; amending ss. 370.062 and 370.063, F.S.; correcting cross references; amending s. 372.105, F.S.; revising provisions relating to sources and uses of funds in the Lifetime Fish and Wildlife Trust Fund; amending s. 370.106, F.S.; specifying distribution of certain funds in the Dedicated License Trust Fund; amending s. 372.16, F.S.; increasing the license fee for private game preserves and farms; amending s. 372.561, F.S.; revising provisions relating to issuance of recreational licenses, permits, and authorizations to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting related thereto; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees; providing exemptions from license and permit requirements; amending s. 372.57, F.S.; revising and reorganizing provision specifying fees and requirements for recreational licenses, permits, and authorizations, including hunting licenses, saltwater and

freshwater fishing licenses, 5-year licenses, and lifetime licenses; providing restrictions on use of Florida turkey permits; increasing the fee for a nonresident Florida turkey permit; providing for pier licenses and recreational vessel licenses, and fees therefor; providing for snook permits and crawfish permits, and uses thereof; amending ss. 372.571, 372.5712, 372.5715, 372.5717, 372.573, and 372.65, F.S.; correcting cross references; amending s. 372.574, F.S.; conforming language relating to telephonic and electronic sale of licenses and permits; creating s. 372.579, F.S.; authorizing a processing fee for certain licenses and permits; requiring a report; providing rulemaking authority; amending s. 372.661, F.S.; increasing the license fee for a private hunting preserve; amending s. 372.711, F.S.; providing for dismissal of violations of license or permit possession requirements, under certain conditions; providing a fee; reenacting s. 372.83(1)(h), F.S.; reenacting a provision referencing penalties for violations of hunting, fishing, and trapping license requirements; amending s. 372.921, F.S.; including amphibians in provisions relating to exhibition of wildlife; increasing permit fees; amending s. 372.922, F.S.; providing an additional classification relating to the personal possession of wildlife; providing a permit fee; providing rulemaking authority; amending ss. 212.06 and 215.20, F.S.; correcting cross references; repealing s. 370.0605, F.S., relating to saltwater fishing licenses and fees; repealing s. 370.0615, F.S., relating to lifetime saltwater fishing licenses; repealing s. 370.1111, F.S., relating to snook fishing permits; repealing s. 370.14(10) and (11), F.S., relating to recreational crawfish taking permits and issuance of a crawfish stamp; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Attkisson and Machek—

**HB 1491**—A bill to be entitled An act relating to wastewater sludge; creating the “Florida Wastewater Residual Reduction Act”; providing for appropriate disposal and treatment of wastewater sludge; providing fee incentives for utilities using appropriate treatment; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Holloway—

**HB 1493**—A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; providing a definition; amending s. 163.345, F.S.; providing powers of a municipality within certain counties with respect to redevelopment of a special impact redevelopment area under the Community Redevelopment Act of 1969; creating s. 163.3555, F.S.; providing for creation of a special impact redevelopment board by such a municipality; providing for appointment of board members; providing for approval of a special impact redevelopment plan by the board and providing requirements with respect thereto; providing requirements for the special impact redevelopment area; providing for identification of projects to be undertaken; providing for establishment of a special impact redevelopment trust fund; providing for use of funds allocated to the trust fund; providing for funding of the trust fund through sales tax increment revenues; providing for notice to the Department of Revenue; providing for exchange of tax administration information between a board and the department; providing for calculation of sales tax increment revenues by the department and transfer of such revenues to the trust fund; amending s. 212.20, F.S.; providing for transfer of sales tax increment revenues to the appropriate special impact redevelopment trust fund; amending s. 213.053, F.S.; authorizing the department to provide certain information to a board; providing for rules; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Carassas—

**HB 1495**—A bill to be entitled An act relating to school safety; creating s. 229.8349, F.S., the “Safe Passage Act”; creating a school safety accountability program; providing legislative findings and intent; providing definitions; identifying best safety and security practices in schools; requiring audits of adoption and implementation of best safety

and security practices; requiring the school board to adopt and institute an action plan to implement audit recommendations; providing procedures for failure to adopt or implement; providing penalties; providing a school safety choice program; providing for enrollment and funding; requiring a toll-free school safety hotline; requiring rules; amending ss. 235.06 and 633.01, F.S.; transferring responsibility for the adoption and administration of rules prescribing standards for educational facilities from the Commissioner of Education to the State Fire Marshal; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Rich—

**HB 1497**—A bill to be entitled An act relating to cross-reporting of violence; amending ss. 39.201 and 828.073, F.S.; requiring animal control officers or other agents appointed under s. 828.03, F.S., to report known or suspected child abuse, abandonment, or neglect; reenacting s. 39.205, F.S.; providing a penalty; requiring a training component; creating s. 39.208, F.S.; requiring persons who are required to report or investigate child abuse, abandonment, or neglect under ch. 39, F.S., to report known or suspected animal abuse, neglect, cruelty, or abandonment; specifying information to be reported; providing a penalty; requiring a training component; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Sobel—

**HB 1499**—A bill to be entitled An act relating to wage discrimination; creating the “Fair Pay Act”; amending s. 760.02, F.S.; providing definitions; amending s. 760.06, F.S.; providing an additional duty of the Florida Commission on Human Relations; providing for the adoption of specified rules; amending s. 760.10, F.S.; clarifying provisions governing discrimination against individuals with respect to compensation, terms, conditions, or privileges of employment which constitutes an unlawful employment practice; providing administrative and civil remedies; creating s. 760.105, F.S.; specifying wage disclosure, recordkeeping, and reporting requirements; providing for relief and damages for violations; amending s. 760.11, F.S., relating to administrative and civil remedies under the Florida Civil Rights Act of 1992; including s. 760.105, F.S., within the scope of the act; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bowen—

**HB 1501**—A bill to be entitled An act relating to career criminals; defining the term “career criminal” for purposes of the act; requiring that an offender who is convicted as a habitual felony offender, a habitual violent felony offender, a violent career criminal, a three-time violent felony offender, or a prison releasee reoffender register with the sheriff of the county in which the offender resides; specifying the information to be provided to the sheriff; providing for the registration of a career criminal who is in the custody or control of, or under the supervision of, the Department of Corrections; providing for the registration of a career criminal who is in the custody of a local jail; requiring that a career criminal register within a specified period with the sheriff following the establishment of permanent or temporary residence in the state; requiring that the career criminal also register in person at a driver’s license office of the Department of Highway Safety and Motor Vehicles; requiring the sheriff to notify the state attorney and police chief of the county where the career criminal maintains a residence; requiring that the career criminal notify the sheriff before he or she establishes residence in another state; providing a penalty for providing false location information; requiring that the sheriff maintain information concerning career criminals; providing that information concerning career criminals is a public record; authorizing the sheriff to disseminate such information; providing a penalty for failure to register as required, maintain such registration, provide location information, or comply with certain requirements; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ausley—

**HB 1503**—A bill to be entitled An act relating to children; creating s. 39.909, F.S.; creating the Children’s Services Accountability

Commission; providing legislative intent; requiring the Department of Children and Family Services to provide administrative support; providing independence of the commission; providing purpose, duties, and membership of the commission; providing for meetings; providing for a director; authorizing the director and members to examine records relating to children in the child protection system; requiring the commission to examine its scope of responsibilities, prepare an annual summary of its work, and report to the Governor and the Legislature; amending ss. 39.0132, 39.202, F.S.; providing that confidential information under ch. 39, F.S., relating to dependent children, may be released to members and staff of the commission; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Frankel and Richardson—

**HB 1505**—A bill to be entitled An act relating to teacher recruitment and retention; providing a short title; creating s. 110.12305, F.S.; authorizing a district school board to apply, on behalf of its employees, for participation in the state group health insurance program and the state prescription drug program; providing terms and conditions; amending s. 121.051, F.S.; correcting a cross reference; amending s. 121.091, F.S.; authorizing a district school board to reemploy a member of its instructional staff after he or she has been retired for 1 calendar month; providing requirements for reemployment within 1 calendar month after retirement; amending s. 215.47, F.S.; providing for investment of Florida Retirement System assets; providing for reduction in school district contributions to the Florida Retirement System and use of such savings for teacher salaries; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.36, F.S.; requiring a district school board to accept prior years of teaching service in certain circumstances; amending s. 231.625, F.S.; requiring the Department of Education to perform specified activities to improve teacher recruitment and retention; creating s. 236.08108, F.S.; creating the Teacher Salary Incentive Program to provide funding for improved salaries for instructional personnel; providing eligibility for salary increases; amending s. 240.529, F.S., relating to teacher preparation programs; providing alternative-route-to-certification programs; amending s. 445.002, F.S.; providing definitions with respect to workforce innovation; amending s. 445.004, F.S.; authorizing expansion of occupations identified by the Workforce Estimating Conference to include public school teachers; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bennett—

**HB 1507**—A bill to be entitled An act relating to viatical settlement contracts; amending s. 626.9911, F.S.; revising a definition; amending s. 626.9924, F.S.; providing additional responsibilities of a viatical settlement provider; amending s. 626.99245, F.S.; clarifying application of licensing requirements to viatical settlement providers; creating s. 626.99297, F.S.; providing a grace period for certain unlicensed viatical settlement providers under certain circumstances; amending s. 627.601, F.S.; excluding from application certain contracts providing for accelerating death benefits under certain circumstances; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Diaz-Balart—

**HB 1509**—A bill to be entitled An act relating to student financial assistance; amending s. 231.621, F.S.; providing for loan repayments under the Critical Teacher Shortage Student Loan Forgiveness Program directly to the teacher under certain circumstances; amending s. 240.209, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for financial aid for certain Florida residents; providing for an annual report; amending s. 240.271, F.S.; requiring that a minimum percentage of funds provided in the General Appropriations Act for fellowship and fee waivers shall be used only to support graduate students or upper-

division students in certain disciplines; amending s. 240.35, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for financial aid for certain Florida residents; reenacting and amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; revising provisions relating to transmittal of payments for awards; reenacting and amending s. 240.40202, F.S., relating to the Florida Bright Futures Scholarship Program; providing a definition for purposes of eligibility; revising language with respect to reinstatement applications; reenacting and amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; reenacting and amending s. 240.40204, F.S.; updating obsolete language with respect to eligible postsecondary education institutions under the Florida Bright Futures Scholarship Program; reenacting and amending s. 240.40205, F.S.; revising language with respect to the Florida Academic Scholars award; revising provisions relating to the calculation of awards; including transition language currently in statute; reenacting and amending s. 240.40206, F.S.; changing the name of the Florida Merit Scholars award to the Florida Medallion Scholars award; revising eligibility requirements with respect to the award; revising provisions relating to the calculation of awards; reenacting and amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; revising provisions relating to the calculation of awards; providing restrictions on use of the award; providing for transfer of awards; including transition language currently in statute; creating s. 240.40211, F.S.; providing for Florida Bright Futures Scholarship Program targeted occupations; providing student awards; repealing s. 240.40208, F.S., relating to transition language for eligibility for the Florida Bright Futures Scholarship Program; repealing s. 240.40209, F.S., relating to the calculation of awards for Florida Bright Futures Scholarship recipients attending nonpublic institutions; repealing s. 240.40242, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; amending s. 240.404, F.S.; revising language with respect to general requirements for student eligibility for state financial aid; reenacting, renumbering, and amending ss. 240.2985 and 240.6054, F.S.; revising and combining provisions relating to ethics in business scholarships; amending s. 240.409, F.S.; revising language with respect to the Florida Public Student Assistance Grant Program; amending s. 240.4095, F.S.; revising language with respect to the Florida Private Student Assistance Grant Program; amending s. 240.4097, F.S.; revising language with respect to the Florida Postsecondary Student Assistance Grant Program; creating s. 240.40975, F.S.; providing for priority with respect to Florida student assistance grant programs; amending s. 240.4128, F.S.; revising language with respect to the minority teacher education scholars program; requiring participating institutions to report on eligible students to whom scholarships are disbursed each academic term; amending s. 240.437, F.S.; revising language with respect to student financial aid planning and development; amending s. 240.465, F.S.; deleting language which prohibits certain delinquent borrowers from being furnished with their academic transcripts; reenacting and amending s. 240.551, F.S.; revising language with respect to the Florida Prepaid College Program; revising language with respect to transfer and refund provisions; creating s. 240.6053, F.S.; providing for academic program contracts and for funding thereof; amending s. 295.01, F.S., relating to the education of children of deceased or disabled veterans; clarifying student eligibility requirements; amending s. 295.02, F.S.; including postsecondary education institutions eligible to participate in the Florida Bright Futures Scholarship Program among institutions in which an eligible student may receive an award under chapter 295, F.S.; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Waters—

**HB 1511**—A bill to be entitled An act relating to state universities; amending s. 240.209, F.S.; increasing certain student fees; amending s. 240.235, F.S.; requiring the approval of certain student fee

modifications, rather than just increases, by certain committees; changing language to conform with other provisions of the bill; creating s. 240.236, F.S.; providing for the establishment of student governments at each state university with the authority to establish certain procedures and to provide for the election or removal of student government officers; providing powers and duties; providing for suspension or removal from office under certain circumstances; amending s. 240.295, F.S.; requiring the approval of projects to be funded from Capital Improvement Trust Fund fees or building fees by committees partially appointed by the student government president; amending s. 240.531, F.S.; conforming language to other provisions of the act and Florida law; repealing s. 240.136, F.S., relating to the removal and suspension of student government officers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Simmons—

**HB 1513**—A bill to be entitled An act relating to the State Group Insurance Program; amending ss. 110.123 and 287.022, F.S.; prohibiting the Department of Management Services or the Division of State Group Insurance from prohibiting or limiting competition for certain insurance products or plans on an agent compensation arrangement basis; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives McGriff, Waters, and Wiles—

**HB 1515**—A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; revising definitions; amending s. 624.155, F.S.; revising time periods for notice for bringing certain actions; amending s. 624.307, F.S.; authorizing the Department of Insurance to adopt rules; amending s. 624.310, F.S.; proscribing conflict of interest activities of licensee-affiliated parties under certain circumstances; requiring licensee-affiliated parties to disclose certain personal interests; specifying certain restrictions for licensee-affiliated parties; providing voting rights limitations; providing standards for identifying certain hazardous insurers; providing department authority to determine an insurer's financial condition and issue certain orders to a hazardous insurer; authorizing the department to adopt rules; amending s. 624.315, F.S.; revising specified contents of certain reports; amending s. 624.408, F.S.; deleting obsolete provisions; amending ss. 624.423, 626.742, 626.8736, 626.907, and 634.161, F.S.; providing for alternative methods of service of process; amending s. 624.424, F.S.; exempting certain insurers from certain annual statement requirements; providing exceptions; renumbering s. 624.4435, F.S., as s. 624.4242, F.S.; amending s. 625.340, F.S.; requiring certain foreign insurers to comply with certain provisions; amending s. 626.8805, F.S.; exempting certain administrators from certificate of authority requirements; amending s. 627.4615, F.S.; increasing the minimum rate for certain interest calculations; amending s. 627.482, F.S.; specifying a rate of simple interest for certain cash surrenders of policies; amending s. 627.613, F.S.; increasing a specified rate of simple interest; amending s. 627.914, F.S.; clarifying application of time of payment requirements to self-insurance funds; deleting provisions relating to certain required information relating to workers' compensation insurance; amending s. 627.915, F.S.; revising certain private passenger automobile insurance information reporting requirements; amending s. 641.19, F.S.; defining "health care risk contract"; amending s. 641.26, F.S.; revising health maintenance organization annual reporting requirements; creating s. 641.263, F.S.; providing for risk-based capital for health maintenance organizations; providing for risk-based capital reports; providing requirements for health maintenance organizations upon the occurrence of certain events; providing notice requirements; requiring a risk-based capital plan for such events; providing duties and responsibilities of the department; providing for department hearings of challenges by health maintenance organizations; providing notice requirements; authorizing the department to adopt rules; authorizing the department to exempt certain health maintenance organizations; providing for effect of certain notices; providing for alternative requirements for certain time periods; creating s. 641.265, F.S.; requiring health maintenance organizations to

file certain comprehensive business plans; providing requirements; amending s. 641.35, F.S.; including under liabilities the amounts of certain claims in determinations of financial health of health maintenance organizations; amending ss. 641.2018, 641.495, 817.234, and 817.50, F.S.; correcting cross references; repealing s. 641.2342, F.S., relating to contract providers; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative McGriff—

**HB 1517**—A bill to be entitled An act relating to public records and meetings; creating s. 641.264, F.S.; providing exemptions from public records requirements and public meetings requirements for health maintenance organizations for certain risk-based capital reports, orders, instructions, and plans and related documents, materials, and information; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Berfield—

**HB 1519**—A bill to be entitled An act relating to disability services; creating s. 402.74, F.S.; creating the Clearinghouse on Disability Information Office in the Department of Management Services; requiring the office to establish a statewide toll-free disability information and referral system; creating an advisory council; providing qualifications for staff of the office; providing for the sharing of information by state agencies; providing for an annual report; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Simmons—

**HB 1521**—A bill to be entitled An act relating to the "Florida Teacher's Equity in Compensation Act of 2001"; providing legislative intent; requiring the Legislature to appropriate funds to increase the salaries of instructional personnel to a certain level; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Slosberg—

**HB 1523**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information submitted by members of the tobacco industry for purposes of calculating the annual tobacco-settlement payments; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Slosberg—

**HB 1525**—A bill to be entitled An act relating to campaign financing; creating ss. 106.401-106.425, F.S., to establish the "Florida Clean Elections Act"; providing a short title; providing findings and declarations; defining terms; providing eligibility requirements for clean money campaign funding for candidates for statewide or legislative office; providing transitional requirements for the current election cycle; providing a continuing obligation to comply; providing limitations on contributions and expenditures; providing limitations on the use of personal funds; providing for seed money contributions; providing for participation in debates; providing for certification of eligibility; specifying benefits for participating candidates; providing for the amounts and payment schedule of clean money funding; providing limitations on the expenditure of clean money funds; providing for disclosure of excess spending by nonparticipating candidates; providing for disclosure of and additional clean money to respond to independent expenditures; providing for disclosure of and additional clean money to respond to issue advertisements; directing the Secretary of State to create a nonpartisan Voter Information Commission and providing its



duties; requiring publicly funded television and radio stations to provide free coverage of debates for specified elections; providing limitations on mailing privileges of certain public officials; providing revenue sources for the Clean Money Trust Fund; providing for the administration and dispersal of clean money funds; providing limits on political party contributions and expenditures; amending s. 106.011, F.S.; redefining the term "political advertisement"; amending s. 106.021, F.S.; eliminating authorization for unrestricted expenditures by political committees and political parties to jointly endorse three or more candidates; amending s. 106.08, F.S.; providing limits on contributions to political parties; revising limits on contributions to candidates by political parties; providing penalties; amending s. 106.087, F.S.; eliminating a restriction on independent expenditures by certain political committees and committees of continuous existence; conforming a cross reference; reenacting s. 106.19(1) and (3), F.S., relating to penalties, to incorporate the amendments to ss. 106.08 and 106.265, F.S., in references thereto; amending s. 106.29, F.S.; revising reporting requirements of political parties; conforming cross references; repealing ss. 106.30-106.36, F.S., the "Florida Election Campaign Financing Act," to conform; amending ss. 102.112, 106.07, 106.141, 106.22, 106.265, 199.052, 320.02, 322.08, 328.72, and 607.1622, F.S.; revising references and providing for deposit of various fines, surplus funds, and voluntary contributions in the Clean Money Trust Fund, to conform; providing for a surcharge on civil penalties to be deposited into the trust fund and for deposit of the surcharge funds into the trust fund; reenacting ss. 106.143(8) and 106.144(2), F.S., relating to the circulation of political advertisements and endorsements or opposition by certain groups and organizations, to incorporate the amendment to s. 106.265, F.S., in references thereto; providing severability; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Slosberg—

**HB 1527**—A bill to be entitled An act relating to trust funds; creating s. 106.426, F.S.; creating the Clean Money Trust Fund, to be administered by the Department of State; providing for source of funds and purposes; providing for review and termination or re-creation of the trust fund; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Simmons—

**HB 1529**—A bill to be entitled An act relating to drug trafficking; authorizing the creation of a pilot program in Orange County to intercept illegal drug shipments through package delivery services; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Frankel—

**HB 1531**—A bill to be entitled An act relating to reporting requirements under the Florida Election Code; amending s. 106.011, F.S.; modifying the definitions of "political committee" and "communications media"; amending s. 106.021, F.S.; requiring a political committee or political party to report expenditures made for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three or more candidates; amending s. 106.03, F.S.; requiring additional information for registration of political committees; amending s. 106.04, F.S.; requiring additional information for certification of committees of continuous existence; revising reporting periods and requirements; requiring electronic filing under certain circumstances; requiring membership dues of committees of continuous existence to be reported in the same manner as regular contributions; removing requirement to provide a membership list for inspection purposes; removing requirement for filing duplicate copies of reports; providing penalties; amending s. 106.07, F.S., relating to campaign treasurer's reports; revising reporting periods and requirements; removing requirement for duplicate reports; providing penalties; creating s. 106.0705, F.S.; requiring campaign treasurer's reports that are to be filed with the Division of Elections to be filed

electronically when aggregate contributions or expenditures exceed a specified amount; providing filing requirements; providing penalties; providing rulemaking authority; amending s. 106.071, F.S.; revising provisions relating to the reporting of certain independent expenditures; providing penalties; creating s. 106.073, F.S.; requiring certain persons and organizations that sponsor campaign-related advertisements to register under certain circumstances; providing definitions; requiring certain reports; providing requirements for such advertisements, including a disclaimer; providing penalties; providing rulemaking authority; creating s. 106.077, F.S.; requiring persons having contracts with the state above a certain amount to report certain campaign contributions; providing penalties; amending s. 106.12, F.S.; revising the petty cash fund limit to conform to the revised reporting periods; amending s. 106.29, F.S., relating to reports by political parties; requiring electronic filing under certain circumstances; removing requirement for duplicate reports; providing penalties; amending ss. 105.08, 106.025, 106.08, and 106.18, F.S., relating to reporting requirements applicable to candidates for retention to judicial office, campaign fund raisers held on behalf of a political party by its state or county executive committee, nonallocable, in-kind contributions by candidates and political parties, and the granting of certificates of election, to conform; providing severability; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Lynn, Melvin, Waters, Wallace, Dockery, Lacasa, Murman, Maygarden, Johnson, Andrews, and Kilmer—

**HB 1533**—A bill to be entitled An act relating to education governance reorganization; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Education K-20 Policy and Research Commission, respectively; creating the Education K-20 Policy and Research Commission within OPPAGA; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Education K-20 Policy and Research Commission; establishing the membership and duties of the commission; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and oversee the chancellors and the executive director and to serve as secretary of the Florida Board of Education and as chief executive officer of the seamless K-20 education system; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the

Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission and goals and systemwide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees and a Florida Board of Education; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; requiring the Florida Board of Education to appoint advisory bodies as necessary, and develop and recommend to the Legislature a new School Code; creating s. 229.0073, F.S.; directing the Commissioner of Education to work with the Florida Board of Education to reorganize the Department of Education as provided by the act; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing duties of the commission; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; providing legislative intent regarding the School Readiness Act; clarifying responsibilities of the Florida Partnership for School Readiness, the Department of Education, and parents relating to school readiness; creating s. 229.0084, F.S.; providing a statement of legislative finding and intent regarding liability for student achievement; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; repealing s. 229.085, F.S., relating to custody of educational funds; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Lynn, Melvin, Waters, Wallace, Dockery, Lacasa, Murman, Maygarden, Johnson, Andrews, and Kilmer—

**HB 1535**—A bill to be entitled An act relating to public records; creating s. 229.0055, F.S.; providing an exemption from public records requirements for identifying information regarding applicants for the position of Commissioner of Education, president of a state university, or president of a public community college; providing a criminal penalty

for the release of such information; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on State Administration; Representative Brummer—

**HB 1537**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for records created or acquired by an agency or its employees for the purpose of contracting for a service, and for records created or acquired by another agency for the purpose of delivering such service, for a specified period of time; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Economic Development & International Trade; Representatives Prieguez, Wilson, Meadows, Kilmer, Betancourt, Mahon, Pickens, Carassas, Atwater, Harper, and Benson—

**HB 1539**—A bill to be entitled An act relating to economic development; amending s. 212.13, F.S.; requiring freight forwarders to provide warehouse receipts or copies of airway bills or bills of lading for certain purposes; providing receipt requirements; requiring freight forwarders to maintain certain records for a time certain; providing for effect of such documentation; providing a misdemeanor penalty for failing to provide such documentation or maintain certain records; amending s. 288.012, F.S.; revising reporting requirements for State of Florida foreign offices under contract with Enterprise Florida, Inc.; amending s. 288.095, F.S.; revising a limit on refunds that may be made in a fiscal year; amending s. 288.90151, F.S.; revising provisions relating to a report on customer satisfaction surveys; revising provisions relating to the development of a methodology for establishing and reporting on returns on investments; amending s. 288.905, F.S.; revising the due date for the submission of a strategic plan for economic development; amending s. 288.906, F.S.; requiring entities with authority to audit Enterprise Florida, Inc., to coordinate audits with the Auditor General; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Economic Development & International Trade; Representatives Prieguez, Wilson, Meadows, Kilmer, Betancourt, Atwater, Benson, Carassas, Mahon, Pickens, and Harper—

**HB 1541**—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term "economic development agency" to include, for purposes of confidentiality of records, any public economic development agency of a county or a municipality; extending the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Wiles, Kravitz, and Davis—

**HR 9001**—A resolution recognizing March 22, 2001, as "St. Johns County Day" in Tallahassee.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Byrd, Kendrick, Fasano, Bowen, Mack, Gardiner, Ball, Stansel, and Negron—

**HR 9003**—A resolution in support of President Bush's tax relief proposal.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

#### Reference

**HB 709**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 711**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 713**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 715**—Referred to the Committees on Health Promotion; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 717**—Referred to the Committees on Agriculture & Consumer Affairs; Fiscal Policy & Resources; and Council for Competitive Commerce.

**HB 719**—Referred to the Committees on Agriculture & Consumer Affairs; Judicial Oversight; Crime Prevention, Corrections & Safety; and Council for Competitive Commerce.

**HB 721**—Referred to the Committees on Agriculture & Consumer Affairs; State Administration; and Council for Competitive Commerce.

**HB 723**—Referred to the Committees on State Administration; General Education; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 725**—Referred to the Committees on General Education; Health Regulation; and Council for Lifelong Learning.

**HB 727**—Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 729**—Referred to the Committees on Natural Resources & Environmental Protection; General Government Appropriations; and Council for Ready Infrastructure.

**HB 731**—Referred to the Committee on State Administration; and Council for Smarter Government.

**HB 733**—Referred to the Committees on Tourism; Transportation & Economic Development Appropriations; and Council for Competitive Commerce.

**HB 735**—Referred to the Committees on Judicial Oversight; Crime Prevention, Corrections & Safety; and Council for Smarter Government.

**HB 737**—Referred to the Committees on Crime Prevention, Corrections & Safety; Judicial Oversight; and Council for Healthy Communities.

**HB 739**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 741**—Referred to the Committees on Rules, Ethics & Elections; State Administration; and Procedural & Redistricting Council.

**HB 743**—Referred to the Committees on Health Promotion; Fiscal Policy & Resources; and Council for Healthy Communities.

**HB 745**—Referred to the Committees on Rules, Ethics & Elections; State Administration; and Procedural & Redistricting Council.

**HB 747**—Referred to the Committees on Insurance; Banking; and Council for Competitive Commerce.

**HB 749**—Referred to the Committee on Rules, Ethics & Elections; and Procedural & Redistricting Council.

**HB 751**—Referred to the Committees on State Administration; Health Promotion; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 753**—Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

**HB 755**—Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Healthy Communities.

**HB 757**—Referred to the Committees on Judicial Oversight; Transportation; and Council for Smarter Government.

**HB 759**—Referred to the Committees on Judicial Oversight; Juvenile Justice; and Council for Healthy Communities.

**HB 761**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 763**—Referred to the Committees on Local Government & Veterans Affairs; and Utilities & Telecommunications.

**HB 765**—Referred to the Committees on Judicial Oversight; Business Regulation; and Council for Smarter Government.

**HB 767**—Referred to the Committees on Judicial Oversight; Insurance; and Council for Smarter Government.

**HJR 769**—Referred to the Committees on Rules, Ethics & Elections; Judicial Oversight; and Procedural & Redistricting Council.

**HB 771**—Referred to the Committee on Health Regulation; and Council for Healthy Communities.

**HB 773**—Referred to the Committees on Insurance; Fiscal Policy & Resources; and Council for Competitive Commerce.

**HB 775**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 777**—Referred to the Committees on Local Government & Veterans Affairs; and Transportation.

**HB 779**—Referred to the Committees on Local Government & Veterans Affairs; Insurance; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 781**—Referred to the Committees on Education Innovation; Education Appropriations; and Council for Lifelong Learning.

**HB 785**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 787**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 789**—Referred to the Committees on Information Technology; Fiscal Policy & Resources; and Council for Ready Infrastructure.

**HB 791**—Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

**HB 793**—Referred to the Committees on Elder & Long-Term Care; Judicial Oversight; and Council for Healthy Communities.

**HB 795**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 797**—Referred to the Committees on Insurance; Health Regulation; and Council for Competitive Commerce.

**HB 799**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 801**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 803**—Referred to the Committees on Health Promotion; Insurance; and Council for Healthy Communities.

**HB 805**—Referred to the Committee on Business Regulation; and Council for Smarter Government.

**HB 807**—Referred to the Committees on Transportation; Insurance; and Council for Ready Infrastructure.

**HB 809**—Referred to the Committees on Insurance; Health Promotion; and Council for Competitive Commerce.

**HB 811**—Referred to the Committees on Crime Prevention, Corrections & Safety; Juvenile Justice; and Council for Healthy Communities.

**HB 813**—Referred to the Committee on Health Regulation; and Council for Healthy Communities.

**HB 815**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 817**—Referred to the Committees on Insurance; Business Regulation; and Council for Competitive Commerce.

**HB 819**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 821**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 823**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HJR 825**—Referred to the Committees on Judicial Oversight; Rules, Ethics & Elections; and Council for Smarter Government.

**HB 829**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 831**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 833**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 835**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 837**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 839**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 841**—Referred to the Committees on Local Government & Veterans Affairs; and Natural Resources & Environmental Protection.

**HB 843**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 845**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 847**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 849**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 851**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 853**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 855**—Referred to the Committees on Local Government & Veterans Affairs; and Fiscal Policy & Resources.

**HB 857**—Referred to the Committees on Local Government & Veterans Affairs; and Natural Resources & Environmental Protection.

**HB 859**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 861**—Referred to the Committees on Local Government & Veterans Affairs; and Fiscal Policy & Resources.

**HB 863**—Referred to the Committees on Local Government & Veterans Affairs; and Rules, Ethics & Elections.

**HB 865**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 867**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 869**—Referred to the Committees on Local Government & Veterans Affairs; Transportation; and Council for Smarter Government.

**HB 871**—Referred to the Committees on Local Government & Veterans Affairs; and Fiscal Policy & Resources.

**HB 873**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.

**HB 875**—Referred to the Committees on Local Government & Veterans Affairs; State Administration; and Council for Smarter Government.

**HB 877**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 879**—Referred to the Committees on Business Regulation; and Local Government & Veterans Affairs.

**HB 881**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 883**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 885**—Referred to the Committees on Local Government & Veterans Affairs; and Health Regulation.

**HB 887**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 889**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

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**HB 895**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.

**HB 897**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 899**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.

**HB 901**—Referred to the Committees on Local Government & Veterans Affairs; and Natural Resources & Environmental Protection.

**HB 903**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.

**HB 905**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.

**HB 907**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.

**HB 909**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 911**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.

- HB 913**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.
- HB 915**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.
- HB 917**—Referred to the Committees on Local Government & Veterans Affairs; and Fiscal Policy & Resources.
- HB 919**—Referred to the Committee on Local Government & Veterans Affairs.
- HB 921**—Referred to the Committee on Local Government & Veterans Affairs.
- HB 923**—Referred to the Committee on Local Government & Veterans Affairs.
- HB 925**—Referred to the Committee on Claims; and Procedural & Redistricting Council.
- HB 927**—Referred to the Committees on Local Government & Veterans Affairs; and Fiscal Policy & Resources.
- HB 929**—Referred to the Committees on Local Government & Veterans Affairs; and Judicial Oversight.
- HB 931**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.
- HB 933**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.
- HB 935**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.
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- HB 939**—Referred to the Committee on Local Government & Veterans Affairs.
- HB 941**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.
- HB 943**—Referred to the Committees on Local Government & Veterans Affairs; and Fiscal Policy & Resources.
- HB 945**—Referred to the Committee on Local Government & Veterans Affairs.
- HB 947**—Referred to the Committees on Health Regulation; Judicial Oversight; and Council for Healthy Communities.
- HB 949**—Referred to the Committees on Utilities & Telecommunications; Local Government & Veterans Affairs; and Council for Ready Infrastructure.
- HJR 951**—Referred to the Calendar of the House.
- HB 953**—Referred to the Calendar of the House.
- HB 955**—Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; and Council for Smarter Government.
- HB 957**—Referred to the Committees on Elder & Long-Term Care; State Administration; Fiscal Policy & Resources; and Council for Healthy Communities.
- HB 959**—Referred to the Committees on Banking; Judicial Oversight; and Council for Ready Infrastructure.
- HB 961**—Referred to the Committees on Elder & Long-Term Care; Fiscal Policy & Resources; and Council for Healthy Communities.
- HB 963**—Referred to the Committees on Agriculture & Consumer Affairs; Fiscal Policy & Resources; and Council for Competitive Commerce.
- HB 965**—Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Healthy Communities.
- HB 967**—Referred to the Committees on Economic Development & International Trade; Fiscal Policy & Resources; and Fiscal Responsibility Council.
- HB 969**—Referred to the Committees on Judicial Oversight; Fiscal Policy & Resources; and Council for Smarter Government.
- HB 971**—Referred to the Committee on Education Innovation; and Council for Lifelong Learning.
- HB 973**—Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Smarter Government.
- HB 975**—Referred to the Committee on Local Government & Veterans Affairs.
- HB 977**—Referred to the Committees on Workforce & Technical Skills; Education Appropriations; and Council for Lifelong Learning.
- HB 979**—Referred to the Committees on Local Government & Veterans Affairs; and Fiscal Policy & Resources.
- HB 981**—Referred to the Committees on Health Promotion; Health & Human Services Appropriations; and Council for Healthy Communities.
- HB 983**—Referred to the Committees on Workforce & Technical Skills; Education Appropriations; and Council for Lifelong Learning.
- HB 985**—Referred to the Committees on Health Regulation; Judicial Oversight; and Council for Healthy Communities.
- HB 987**—Referred to the Committees on Tourism; General Government Appropriations; and Council for Ready Infrastructure.
- HB 989**—Referred to the Committee on State Administration; and Council for Smarter Government.
- HB 991**—Referred to the Committees on Banking; General Government Appropriations; and Council for Competitive Commerce.
- HB 993**—Referred to the Committees on Natural Resources & Environmental Protection; Local Government & Veterans Affairs; and Council for Ready Infrastructure.
- HB 995**—Referred to the Committees on Crime Prevention, Corrections & Safety; State Administration; and Council for Healthy Communities.
- HB 997**—Referred to the Committees on Elder & Long-Term Care; Health & Human Services Appropriations; and Council for Healthy Communities.
- HB 999**—Referred to the Committees on Rules, Ethics & Elections; Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Procedural & Redistricting Council.
- HB 1001**—Referred to the Committees on General Education; Education Appropriations; and Council for Lifelong Learning.
- HB 1003**—Referred to the Committee on Elder & Long-Term Care; and Council for Healthy Communities.
- HB 1005**—Referred to the Committees on Natural Resources & Environmental Protection; State Administration; General Government Appropriations; and Council for Ready Infrastructure.
- HB 1007**—Referred to the Committees on Health Promotion; Health & Human Services Appropriations; and Council for Healthy Communities.
- HB 1009**—Referred to the Committees on Judicial Oversight; Fiscal Policy & Resources; and Fiscal Responsibility Council.
- HB 1011**—Referred to the Committees on Health Regulation; Insurance; and Council for Healthy Communities.
- HB 1013**—Referred to the Committees on Child & Family Security; Health & Human Services Appropriations; and Fiscal Responsibility Council.

**HB 1015**—Referred to the Committees on General Education; Education Appropriations; and Council for Lifelong Learning.

**HB 1017**—Referred to the Committees on Agriculture & Consumer Affairs; Judicial Oversight; and Council for Competitive Commerce.

**HB 1019**—Referred to the Committees on Judicial Oversight; Natural Resources & Environmental Protection; and Council for Smarter Government.

**HB 1021**—Referred to the Committees on Judicial Oversight; Crime Prevention, Corrections & Safety; and Council for Smarter Government.

**HB 1023**—Referred to the Committees on Transportation; Transportation & Economic Development Appropriations; and Council for Ready Infrastructure.

**HB 1025**—Referred to the Committees on Insurance; General Government Appropriations; and Council for Competitive Commerce.

**HB 1027**—Referred to the Committees on Judicial Oversight; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1029**—Referred to the Committees on Transportation; Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Council for Ready Infrastructure.

**HB 1031**—Referred to the Committees on Judicial Oversight; Health Regulation; and Council for Smarter Government.

**HB 1035**—Referred to the Committees on Judicial Oversight; Rules, Ethics & Elections; and Council for Smarter Government.

**HB 1037**—Referred to the Committees on Local Government & Veterans Affairs; and Fiscal Policy & Resources.

**HB 1039**—Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1041**—Referred to the Committees on Local Government & Veterans Affairs; and Fiscal Policy & Resources.

**HB 1043**—Referred to the Committees on Natural Resources & Environmental Protection; Fiscal Policy & Resources; and Council for Ready Infrastructure.

**HB 1045**—Referred to the Committees on Information Technology; Education Appropriations; and Council for Ready Infrastructure.

**HB 1047**—Referred to the Committees on Workforce & Technical Skills; Education Appropriations; and Council for Lifelong Learning.

**HB 1049**—Referred to the Committees on Crime Prevention, Corrections & Safety; Economic Development & International Trade; and Council for Healthy Communities.

**HB 1051**—Referred to the Committee on Business Regulation; and Council for Smarter Government.

**HB 1053**—Referred to the Committees on Transportation; Transportation & Economic Development Appropriations; and Council for Ready Infrastructure.

**HB 1055**—Referred to the Committees on Insurance; Criminal Justice Appropriations; and Council for Competitive Commerce.

**HB 1057**—Referred to the Committee on Transportation; and Council for Ready Infrastructure.

**HB 1059**—Referred to the Committees on Transportation; Transportation & Economic Development Appropriations; and Council for Ready Infrastructure.

**HB 1061**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 1063**—Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1065**—Referred to the Committees on Natural Resources & Environmental Protection; Local Government & Veterans Affairs; and Council for Ready Infrastructure.

**HB 1067**—Referred to the Committees on Health Regulation; State Administration; and Council for Healthy Communities.

**HB 1069**—Referred to the Committee on Education Innovation; and Council for Lifelong Learning.

**HB 1071**—Referred to the Committees on Insurance; Judicial Oversight; and Council for Competitive Commerce.

**HB 1073**—Referred to the Committees on Child & Family Security; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 1077**—Referred to the Committees on Health Regulation; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 1079**—Referred to the Committee on Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1081**—Referred to the Committees on Insurance; Local Government & Veterans Affairs; and Council for Competitive Commerce.

#### **First Reading of Council and Committee Substitutes by Publication**

By the Committee on Health Regulation; Representative Meadows—

**CS/HB 87**—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.805, F.S.; revising grandfathering requirements for licensure to practice orthotics, prosthetics, or pedorthics by extending the period in which an applicant must complete the examination process; providing an effective date.

By the Committee on Banking; Representative Cantens—

**CS/HB 109**—A bill to be entitled An act relating to consumer collection practices; amending s. 559.72, F.S.; specifying additional prohibited practices in collecting consumer debts; providing penalties; amending s. 559.77, F.S.; revising civil remedies; providing for increased statutory damages under certain circumstances; providing for absence of liability under certain circumstances; specifying a time certain for bringing certain actions; providing an effective date.

By the Committee on Information Technology; Representatives Ryan, Hogan, Paul, Melvin, Stansel, Kendrick, Spratt, Brutus, Henriquez, Smith, Justice, Fiorentino, Gelber, and Mahon—

**CS/HB 203**—A bill to be entitled An act relating to child pornography and images harmful to minors; amending s. 827.071, F.S.; revising the definition of “sexual conduct”; amending s. 847.001, F.S.; revising and adding definitions; amending s. 847.0135, F.S.; revising the “Computer Pornography and Child Exploitation Act of 1986” to clarify certain penalties; creating s. 847.0137, F.S.; prohibiting transmissions of child pornography and any image, information, or data harmful to minors; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography, transmission of child pornography, or unlawful transmission of any image, information, or data harmful to minors; providing severability; providing an effective date.

By the Committee on Information Technology; Representatives Crow and Mack—

**CS/HB 293**—A bill to be entitled An act relating to the Certified Capital Company Act; amending s. 288.99, F.S.; revising definitions; defining the terms “Program One” and “Program Two”; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; authorizing the Department of Banking and Finance to levy a fine; providing for distributions under both programs; providing an effective date.

By the Council for Lifelong Learning; Committee on Education Innovation; Representatives Lacasa, Diaz de la Portilla, Melvin, Diaz-Balart, Murman, Mealor, Baxley, Rubio, Andrews, Brown, Byrd, Kottkamp, Arza, Waters, Farkas, Bowen, and Bennett—

**CS/CS/HB 303**—A bill to be entitled An act relating to relief from overcrowded schools; creating s. 235.063, F.S.; establishing the S.C.R.I.P.T. grants program for school overcrowding relief; providing a short title; providing findings, intent, and purposes; providing a definition; providing school district, parent, and Department of Education obligations; providing private school eligibility requirements; providing for the initial award, renewal, and disbursement of S.C.R.I.P.T. grants; limiting the liability of the state relating to the award or use of a S.C.R.I.P.T. grant; providing an effective date.

By the Council for Smarter Government; Representatives Brummer and Cantens—

**CS/HB 367**—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; specifying membership composition and requirements of judicial nominating commissions; providing limitations; providing for terms; abolishing prior offices; providing for suspension or removal; requiring racial, ethnic, gender, and geographical diversity of commission memberships; amending s. 112.3145, F.S.; specifying members of certain judicial nominating commissions as state officers; providing severability; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

By the Council for Lifelong Learning; Representatives Farkas, Alexander, Richardson, Attkisson, Pickens, Detert, Justice, McGriff, Jordan, Mealor, Meadows, Melvin, Kilmer, and Arza—

**CS/HB 409**—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending educator professional liability insurance coverage at cost to all part-time instructional personnel and administrative personnel; providing an effective date.

By the Committee on Health Regulation; Representatives Farkas, Alexander, Murman, Sobel, Ritter, Harrell, Brummer, Greenstein, and Wishner—

**CS/HB 437**—A bill to be entitled An act relating to pharmacy practice; creating s. 465.0075, F.S.; authorizing licensure of pharmacists by endorsement and providing requirements therefor, including a fee; providing for legislative review; providing an effective date.

By the Committee on Utilities & Telecommunications; Representatives Prieguez, Diaz de la Portilla, Paul, Littlefield, Ryan, Attkisson, Ritter, Hogan, and Barreiro—

**CS/HB 453**—A bill to be entitled An act relating to guaranteed energy performance savings contracting; amending s. 489.145, F.S.; changing provisions relating to energy efficiency contracting to provisions relating to guaranteed energy performance savings contracting; providing a short title; providing legislative intent; revising definitions, procedures, and contract provisions; providing criteria, requirements, procedures, and limitations for energy performance contracts; providing for program administration and contract review by the Department of Management Services and the Office of the Comptroller; providing an effective date.

By the Committee on Crime Prevention, Corrections & Safety; Representative Andrews—

**CS/HB 497**—A bill to be entitled An act relating to homicide of an unborn child; amending s. 316.193, F.S.; including the death of a viable fetus under DUI manslaughter; providing a definition; amending s. 782.071, F.S.; specifying when a fetus is viable for purposes of “vehicular homicide”; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree

if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; reenacting ss. 921.0022(3)(g) and (h) and 960.03(3), F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of “crime” with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; providing an effective date.

By the Council for Smarter Government; Representatives Brummer and Cantens—

**CS/HB 501**—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of “commission,” to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 258.155, F.S., to abolish the Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council and delete provisions relating to its duties; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners’ permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 580.151, F.S., to abolish the Commercial Feed Technical Council; repealing s. 13, ch.

99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

## Reports of Councils and Standing Committees

### Council Reports

#### Received March 15:

The Council for Lifelong Learning recommends a council substitute for the following:

CS/HB 303

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 303 was laid on the table.**

#### Received March 16:

The Council for Healthy Communities recommends the following pass:

HB 29

HB 159

**The above bills were placed on the Calendar.**

The Council for Lifelong Learning recommends a council substitute for the following:

HB 409

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 409 was laid on the table.**

#### Received March 19:

The Council for Smarter Government recommends the following pass:

HB 369, with 5 amendments

**The above bill was placed on the Calendar.**

The Council for Smarter Government recommends council substitutes for the following:

HB 367

HB 501

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 367 and 501 were laid on the table.**

### Committee Reports

#### Received March 9:

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 251 (fiscal note attached)

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 131 (fiscal note attached)

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Education Appropriations recommends the following pass:

HB 409, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 303, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 47 (fiscal note attached)

**The above bill was referred to the Council for Smarter Government.**

The Committee on State Administration recommends the following pass:

HB 369, with 1 amendment

**The above bill was referred to the Council for Smarter Government.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 1 (fiscal note attached)

**The above bill was referred to the Committee on Education Appropriations.**

The Committee on Utilities & Telecommunications recommends the following pass:

HB 589, with 6 amendments

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on Information Technology recommends a committee substitute for the following:

HB 293

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 293 was laid on the table.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 333 (fiscal note attached)



The above bill was referred to the Committee on Tourism.

**Received March 12:**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 107 (fiscal note attached)  
HB 205 (fiscal note attached)

**The above bills were referred to the Council for Competitive Commerce.**

The Committee on Insurance recommends the following pass:  
HB 159, with 1 amendment

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 17, with 1 amendment (fiscal note attached)  
HJR 295 (fiscal note attached)  
HB 573 (fiscal note attached)

**The above bills were referred to the Committee on Local Government & Veterans Affairs.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 363, with 1 amendment (fiscal note attached)

**The above bill was referred to the Committee on State Administration.**

The Committee on Health Regulation recommends a committee substitute for the following:

HB 437

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 437 was laid on the table.**

**Received March 13:**

The Committee on Crime Prevention, Corrections & Safety recommends a committee substitute for the following:

HB 497

**The above committee substitute was referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HB 497 was laid on the table.**

The Information Technology recommends a committee substitute for the following:

HB 203

**The above committee substitute was referred to the Committee on Child & Family Security, subject to review under Rule 6.3, and, under the rule, HB 203 was laid on the table.**

**Received March 14:**

The Committee on Tourism recommends the following pass:  
HB 333

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 45 (fiscal note attached)  
HB 529 (fiscal note attached)

**The above bills were referred to the Fiscal Responsibility Council.**

The Committee on Rules, Ethics & Elections recommends the following pass:

HB 749

**The above bill was referred to the Procedural & Redistricting Council.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 73, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Smarter Government.**

The Committee on Economic Development & International Trade recommends the following pass:

HB 633

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Tourism recommends the following pass:  
HB 379, with 1 amendment

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Tourism recommends the following pass:  
HB 733

**The above bill was referred to the Committee on Transportation & Economic Development Appropriations.**

The Committee on Utilities & Telecommunications recommends a committee substitute for the following:

HB 453

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 453 was laid on the table.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HJR 689 (fiscal note attached)

**The above bill was referred to the Committee on Judicial Oversight.**

**Received March 15:**

The Committee on Insurance recommends the following pass:  
HB 353

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Education Appropriations recommends the following pass:

HB 1, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 695

**The above bill was referred to the Council for Smarter Government.**

The Committee on Banking recommends the following pass:  
HB 575

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Banking recommends the following pass:  
HB 597, with 1 amendment

**The above bill was referred to the Committee on Business Regulation.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 505

**The above bill was referred to the Committee on Judicial Oversight.**

**Received March 16:**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 775

HB 799

**The above bills were placed on the Calendar.**

The Committee on State Administration recommends the following pass:

HB 1083, with 1 amendment

**The above bill was placed on the Calendar.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 17

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 449

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Judicial Oversight recommends the following pass:

HB 147

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Banking recommends a committee substitute for the following:

HB 109

**The above committee substitute was referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HB 109 was laid on the table.**

The Committee on Business Regulation recommends the following pass:

HB 645

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 361, with 1 amendment

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Health Promotion recommends the following pass:

HB 637, with 1 amendment

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 621

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on State Administration recommends the following pass:

HB 347, with 1 amendment

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Health Promotion recommends the following pass:

HB 483, with 1 amendment

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Judicial Oversight recommends the following pass:

HB 595, with 2 amendments

**The above bill was referred to the Committee on Agriculture & Consumer Affairs.**

The Committee on Health Regulation recommends the following pass:

HB 315, with 4 amendments

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HJR 471, with 1 amendment

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Health Promotion recommends the following pass:

HB 585

**The above bill was referred to the Committee on Local Government & Veterans Affairs.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 441

**The above bill was referred to the Committee on Natural Resources & Environmental Protection.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 559

**The above bill was referred to the Committee on Rules, Ethics & Elections.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 301

HB 649

**The above bills were referred to the Committee on State Administration.**

The Committee on Agriculture & Consumer Affairs recommends the following not pass:

HB 237

**The above bill was laid on the table under the rule.**

The Committee on Judicial Oversight recommends the following not pass:

HJR 429

**The above bill was laid on the table under the rule.**

**Received March 19:**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 521 (fiscal note attached)

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 19 (fiscal note attached)

**The above bill was referred to the Council for Smarter Government.**

The Health Regulation recommends a committee substitute for the following:

HB 87

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 87 was laid on the table.**

**Enrolling Reports**

HC-1 Org. has been enrolled, signed by the required constitutional officers, and filed with the Secretary of State on March 9, 2001.

*John B. Phelps, Clerk*

**Recorded Votes**

Rep. Baxley:

Yeas—HB 21; CS/HB 55; CS/HB 141; CS/HB 215; CS/HB 245; CS/HB 269; CS/HB 271; CS/CS/HB 273; CS/HB 275; CS/HB 277; HB 383; HB 385; HB 387; HB 389; HB 391; HB 393; HB 395; HB 397; HB 399; HB 401; HB 403; HB 405; HB 407; HB 657; HB 659; HB 661; HB 663; HB 665; HB 667; HB 669; HB 671; CS/HB 4007

Nays—Amendment 3 to CS/HB 271; Amendment 4 to CS/HB 271; motion to waive the Special Rule and permit consideration of an amendment to CS/HB 271

Rep. Gibson:

Yeas—HB 393

Rep. Siplin:

Yeas—HB 657

Rep. Waters:

Yeas—HB 393

**Prime Sponsors**

HJR 49—Harper  
 HB 155—Diaz de la Portilla  
 HJR 295—Rubio  
 HJR 471—Rubio  
 HB 573—Rubio  
 HB 589—Fiorentino  
 HB 601—Pickens  
 HB 619—Joyner  
 HB 651—Byrd, Murman

**Withdrawals as Prime Sponsor**

HJR 49—Smith  
 HB 601—Kottkamp  
 HB 619—Harper  
 HB 631—Diaz-Balart  
 HB 641—Diaz-Balart

**Cosponsors**

HB 13—Byrd, Greenstein, Littlefield  
 HB 17—Bilirakis  
 HB 21—Byrd, Crow, Flanagan, Harrington, Johnson, Trovillion, Waters  
 HB 29—Byrd, Littlefield  
 HM 37—Byrd, Littlefield, Mahon  
 HB 43—Atwater  
 HB 45—Carassas  
 HB 47—Byrd, Flanagan, Littlefield

HJR 49—Joyner, Smith  
 HB 51—Gottlieb, Greenstein, Lee  
 CS/HB 55—Waters  
 HB 61—Ball, Baxley, Flanagan, Garcia, Kallinger, Melvin, Needelman, Negron  
 HB 65—Cantens, Littlefield, Mahon  
 CS/HB 67—Andrews, Ausley, Benson, Betancourt, Brutus, Bullard, Davis, Diaz de la Portilla, Farkas, Fields, Gelber, Gibson, Heyman, Holloway, Kallinger, Kravitz, Lee, Lerner, Peterman, Ryan, Seiler, Sobel, Trovillion, Wilson  
 HB 69—Diaz de la Portilla, Mahon  
 HB 73—Byrd  
 HB 75—Atwater  
 CS/HB 79—Detert, Littlefield  
 HB 95—Detert, Flanagan  
 HB 131—Mahon, Spratt  
 HB 133—Littlefield  
 CS/HB 141—Byrd, Murman  
 HB 145—Byrd  
 HB 147—Paul  
 HB 149—Littlefield  
 HB 157—Wishner  
 HB 159—Cusack, Lerner  
 CS/HB 167—Byrd, Gannon  
 HB 189—Littlefield, Mahon  
 HB 199—Crow  
 HB 207—Flanagan  
 CS/HB 215—Holloway  
 HB 223—Littlefield  
 HB 237—Gottlieb  
 HB 239—Flanagan  
 HB 267—Byrd  
 CS/CS/HB 269—Arza, Baxley, Bennett, Bowen, Gottlieb, Holloway, Justice, Kallinger, Needelman, Waters, Wilson  
 CS/HB 271—Arza, Attkisson, Baxley, Bennett, Bowen, Byrd, Davis, Kallinger, Waters  
 CS/HB 277—Byrd, Holloway, Littlefield  
 CS/HB 279—Bennett, Bowen, Byrd, Kallinger, Negron, Waters  
 HB 285—Bendross-Mindingall, Bullard, Cusack, Fields, Gottlieb, Holloway, Jennings, Lee, Peterman, Siplin, Slosberg, Smith  
 HB 289—Trovillion  
 HB 291—Gottlieb  
 HJR 295—Byrd  
 HB 299—Fiorentino  
 HB 301—Bean, Byrd, Heyman, Holloway, Jennings, Lee, Rich, Siplin, Slosberg, Sobel, Weissman, Wiles  
 HB 307—Brown, Fields, Lee, McGriff, Negron  
 HB 317—Crow, Lerner  
 HB 327—Wishner  
 HB 329—Byrd  
 HB 339—Davis, Negron  
 HB 341—Byrd  
 HB 345—Henriquez, Trovillion  
 HB 349—Melvin  
 HB 361—Henriquez  
 HB 363—Alexander, Bilirakis, Byrd, Joyner, Justice, Littlefield, Peterman, Romeo, Wallace  
 HB 365—Justice  
 HB 371—Littlefield  
 HB 381—Detert, Frankel, Gannon, Lerner, Sobel  
 HB 387—Trovillion  
 HB 393—Trovillion  
 HB 411—Justice, Lynn, Wiles  
 HB 427—Bense, Detert  
 HB 435—Benson  
 HB 439—Jennings  
 HB 449—Littlefield  
 HB 457—Brutus, Bullard, Frankel, Greenstein, Harper, Holloway, Jennings, Peterman, Richardson, Smith, Sobel, Wilson

- HB 465—Alexander, Arza, Attkisson, Baxley, Bean, Berfield, Betancourt, Heyman, Jordan, Kallinger, Mealor, Needelman, Trovillion
- HJR 471—Arza, Barreiro, Bendross-Mindingall, Betancourt, Brutus, Bullard, Cantens, Diaz-Balart, Garcia, Gelber, Gottlieb, Holloway, Lerner, Prieguez, Sorensen, Wilson
- HB 483—Brutus, Gibson, Hogan, Sobel
- HB 485—Bense, Detert
- HB 487—Needelman
- HB 505—Joyner
- HB 507—Farkas, Joyner
- HB 527—Atwater, Baker, Bennett, Brummer, Kendrick, Pickens
- HB 531—Johnson
- HB 541—Arza, Hart
- HB 545—Attkisson, Atwater, Baxley, Bean, Benson, Bowen, Byrd, Garcia, Kottkamp, Kravitz, Mahon, Mayfield, Needelman, Negron, Paul, Rubio, Simmons
- HB 547—Littlefield
- HB 551—Prieguez
- HB 553—Bennett
- HB 563—Littlefield
- HB 567—Harper
- HB 575—Alexander, Brutus, Cantens, Gottlieb, Rich, Romeo
- HB 577—Bendross-Mindingall, Benson, Jennings, Lerner, Mealor
- HB 591—Attkisson, Betancourt
- HB 597—Alexander, Brutus, Flanagan, Gottlieb, Rich, Rubio
- HB 599—Detert
- HB 601—Byrd
- HB 605—Byrd, Mahon
- HB 619—Harper
- HB 621—Bense, Detert
- HB 623—Byrd
- HB 625—Kendrick
- HJR 627—Gibson
- HB 635—Harrington
- HB 637—Flanagan, Harrington
- HB 649—Rich
- HB 651—Bucher, Flanagan, Frankel, Gannon, Gelber, Goodlette, Greenstein, Henriquez, Justice, Lerner, Mahon, Needelman, Romeo, Ryan, Sobel, Spratt
- HJR 655—Melvin
- HB 673—Bendross-Mindingall, Bullard, Cusack, Fields, Gottlieb, Holloway, Jennings, Lee, Peterman, Siplin, Slosberg, Smith
- HB 679—Barreiro
- HB 695—Bean
- HB 697—Heyman
- HB 701—Baker
- HB 703—Argenziano, Baxley, Garcia, Harrell, Hogan, Kilmer, Maygarden, Mealor, Murman, Negron
- HB 715—Harrell, Littlefield
- HB 727—Allen, Barreiro, Betancourt, Brown, Cantens, Diaz de la Portilla, Greenstein, Meadows, Needelman, Prieguez, Rubio, Wishner
- HB 745—Arza, Barreiro, Ross, Rubio
- HB 749—Argenziano, Holloway, Kendrick, Lee, Mayfield, Miller
- HB 751—Littlefield
- HB 757—Bennett, Flanagan
- HB 787—Kendrick
- HB 809—Littlefield
- HB 815—Bense
- HB 963—Littlefield
- HB 991—Allen, Detert, Greenstein, Harrell, Paul, Pickens, Spratt
- HB 993—Bean, Brutus, Bucher, Davis, Fields, Hogan, Jordan, Kravitz, Mahon, Meadows, Siplin, Slosberg
- HB 1001—Spratt
- HB 1003—Atwater, Gelber, Harrell, Heyman, Richardson, Waters
- HB 1035—Byrd, Paul
- HB 1047—Allen, Davis
- HB 1059—Bennett
- HB 1073—Argenziano
- HB 1079—Gottlieb
- HB 1081—Gottlieb, Romeo
- HB 1083—Bennett, Bense, Davis, Garcia, Greenstein, Haridopolos, Hart, Henriquez, Kendrick, Kosmas, Mack
- HB 1089—Sobel
- HB 1095—Bilirakis, Bucher, Byrd, Crow, Russell
- HB 1099—Arza, Barreiro, Betancourt, Garcia, Jordan, Negron, Paul, Prieguez, Ross, Rubio
- HB 1111—Arza, Atwater, Baker, Bense, Berfield, Davis, Gottlieb, Hart, Henriquez, Johnson, Kilmer, Mack, Mayfield, Needelman, Prieguez, Rubio, Russell

#### Withdrawals as Cosponsor

- HB 591—Brutus, Brummer
- HB 679—Kosmas, Gannon, Cusack

#### Messengers for the week of March 12-16

MESSENGERS—Jennifer Beth Berry, Clermont; Jessica J. Clements, Tallahassee; Robert Craft, Tallahassee; Dominique S. Crawford, Tallahassee; Samuel Davis II, Tallahassee; Ashley Dover, Havana; Leslie Dyan Drinkard, Pace; Jocelyn Goss, Tallahassee; Marly M. Guzman, Orlando; Kristene Henkelman, Lakeland; Joshua

Paul Joscelyn, DeFuniak Springs; Rachel Lounsberry, Plantation; Joseph A. Martinez, Tampa; Matthew Mazur, Daytona Beach; Michael Melsheimer, Lutz; Michaella Menchise, Tallahassee; Clayton Devereaux Poole, Memphis, TN; LaShawn Verlonda Thomas, Tallahassee.



# The Journal OF THE House of Representatives

Number 5

Wednesday, March 21, 2001

The House was called to order by the Speaker at 1:30 p.m.

## Prayer

The following prayer was offered by the Reverend Michael Keith Anderson of New Jerusalem First Missionary Baptist Church of Hollywood, upon invitation of Rep. Gottlieb:

To the immutable God who answers to many voices, by many names, in many languages of those that would call upon Him from the platform of a sincere heart. In the midst of our personal challenges and our collective woes, we pause to seek the wisdom of Thy studied guidance for the improved effectiveness of our failed but well-intentioned human efforts.

Before we take our seats or ascend to our dais of duty, we approach Thee as members of humanity. And only then, we ask Thee for supplemental privilege of approaching You as Members of this great House.

We need Thee, 'ere we admit it at all, as much as a shivering body needs a coat and a hungry belly craves for a hot bowl of soup. Give us the great privilege, the private bravery to continue to call upon You when we feel that we have failed You or others or, indeed, our very selves. Be for the shivering congressman or congress, the offered overcoat and the empty but craving congress or congressman or woman, their needed bowl of soup.

Great is the music of decent humanity. Great is the orchestra of democracy called America. Great and varied are the instruments of a legislative body who must honor the time, select the chords, and collaborate on the best notes possible to offer to this nation, from this great State of Florida, a worthy composition of freedom songs published by the human spirit.

But alas, again, we must pause. For even the most skilled musicians in these most wonderful Chambers, in the company of these most gifted collaborators and composers, ring silent and insufficient without a fair and focused conductor.

Dear God, may You tap Your baton on the podium of our persons and allow the best of You to be seen and realized in the band of us. Lord, I pray for a genuinely decent Congress; a humane and decent House of Representatives is our prayer. For they are the ones in the hallmark of our surest hope for a humanely decent America.

We thank Thee for hearing our prayer.

To the most wise God who answers by many voices, by many names, and in many languages of those who call upon Him humbly from the platform of a sincere heart, we say, Amen.

The following Members were recorded present:

Session Vote Sequence: 47

The Chair	Crow	Holloway	Paul
Alexander	Cusack	Jennings	Peterman
Andrews	Davis	Jordan	Pickens
Argenziano	Detert	Joyner	Prieguez
Arza	Diaz de la Portilla	Justice	Rich
Attkisson	Diaz-Balart	Kallinger	Richardson
Atwater	Dockery	Kendrick	Ritter
Ausley	Farkas	Kilmer	Romeo
Baker	Fasano	Kosmas	Ross
Ball	Fields	Kottkamp	Rubio
Barreiro	Fiorentino	Kravitz	Russell
Baxley	Flanagan	Kyle	Ryan
Bean	Frankel	Lacasa	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrell	Mealor	Weissman
Bullard	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	
Clarke	Hogan	Negron	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The Members, led by Katherine A. Barnhart of Palm Beach, Ashley Burton of Palmetto, Christine Suzanne Cosson of Lake Butler, Douglas Haskins of Boca Raton, Laura Christine Horne of Orange Park, Jasmyne Nicole James of Tallahassee, Jonathan Russell Kendrick and Sterling Kendrick of Carrabelle, Carolyn M. Kulb of Pensacola, Jeffrey Laman of Clermont and Camelia Sherrod of Rivera Beach, pledged allegiance to the Flag. Katherine A. Barnhart served at the invitation of Rep. Frankel. Ashley Burton served at the invitation of Rep. Flanagan. Christine Suzanne Cosson served at the invitation of Rep. Bean. Douglas Haskins served at the invitation of Rep. Mack. Laura Christine Horne served at the invitation of Rep. Hogan. Jasmyne Nicole James served at the invitation of Rep. Joyner. Jonathan Russell

Kendrick and Sterling Kendrick served at the invitation of their father, Rep. Kendrick. Carolyn M. Kilb served at the invitation of Rep. Benson. Jeffrey Laman served at the invitation of Speaker Feeney. Camelia Sherrod served at the invitation of Rep. Frankel.

#### House Physician

The Speaker introduced Dr. Jeffrey Bettinger of Miami, who served in the Clinic today upon invitation of Rep. Lerner.

#### Correction of the Journal

The *Journal* of March 8 was corrected and approved as follows: On page 155, column 1, line 17 from the top, in Withdrawals as Cosponsor, on bill HB 895, remove Crist and insert Romeo.

The *Journal* of March 19 was corrected and approved as corrected.

### Reports of Councils and Standing Committees

#### Reports of the Procedural & Redistricting Council

*The Honorable Tom Feeney* March 20, 2001  
*Speaker, House of Representatives*

*Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits the AMENDED Special Order for Wednesday, March 21, 2001. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

- I. Consideration of the following bill(s):
  - CS/CS/HB 303—Relief from Overcrowded Schools  
(Special Rule 01-06)
  - CS/HB 367—Judicial Nominating Commissions  
(Special Rule 01-07 - Closed)
  - HB 369—Public Employees  
(Special Rule 01-08)
  - CS/HB 409—Educator Professional Liability Ins.
  - CS/HB 501—Abolishment of Boards/Other Entities

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

On motion by Rep. Byrd, the rules were waived and HR 9005 was added to the Special Order Calendar.

On motion by Rep. Byrd, the above report was adopted, as amended.

*The Honorable Tom Feeney* March 19, 2001  
*Speaker, House of Representatives*

*Dear Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits the following Special Rule report:

- I. Special Rule 01-06 applies to the following:
  - CS/CS/HB 303—Relief from Overcrowded Schools  
(Special Rule 01-06)
- II. Special Rule 01-07 applies to the following:
  - CS/HB 367—Judicial Nominating Commissions  
(Special Rule 01-07 - Closed)
- III. Special Rule 01-08 applies to the following:
  - HB 369—Public Employees  
(Special Rule 01-08)

A quorum of the Council was present in person, and two-thirds of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

#### Special Rule 01-06

*Bill(s):* CS/CS/HB 303 by Council for Lifelong Learning, Committee on Education Innovation, Rep. Lacasa and others - Relief from Overcrowded Schools (or subsequent version reported by Committee/Council)

Summary: The Special Rule covers consideration of the bill on both second and third readings and includes a structured condition for consideration of amendments.

*Floor Leaders:*

Rep. Melvin for the Majority Party

Rep. Frankel for the Minority Party

*Questions and Debate:*

2<sup>nd</sup> Reading

During second reading, up to a total of 190 minutes shall be allocated for the sponsor(s) and floor leaders to explain the bills and to ask and answer questions. From this time, the sponsor(s) shall be allowed ten minutes to explain the bills. The floor leaders will each be allocated a total of 90 minutes for the purpose of questions and answers and for consideration of amendments. Floor leaders may yield their time to other Members. All questions and answers on the bill will count against the time of the floor leader who yields to the questioner.

3<sup>rd</sup> Reading

During third reading, up to a total of 135 minutes shall be allocated for debate. From this allotted time, the sponsor(s) will have up to ten minutes to open and five minutes to close. The floor leaders will each be allocated 60 minutes for the purpose of debate, and may yield their time to other Members.

No Member may be recognized for any purpose unless a floor leader yields time to that Member. It is the prerogative of the Speaker to alternately recognize each floor leader for an amount of time determined by the Speaker.

All recognitions must go through the Speaker.

*Amendments:*

_____	Open
_____ X _____	Structured
_____	Closed

Only amendments approved for consideration by the Procedural & Redistricting Council shall be in order. No more than four amendments shall be approved for consideration.

Amendments must be delivered in floor-ready form to the Procedural & Redistricting Council before 3:00 p.m. on Friday, March 16. An amendment to the amendment or substitute amendment must be delivered to the Council before 5:00 p.m. on March 16.

Time for explanation of an amendment and questions and answers on an amendment shall be taken from the side that is sponsoring the amendment. Time taken for debate of an amendment shall be counted against the floor leader who yields to the Speaker.

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

#### Special Rule 01-07

*Bill(s):* CS/HB 367 by Council for Smarter Government and Rep. Brummer - relating to Judicial Nominating Commissions (or subsequent version reported by Committee/Council)

Summary: The Special Rule covers consideration of the bill on both second and third readings and includes a closed condition for consideration of amendments.

*Floor Leaders:*

Rep. Cantens for the Proponents

Rep. Frankel for the Opponents

*Questions and Debate:*

2<sup>nd</sup> Reading

During second reading, up to a total of 65 minutes shall be allocated for the sponsor(s) and floor leaders to explain the bills and to ask and answer questions. From this time, the sponsor(s) shall be allowed 5 minutes to explain the bills. The floor leaders will each be allocated a total of 30 minutes for the purpose of questions and answers. Floor leaders may yield their time to other Members. All questions and answers on the bill will count against the time of the floor leader who yields to the questioner.

3<sup>rd</sup> Reading

During third reading, up to a total of 130 minutes shall be allocated for debate. From this allotted time, the sponsor(s) will have up to 5 minutes to open and 5 minutes to close. The floor leaders will each be allocated 60 minutes for the purpose of debate, and may yield their time to other Members.

No Member may be recognized for any purpose unless a floor leader yields time to that Member. It is the prerogative of the Speaker to alternately recognize each floor leader for an amount of time determined by the Speaker.

All recognitions must go through the Speaker.

*Amendments:*            \_\_\_\_\_ Open  
                                   \_\_\_\_\_ Structured  
                                     X   Closed

A closed condition which prohibits the offering of any Member amendments is in effect.

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

**Special Rule 01-08**

*Bill(s):* HB 369 by Rep. Diaz-Balart - relating to Public Employees (or subsequent version reported by Committee/Council)

Summary: The Special Rule covers consideration of the bill on both second and third readings and includes a structured condition for consideration of amendments.

*Floor Leaders:*

Rep. Byrd for the Proponents

Rep. Frankel for the Opponents

*Questions and Debate:*

2<sup>nd</sup> Reading

During second reading, up to a total of 130 minutes shall be allocated for the sponsor(s) and floor leaders to explain the bills and to ask and answer questions. From this time, the sponsor(s) shall be allowed 10 minutes to explain the bills. The floor leaders will each be allocated a total of 60 minutes for the purpose of questions and answers and for consideration of amendments. Floor leaders may yield their time to other Members. All questions and answers on the bill and any traveling amendments will count against the time of the floor leader who yields to the questioner.

3<sup>rd</sup> Reading

During third reading, up to a total of 135 minutes shall be allocated for debate. From this allotted time, the sponsor(s) will have up to 10 minutes to open and 5 minutes to close. The floor leaders will each be allocated 60 minutes for the purpose of debate, and may yield their time to other Members.

No Member may be recognized for any purpose unless a floor leader yields time to that Member. It is the prerogative of the Speaker to

alternately recognize each floor leader for an amount of time determined by the Speaker.

All recognitions must go through the Speaker.

*Amendments:*            \_\_\_\_\_ Open  
                                     X   Structured  
                                   \_\_\_\_\_ Closed

Only traveling committee amendments and amendments approved for consideration by the Procedural & Redistricting Council shall be in order. No more than six amendments, up to three for the proponents and up to three for the opponents, shall be approved for consideration.

Time for explanation, questions and answers, and closing on an amendment shall be taken from the side that is sponsoring the amendment. Time taken for debate of an amendment shall be counted against the floor leader who yields to the speaker.

Amendments must be delivered in floor-ready form to the Procedural & Redistricting Council before 10:00 a.m. on Tuesday, March 20. An amendment to the amendment or substitute amendment must be delivered to the Council before 12:30 p.m. on March 20.

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

On motion by Rep. Byrd, the above report was adopted.

**Motions Relating to Committee or Council References**

On motion by Rep. Harper, agreed to by two-thirds vote, HB 865 was withdrawn from further consideration of the House.

On motion by Rep. Cusack, agreed to by two-thirds vote, HB 1011 was withdrawn from further consideration of the House.

On motion by Rep. Brutus, agreed to by two-thirds vote, HB 4009 was withdrawn from further consideration of the House.

**Special Orders**

**Special Order Calendar**

**Bill Subject to Special Rule**

**CS/CS/HB 303**—A bill to be entitled An act relating to relief from overcrowded schools; creating s. 235.063, F.S.; establishing the S.C.R.I.P.T. grants program for school overcrowding relief; providing a short title; providing findings, intent, and purposes; providing a definition; providing school district, parent, and Department of Education obligations; providing private school eligibility requirements; providing for the initial award, renewal, and disbursement of S.C.R.I.P.T. grants; limiting the liability of the state relating to the award or use of a S.C.R.I.P.T. grant; providing an effective date.

—was read the second time by title.

Representative(s) Bucher offered the following:

(Amendment Bar Code: 054889)

**Amendment 1**—On page 3, between lines 4 and 5,

insert:

*However, a school shall not be considered overcrowded where the school district has a construction program fully funded to relieve overcrowding at that school within four years.*

Rep. Bucher moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 48

Yeas—43

Ausley	Gelber	Kosmas	Seiler
Bendross-Mindingall	Gottlieb	Lee	Siplin
Betancourt	Greenstein	Lerner	Slosberg
Brutus	Harper	Machek	Smith
Bucher	Henriquez	McGriff	Sobel
Bullard	Heyman	Meadows	Stansel
Crow	Holloway	Peterman	Weissman
Cusack	Jennings	Richardson	Wiles
Fields	Joyner	Ritter	Wilson
Frankel	Justice	Romeo	Wishner
Gannon	Kendrick	Ryan	

Nays—74

The Chair	Byrd	Harrell	Melvin
Alexander	Cantens	Harrington	Miller
Andrews	Carassas	Hart	Murman
Arza	Clarke	Hogan	Needelman
Attkisson	Davis	Johnson	Negron
Atwater	Detert	Jordan	Paul
Baker	Diaz de la Portilla	Kallinger	Pickens
Ball	Diaz-Balart	Kilmer	Rich
Barreiro	Dockery	Kottkamp	Ross
Baxley	Farkas	Kravitz	Rubio
Bean	Fasano	Kyle	Russell
Bennett	Fiorentino	Lacasa	Simmons
Bense	Flanagan	Littlefield	Sorensen
Benson	Garcia	Lynn	Spratt
Berfield	Gardiner	Mack	Trovillion
Bilirakis	Gibson	Mahon	Wallace
Bowen	Goodlette	Mayfield	Waters
Brown	Green	Maygarden	
Brummer	Haridopolos	Mealor	

Votes after roll call:

Nays—Prieguez

Representative(s) Ryan offered the following:

(Amendment Bar Code: 362545)

**Amendment 2**—On page 6, line 30 to page 7, line 9, remove from the bill: all of said lines

and insert in lieu thereof: (9) *S.C.R.I.P.T. GRANT RENEWAL.*—A *S.C.R.I.P.T. grant, once awarded, shall only be renewable as long as the public school to which the grantee is assigned is an overcrowded school, the parent is a Florida resident, and the student lawfully attends an eligible private school. However, at any time upon reasonable notice to the Department of Education and the school district, the student's parent may remove the student from the private school and place the student in a public school, as provided in paragraph (4)(a) or (4)(b).*

Rep. Ryan moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 49

Yeas—43

Ausley	Gelber	Kosmas	Seiler
Bendross-Mindingall	Gottlieb	Lee	Siplin
Betancourt	Greenstein	Lerner	Slosberg
Brutus	Harper	Machek	Smith
Bucher	Henriquez	McGriff	Sobel
Bullard	Heyman	Meadows	Stansel
Crow	Holloway	Peterman	Weissman
Cusack	Jennings	Rich	Wiles
Fields	Joyner	Richardson	Wilson
Frankel	Justice	Romeo	Wishner
Gannon	Kendrick	Ryan	

Nays—72

The Chair	Brummer	Green	Mayfield
Alexander	Byrd	Haridopolos	Maygarden
Andrews	Cantens	Harrell	Mealor
Argenziano	Carassas	Harrington	Melvin
Arza	Clarke	Hart	Miller
Attkisson	Davis	Hogan	Murman
Atwater	Detert	Johnson	Needelman
Baker	Diaz de la Portilla	Jordan	Negron
Ball	Diaz-Balart	Kallinger	Paul
Baxley	Dockery	Kilmer	Ross
Bean	Farkas	Kottkamp	Rubio
Bennett	Fasano	Kravitz	Russell
Bense	Fiorentino	Kyle	Simmons
Benson	Flanagan	Lacasa	Sorensen
Berfield	Garcia	Littlefield	Spratt
Bilirakis	Gardiner	Lynn	Trovillion
Bowen	Gibson	Mack	Wallace
Brown	Goodlette	Mahon	Waters

Votes after roll call:

Nays—Prieguez

Representative(s) Gelber offered the following:

(Amendment Bar Code: 543621)

**Amendment 3**—On page 3, line 17 to page 6, line 15, remove from the bill: all of said lines

and insert in lieu thereof:

(c) *Opt to request, on an annual basis, a S.C.R.I.P.T. grant of \$3,000 for the student's attendance at an eligible private school of the parent's choice.*

(5) *SCHOOL DISTRICT OBLIGATIONS.*—

(a) *Each school district shall annually by February 22, for each K-12 student eligible under subsection (4) in a school that meets the definition of an overcrowded school pursuant to subsection (3), notify the parent that the school is overcrowded and provide the parent with the parental choice options for the following school year as provided in subsection (4).*

(b) *Notification shall be published on the school district web site, in area newspapers, and by written notice sent home with the student, and must include a listing of the public schools, including charter schools, within the district that do not meet the definition of an overcrowded school pursuant to subsection (3).*

(6) *PARENT OBLIGATIONS.*—

(a) *The parent shall notify the school district as to which of the options provided in subsection (4) the parent wishes to choose.*

1. *Failure of the parent to provide notification shall constitute the choice of the option provided by paragraph (4)(a).*

2. *If the parent chooses the option provided by paragraph (4)(b), the parent shall inform the school district by March 31 which public school the parent has selected, and the parent shall agree to provide any necessary transportation for the student to the selected public school.*

3. *If the parent chooses the option provided by paragraph (4)(c), the parent must:*

a. *Obtain acceptance for admission of the student to a private school eligible under subsection (7) as soon as possible, and inform the private school that the student will be using a S.C.R.I.P.T. grant; or, if the parent is unable to obtain acceptance for admission or for any reason decides not to participate in the program, notify the school district as soon as possible, so that the option in paragraph (4)(c) can be made available to another parent.*

b. *Notify the Department of Education by July 1 of the parent's request for a S.C.R.I.P.T. grant and the name and address of the selected private school.*



c. Agree to provide transportation for the student to the private school if necessary.

d. Agree that the education provided by the private school selected shall satisfy the student's full need for educational services from the student's school.

(b) After the first year of the student's attending a private school under the S.C.R.I.P.T. grants program, the parent must annually notify the Department of Education no later than July 1 if the parent intends to renew the grant according to the provisions of subsection (9) in order for the student to continue in the program, together with the name and address of the private school selected for the student for the following school year.

(7) PRIVATE SCHOOL ELIGIBILITY.—To be eligible to participate in the S.C.R.I.P.T. grant program, a private school must be a Florida private school, may be sectarian or nonsectarian, and must:

(a) Demonstrate fiscal soundness by being in operation for one school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the S.C.R.I.P.T. grants for any quarter may be filed with the department.

(b) Notify the Department of Education and the school district in whose service area the school is located of its intent to participate in the program under this section by May 1 of the school year preceding the school year in which it intends to participate. The notice shall specify the grade levels and services that the private school has available for the S.C.R.I.P.T. grants program.

(c) Be exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code and, in the administration of S.C.R.I.P.T. grants, not discriminate upon the basis of religious conviction, race, color, sex, national origin, or physical disability, except that the mere separation of the sexes shall not be considered discrimination.

(d) Meet state and local health and safety laws and codes.

(e) Accept S.C.R.I.P.T. grant students on an entirely random and religious-neutral basis without regard to the student's past academic history; however, the private school may give preference in accepting applications to siblings of students who have already been accepted on a random and religious-neutral basis.

(f) Be subject to the instruction, curriculum, and attendance criteria adopted by an appropriate nonpublic school accrediting body and be academically accountable to the parent or guardian for meeting the educational needs of the student. The private school must furnish a school profile which includes student performance.

(g) Employ or contract with teachers who hold a baccalaureate or higher degree, or have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(h) Comply with all state statutes relating to private schools.

(i) Accept as full tuition and fees the amount provided by the state for each student.

(j) Agree not to compel any student attending the private school on a S.C.R.I.P.T. grant to profess a specific ideological belief, to pray, or to worship.

(k) Adhere to the tenets of its published disciplinary procedures prior to the expulsion of any S.C.R.I.P.T. grant student.

(l) Coordinate with the local school district the locations and times for students in the private school who are participating in the S.C.R.I.P.T. grants program to take all statewide assessments pursuant to s. 229.57.

Rep. Gelber moved the adoption of the amendment.

Representative(s) Lacasa offered the following:

(Amendment Bar Code: 571107)

**Substitute Amendment 3**—On page 3, line 17 through page 6, line 15

remove from the bill: all of said lines

and insert in lieu thereof:

(c) Opt to request, on an annual basis, a S.C.R.I.P.T. grant of \$3,000 to assist the parent in paying for the student's attendance at an eligible private school of the parent's choice.

(5) SCHOOL DISTRICT OBLIGATIONS.—

(a) Each school district shall annually by February 22, for each K-12 student eligible under subsection (4) in a school that meets the definition of an overcrowded school pursuant to subsection (3), notify the parent that the school is overcrowded and provide the parent with the parental choice options for the following school year as provided in subsection (4).

(b) Notification shall be published on the school district web site, in area newspapers, and by written notice sent home with the student, and must include a listing of the public schools, including charter schools, within the district that do not meet the definition of an overcrowded school pursuant to subsection (3).

(6) PARENT OBLIGATIONS.—

(a) The parent shall notify the school district as to which of the options provided in subsection (4) the parent wishes to choose.

1. Failure of the parent to provide notification shall constitute the choice of the option provided by paragraph (4)(a).

2. If the parent chooses the option provided by paragraph (4)(b), the parent shall inform the school district by March 31 which public school the parent has selected, and the parent shall agree to provide any necessary transportation for the student to the selected public school.

3. If the parent chooses the option provided by paragraph (4)(c), the parent must:

a. Obtain acceptance for admission of the student to a private school eligible under subsection (7) as soon as possible, and inform the private school that the student will be using a S.C.R.I.P.T. grant; or, if the parent is unable to obtain acceptance for admission or for any reason decides not to participate in the program, notify the school district as soon as possible, so that the option in paragraph (4)(c) can be made available to another parent.

b. Notify the Department of Education by July 1 of the parent's request for a S.C.R.I.P.T. grant and the name and address of the selected private school.

c. Agree to provide transportation for the student to the private school if necessary.

d. Agree to pay any costs associated with the student's attendance at the private school that exceed the annual amount of the S.C.R.I.P.T. grant.

e. Agree that the education provided by the private school selected shall satisfy the student's full need for educational services from the student's school.

(b) After the first year of the student's attending a private school under the S.C.R.I.P.T. grants program, the parent must annually notify the Department of Education no later than July 1 if the parent intends to renew the grant according to the provisions of subsection (9) in order for the student to continue in the program, together with the name and address of the private school selected for the student for the following school year.

(7) PRIVATE SCHOOL ELIGIBILITY.—Eligibility of a private school shall be determined by the parental oversight and accountability

requirements that, coupled with the exercise of parental choice, are reasonably necessary to secure the educational public purpose. To be eligible to participate in the S.C.R.I.P.T. grants program, a private school must be a Florida private school, may be sectarian or nonsectarian, and must:

(a) Demonstrate fiscal soundness by being in operation for 1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the S.C.R.I.P.T. grants funds for any school year may be filed with the department.

(b) Notify the Department of Education and the school district in the service area in which the school is located of its intent to participate in the program under this section as early as possible, but no later than July 1 preceding the school year in which it intends to participate. The notice shall specify the grade levels and services that the private school has available for the S.C.R.I.P.T. grants program.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Meet state and local health and safety laws and codes.

(e) Comply with all state statutes applicable to the general regulation of private schools.

(f) If a S.C.R.I.P.T. grant student's parent so requests, coordinate with the local school district the locations and times for the student to take all statewide assessments pursuant to s. 229.57.

Rep. Lacasa moved the adoption of the substitute amendment, which was adopted. The vote was:

Session Vote Sequence: 50

Yeas—73

The Chair	Brummer	Harrell	Miller
Alexander	Byrd	Harrington	Murman
Allen	Cantens	Hart	Needelman
Andrews	Carassas	Johnson	Negron
Argenziano	Davis	Jordan	Paul
Arza	Detert	Kallinger	Pickens
Attkisson	Diaz de la Portilla	Kilmer	Prieguez
Atwater	Diaz-Balart	Kottkamp	Ross
Baker	Dockery	Kravitz	Rubio
Ball	Farkas	Kyle	Russell
Baxley	Fasano	Lacasa	Simmons
Bean	Fiorentino	Littlefield	Sorensen
Bennett	Flanagan	Lynn	Spratt
Bense	Garcia	Mack	Trovillion
Benson	Gardiner	Mahon	Wallace
Berfield	Gibson	Mayfield	Waters
Bilirakis	Goodlette	Maygarden	
Bowen	Green	Mealor	
Brown	Haridopolos	Melvin	

Nays—44

Ausley	Gelber	Kendrick	Ryan
Bendross-Mindingall	Gottlieb	Kosmas	Seiler
Brutus	Greenstein	Lerner	Siplin
Bucher	Harper	Machek	Slosberg
Bullard	Henriquez	McGriff	Smith
Clarke	Heyman	Meadows	Sobel
Crow	Hogan	Peterman	Stansel
Cusack	Holloway	Rich	Weissman
Fields	Jennings	Richardson	Wiles
Frankel	Joyner	Ritter	Wilson
Gannon	Justice	Romeo	Wishner

Votes after roll call:

Nays—Lee

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

#### Bill Subject to Special Rule

**CS/HB 367**—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; specifying membership composition and requirements of judicial nominating commissions; providing limitations; providing for terms; abolishing prior offices; providing for suspension or removal; requiring racial, ethnic, gender, and geographical diversity of commission memberships; amending s. 112.3145, F.S.; specifying members of certain judicial nominating commissions as state officers; providing severability; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

—was read the second time by title.

On motion by Rep. Negron, under Rule 12.2(c), the following late-filed amendment was considered by the required two-thirds vote. The vote was:

Session Vote Sequence: 51

Yeas—92

The Chair	Diaz de la Portilla	Jennings	Pickens
Allen	Diaz-Balart	Johnson	Rich
Andrews	Dockery	Jordan	Richardson
Arza	Farkas	Joyner	Romeo
Atwater	Fasano	Justice	Ross
Ausley	Fields	Kendrick	Rubio
Baker	Fiorentino	Kilmer	Ryan
Ball	Flanagan	Kosmas	Seiler
Barreiro	Frankel	Kravitz	Simmons
Bean	Gannon	Kyle	Siplin
Bendross-Mindingall	Garcia	Lerner	Slosberg
Bennett	Gardiner	Littlefield	Smith
Berfield	Gelber	Lynn	Sobel
Bilirakis	Gibson	Machek	Sorensen
Brutus	Gottlieb	Mack	Spratt
Bucher	Green	Maygarden	Stansel
Bullard	Greenstein	McGriff	Trovillion
Byrd	Haridopolos	Meadows	Wallace
Carassas	Harper	Melvin	Waters
Clarke	Harrell	Murman	Weissman
Cusack	Henriquez	Needelman	Wiles
Davis	Heyman	Negron	Wilson
Detert	Holloway	Peterman	Wishner

Nays—20

Argenziano	Brummer	Hogan	Mayfield
Attkisson	Cantens	Kallinger	Mealor
Baxley	Crow	Kottkamp	Paul
Bowen	Goodlette	Lacasa	Prieguez
Brown	Harrington	Mahon	Russell

Votes after roll call:

Yeas—Alexander, Benson, Lee, Miller

Nays to Yeas—Argenziano

Representative(s) Negron offered the following:

(Amendment Bar Code: 261109)

**Amendment 1**—On page 1, line 19, through page 3, line 24 remove from the bill: all of said lines

and insert in lieu thereof:

Section 1. Section 43.291, Florida Statutes, is created to read:

43.291 Judicial nominating commissions.—

(1) *Each judicial nominating commission established pursuant s. 11(d), Art. V of the State Constitution shall consist of nine members, three appointed by the Governor, three appointed by the President of the Senate, three appointed by the Speaker of the House, each of whom shall be a resident of the territorial jurisdiction served by the commission to which the member is appointed. One member appointed by the Governor, two members appointed by the President of the Senate, and two members appointed by the Speaker of the House shall be members in good standing of The Florida Bar who are actively engaged in the practice of law. The other four members shall be persons who are not current employees of a lawyer or law firm in this state nor shall such four members have ever practiced law or been members of the bar in any state of the United States or in the federal court system of the United States.*

(2)(a) *In making such appointments, the appointing authorities shall seek to ensure that the members of the commissions reflect the racial, ethnic, and gender diversity of the population within the territorial jurisdiction of the court for which nominations will be considered.*

(b) *With respect to members for judicial circuits of this state, there shall be appointed at least one commissioner from each county within the judicial circuit and such commissioner shall reside within the county from which he or she is appointed.*

(c) *With respect to members for court of appeals districts of this state, there shall be appointed at least one commissioner from each judicial circuit within the district and such commissioner shall reside within the judicial circuit from which he or she is appointed.*

(d) *With respect to members for the Supreme Court Judicial Nominating Commission, there shall be appointed at least one commissioner from each court of appeals district within the state and such commissioner shall reside within the court of appeals district from which he or she is appointed.*

(3) *No justice or judge may be a member of a judicial nominating commission. A member of a judicial nominating commission may hold public office other than judicial office. A member of a judicial nominating commission is not eligible for appointment to the state judicial office for which the commission has the authority to make nominations, either during such term of membership or for a period of 2 years thereafter. All acts of a judicial nominating commission shall be made with concurrence of a majority of its members.*

(4) *All members shall be appointed for a term to end on the date of the next general election. Terms commence upon appointment. No member may be appointed between the date of a gubernatorial election and the first Wednesday after the first Monday in January of the succeeding year. If a member is unable to complete his or her term, the appointing authority shall appoint another individual, qualified under the same subsection of this section as the member previously appointed, to fill the remainder of the member's term. For cause, a member of a judicial nominating commission may be suspended by the Governor pursuant to uniform rules of procedure established by the Executive Office of the Governor consistent with s. 7, Art. IV of the State Constitution and thereafter removed by the Senate.*

(5) *The office of any member of any judicial nominating commission appointed pursuant to s. 43.29 prior to the effective date of this act is abolished upon the effective date of this act and is replaced by those offices created pursuant to subsection (1). Any member of a judicial nominating commission who will not complete a 4-year term because of enactment of this act may be reappointed under this section.*

Rep. Negron moved the adoption of the amendment.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Rep. Wiles suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 52].

The question recurred on the adoption of **Amendment 1**, which failed of adoption.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

#### Bill Subject to Special Rule

**HB 369**—A bill to be entitled An act relating to public employees; renumbering parts I, II, III, IV, and V of ch. 110, F.S., as parts I, II, III, IV, and V of ch. 109 F.S.; repealing s. 110.108, F.S., relating to pilot projects for agencies seeking managerial flexibility for personnel programs, s. 110.1082, F.S., relating to use of telephone voice mail and menu options systems, s. 110.109, F.S., relating to personnel audits of agencies, and s. 110.1095, F.S., relating to training programs for supervisors and managers; amending and renumbering s. 110.1099, F.S.; specifying duties of agency heads with respect to education and training opportunities for state employees; amending and renumbering s. 110.112, F.S.; removing requirements relating to affirmative action plans, related training, and reports and reviews relating thereto; providing policy relating to use of human resources; providing for implementation of methodologies to fully utilize available human resources; providing for equal employment opportunity officers and their responsibilities; amending and renumbering s. 110.113, F.S.; requiring all state employees to participate in the direct deposit program; revising conditions for requesting an exemption; amending and renumbering s. 110.114, F.S.; providing for deduction of the cost of making any wage deduction requested by an employee; amending and renumbering s. 110.124, F.S.; providing that an employee who is terminated solely because of attaining age 65 may apply to the circuit court for relief if voluntary binding arbitration is not conducted; amending and renumbering s. 110.1245, F.S.; eliminating the meritorious service awards program and providing for a gain sharing program, with awards set by the Legislative Budgeting Commission; deleting certain limitations; amending and renumbering s. 110.131, F.S.; revising the time limitation on employment of other-personal-services temporary employees; requiring approval of the Governor's Office of Policy and Budget for extension of such limitation; revising exemptions from such limitation; creating s. 109.202, F.S.; providing a declaration of policy; amending and renumbering s. 110.203, F.S.; conforming definitions; revising the definition of "layoff" to include outsourcing or privatization; creating s. 109.2035, F.S.; directing the Department of Management Services, in consultation with specified entities, to develop a model civil service classification and compensation program and providing requirements with respect thereto; amending and renumbering ss. 110.211 and 110.213, F.S.; directing the department to develop uniform recruitment and selection rules to be used by employing agencies; amending and renumbering s. 110.224, F.S.; revising requirements relating to a review and performance planning system and designating such system a review and performance evaluation system; revising requirements relating to certain information furnished to employees and employee evaluation; amending and renumbering s. 110.227, F.S.; providing that a career service employee may be suspended or dismissed for reasonable cause; providing that reasonable cause shall be determined by the agency head and specifying actions included thereunder; revising certain responsibilities of agency heads; providing that rules regarding layoff shall not include "bumping"; deleting a requirement that a layoff be conducted within an identified competitive area; providing that, for any alleged adverse agency action against an employee occurring after a specified date, the employee bears the burden of proof to establish that the agency head abused his or her discretion; providing that, effective January 1, 2002, career service employees shall serve at the pleasure of the agency head; providing for appeal of reductions in pay, transfers, layoffs, or demotions to, and hearings regarding suspension or dismissal before, the circuit court, or for voluntary binding arbitration with respect thereto; creating s. 109.240, F.S.; providing that any permanent career service employee may request voluntary binding arbitration administered by the Division of Human Resource Management upon notice of an adverse agency action; providing definitions; providing requirements for such requests; providing for notice to the agency; specifying the employee's burden of proof; providing for arbitrators and their qualifications and authority; providing for employee panels and their qualifications and authority; providing duties of the division; providing for records; providing procedural requirements for arbitration proceedings; providing for rules; providing for application to the circuit

court for an order enforcing, vacating, or modifying the arbitration decision; providing for immunity; amending and renumbering s. 110.403, F.S.; increasing the limit on the number of Senior Management Service positions; amending and renumbering s. 110.602, F.S.; removing the limit on the number of Selected Exempt Service positions; amending and renumbering s. 110.605, F.S.; deleting provisions relating to development of a program of affirmative and positive action for the Selected Exempt Service by the department; amending and renumbering ss. 110.1091, 110.1127, 110.117, 110.1227, 110.123, 110.12312, 110.1232, 110.129, 110.152, 110.1521, 110.1522, 110.1523, 110.161, 110.171, 110.191, 110.205, 110.219, 110.233, 110.235, 110.401, 110.402, 110.406, 110.502, 110.601, and 110.606, F.S.; clarifying and conforming language and correcting cross references; amending ss. 20.171, 20.18, 20.21, 20.23, 20.255, 20.315, 24.105, 24.122, 68.087, 104.31, 106.082, 106.24, 112.044, 112.0805, 112.313, 112.3189, 112.363, 121.021, 121.0515, 121.055, 121.35, 215.94, 216.011, 216.251, 231.381, 235.217, 240.209, 240.2111, 240.507, 241.002, 242.331, 260.0125, 281.02, 287.175, 288.708, 295.07, 296.04, 296.34, 311.07, 339.175, 343.74, 381.85, 393.0657, 400.19, 400.953, 402.3057, 402.55, 402.731, 409.1757, 440.102, 440.4416, 443.171, 447.207, 456.048, 471.038, 509.036, 570.073, 570.074, 624.307, 627.0623, 627.6488, 627.649, 627.6498, 627.6617, 655.019, 943.0585, 943.059, 943.22, 944.35, 945.043, 957.03, 985.04, 985.05, and 985.4045, F.S.; conforming language and correcting cross references; amending s. 20.22, F.S.; creating the Division of Human Resource Management in the Department of Management Services; amending s. 447.201, F.S.; revising the statement of public policy regarding public employees; amending s. 447.203, F.S.; revising definitions for purposes of part II of ch. 447, F.S., relating to public employees; repealing s. 447.203(1)(b) and (3)(h), F.S., which define the Public Employees Relations Commission and exempt its employees from the definition of "public employee," and s. 447.205, F.S., which creates the commission, effective June 30, 2002; amending s. 447.207, F.S.; transferring general powers of the commission and powers relating to collective bargaining to the division; removing certain powers relating to petitions for a declaratory statement; directing the division to provide for voluntary binding arbitration with regard to certain adverse actions and discrimination in lieu of appeals to the commission; providing that the commission shall retain certain authority until June 30, 2002; amending s. 447.208, F.S.; providing the employee's burden of proof for alleged adverse agency actions occurring on or after July 1, 2001; deleting certain commission powers regarding reduction of penalties; repealing s. 447.208, F.S., which provides procedures for appeals to the commission regarding certain adverse agency actions, and s. 447.2085, F.S., which provides for rules with respect thereto, effective January 1, 2002; amending s. 447.301, F.S.; conforming language; amending ss. 447.305, 447.307, 447.308, and 447.309, F.S.; transferring powers and duties relating to registration and certification of employee organizations and adoption of procedures relating to collective bargaining agreements from the commission to the division; increasing the registration fee; amending s. 447.403, F.S.; revising requirements and procedures relating to resolution of impasses when the Legislature is the appropriate legislative body; transferring certain duties relating thereto to the division and the appropriate legislative body; amending s. 447.4095, F.S.; conforming language; amending s. 447.501, F.S.; providing for filing of unfair labor practice complaints with a court of competent jurisdiction; providing for costs and attorney's fees; repealing s. 447.503, F.S., which provides for settling of unfair labor practices disputes by the commission; amending s. 447.5035, F.S.; providing for enforcement of division orders; repealing s. 447.504, F.S., which provides for judicial review of final orders of the commission; amending s. 447.507, F.S.; transferring powers and duties relating to enforcement of the strike prohibition from the commission to the division; removing provisions relating to termination by the commission of the employment of an employee who violates the strike prohibition; amending s. 447.607, F.S.; conforming language; amending s. 20.171, F.S.; conforming language; amending s. 39.202, F.S.; providing for access to certain records by the division; amending s. 112.044, F.S., which prohibits age discrimination against public employees; providing for court action by an aggrieved employee if voluntary binding arbitration is not conducted; amending s. 112.0455, F.S., the Drug-Free Workplace Act; providing for appeals with respect to discipline or not being hired under said act to the circuit court

rather than the commission; amending s. 112.215, F.S.; providing for appointment of members of the Deferred Compensation Advisory Council by the department rather than the commission; amending s. 112.31895, F.S.; providing for judicial review of notice of termination of an investigation in connection with the Whistle-blower's Act rather than commission review; amending s. 120.80, F.S.; conforming language; repealing s. 125.0108(2)(d), F.S., and amending ss. 376.75, 403.718, and 538.11, F.S.; removing provisions which authorize certain actions by the Department of Revenue pursuant to rules of the commission or the Career Service Commission; amending ss. 284.30 and 284.31, F.S.; conforming language; amending ss. 295.11 and 295.14, F.S.; providing that the circuit court, rather than the commission, has jurisdiction to enforce provisions relating to employment preference for veterans if voluntary binding arbitration is not conducted; amending s. 415.107, F.S.; providing for access to certain records by the division; amending s. 440.102, F.S.; conforming language; repealing ss. 944.35(3)(c) and 985.4045(1)(b), F.S., which provide that violations by Department of Corrections employees of prohibitions against malicious battery and sexual misconduct, and violations by Department of Juvenile Justice employees of the prohibition against sexual misconduct, as determined by the commission, constitute cause for dismissal; directing the Department of Management Services to coordinate a transition plan; specifying transitional powers and duties of the commission and providing that it shall cease to exist June 30, 2002; providing an appropriation; providing for budget amendments to effectuate the act; providing for rules; providing effective dates.

—was read the second time by title.

The Committee on State Administration offered the following:

(Amendment Bar Code: 343575)

**Amendment 1 (with title amendment)—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *Section 110.105, Florida Statutes, is renumbered as section 109.105, Florida Statutes.*

Section 2. Section 110.107, Florida Statutes, is renumbered as section 109.107, Florida Statutes, and amended to read:

~~109.107~~ ~~110.107~~ Definitions.—As used in this chapter, ~~the term~~:

(1) "Department" means the Department of Management Services.

(2)(3) "Furlough" means a temporary reduction in the regular hours of employment in a pay period, or temporary leave without pay for one or more pay periods, with a commensurate reduction in pay, necessitated by a projected deficit in any fund that supports salary and benefit appropriations. The deficit must be projected by the Revenue Estimating Conference pursuant to s. 216.136(3).

(3) "Office" means the Office of Employee Relations within the Department of Management Services.

(4)(2) "Secretary" means the Secretary of Management Services.

Section 3. *Sections 110.108 and 110.109, Florida Statutes, are repealed.*

Section 4. *Section 110.1082, Florida Statutes, is renumbered as section 109.1082, Florida Statutes.*

Section 5. Section 110.1091, Florida Statutes, is renumbered as section 109.1091, Florida Statutes, and amended to read:

~~109.1091~~ ~~110.1091~~ Program for assisting state employees; confidentiality.—~~An Each~~ employing state agency may provide a program to assist any of its state employees ~~employee~~ who ~~have~~ ~~has~~ a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects ~~their~~ ~~the employee's~~ job performance, through referral for counseling, therapy, or other professional treatment. Each employing state agency may designate community diagnostic and referral resources as necessary to implement the provisions of this

section. Any communication between a state employee and personnel or service providers of a state employee assistance program relative to the employee's participation in the program shall be a confidential communication. Any routine monitoring of telephone calls by the state agency does not violate this provision. All records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 6. *Section 110.1095, Florida Statutes, is repealed.*

Section 7. Section 110.1099, Florida Statutes, is renumbered as section 109.1099, Florida Statutes, and amended to read:

~~109.1099~~ ~~110.1099~~ Education and training opportunities for state employees.—

(1) Education and training are an integral component in improving the delivery of services to the public. Recognizing that the application of productivity-enhancing technology and practice demand continuous educational and training opportunities, a state employee employees may be authorized to receive a fundable tuition waiver waivers on a space-available basis or a voucher vouchers to attend work-related courses at public universities. Student credit hours generated by state employee fee waivers shall be fundable credit hours.

(2) The department, in conjunction with the agencies, shall request that public universities such institutions provide evening and weekend programs for state employees. When evening and weekend training and educational programs are not available, an employee employees may be authorized to take paid time off during his or her their regular working hours for training and career development, as provided in s. 109.105(1) ~~110.105(1)~~, if such training benefits the employer as determined by that employee's agency head.

(3) An employee Employees who exhibits exhibit superior aptitude and performance may be authorized by that employee's agency head to take a paid educational leave leaves of absence for up to 1 academic year at a time, for specific approved work-related education and training.

(4) That employee Such employees must enter into a contract contracts to return to state employment for a period of time equal to the length of the leave of absence or refund salary and benefits paid during his or her their educational leave leaves of absence.

(4)(6) As a precondition to approving an employee's training request, an agency or the judicial branch may require an employee to enter into an agreement that requires the employee to reimburse the agency or judicial branch for the registration fee or similar expense for any training or training series when the cost of the fee or similar expense exceeds \$1,000 if the employee voluntarily terminates employment or is discharged for cause from the agency or judicial branch within a specified period of time not to exceed exceeding 4 years after the conclusion of the training. This subsection does not apply to any training program that an agency or the judicial branch requires an the employee to attend. An agency or the judicial branch may pay the outstanding balance then due and owing on behalf of a state employee under this subsection in connection with recruitment and hiring of such state employee.

(5) The Department of Management Services, in consultation with the agencies and, to the extent applicable, Florida's public universities postsecondary educational institutions, shall adopt rules to implement and administer this section.

Section 8. Section 110.112, Florida Statutes, is renumbered as section 109.112, Florida Statutes, and amended to read:

~~109.112~~ ~~110.112~~ Affirmative action; equal employment opportunity.—

(1) It is shall be the policy of this the state to fully utilize the rich diversity of Florida's human resources and to assist in providing the

assurance of equal employment opportunity through education and other programs of affirmative and positive action that will allow the citizens of Florida to benefit from the full utilization of all available human resources women and minorities.

(2)(a) The head of each executive agency and each state attorney and public defender shall develop and implement an affirmative action plan in accordance with rules adopted by the department and approved by a majority vote of the Administration Commission before their adoption.

(b) Each executive agency shall establish annual goals for ensuring full utilization of groups underrepresented in its workforce as compared to the relevant labor market, as defined by the agency. Each state attorney and public defender shall establish annual goals for ensuring full utilization of groups underrepresented in his or her workforce as compared to the relevant labor market, as defined by the state attorney or public defender. Each executive agency and each state attorney and public defender shall design the its affirmative action plan to meet the its established goals.

(c) An affirmative action-equal employment opportunity officer shall be appointed by the head of each executive agency and each state attorney and public defender. The affirmative action-equal employment opportunity officer's responsibilities shall must include determining annual goals, monitoring agency compliance, and providing consultation with to managers regarding progress, deficiencies, and appropriate corrective action.

(d) The department shall report information in its annual workforce report relating to the implementation, continuance, updating, and results of each executive agency's affirmative action plan for the previous fiscal year.

(e) The department shall provide to all supervisory personnel of the executive agencies training in the principles of equal employment opportunity and affirmative action, the development and implementation of affirmative action plans, and the establishment of annual affirmative action goals. The department may contract for training services, and each participating agency shall reimburse the department for costs incurred through such contract. After the department approves the contents of the training program for the agencies, the department may delegate this training to the executive agencies.

(3) Each state attorney and public defender shall:

~~(a) Develop and implement an affirmative action plan.~~

~~(b) Establish annual goals for ensuring full utilization of groups underrepresented in its workforce as compared to the relevant labor market in this state. The state attorneys' and public defenders' affirmative action plans must be designed to meet the established goals.~~

~~(c) Appoint an affirmative action-equal employment opportunity officer.~~

~~(d) report annually to the Justice Administrative Commission on the implementation, continuance, updating, and results of his or her affirmative action program for the previous fiscal year.~~

(4) The state, its agencies and officers shall ensure freedom from discrimination in employment as provided by the Florida Civil Rights Act of 1992, by s. 112.044, and by this chapter.

(5) Any individual claiming to be aggrieved by an unlawful employment practice may file a complaint with the Florida Commission on Human Relations as provided by s. 760.11(1) ~~760.10(10)~~.

(6) The department shall review and monitor executive agency actions in carrying out the rules adopted by the department pursuant to this section.

Section 9. Section 110.1127, Florida Statutes, is renumbered as section 109.1127, Florida Statutes, and subsection (1) of said section is amended to read:

~~109.1127~~ ~~110.1127~~ Employee security checks.—

(1) Each employing agency shall designate *those employee such of its positions of state employment* which, because of the special trust or responsibility or sensitive location of *those such* positions, require that persons occupying *those such* positions be subject to a security background check, including fingerprinting, as a condition of employment.

Section 10. *Section 110.1128, Florida Statutes, is renumbered as section 109.1128, Florida Statutes.*

Section 11. Section 110.113, Florida Statutes, is renumbered as section 109.113, Florida Statutes, and, effective January 1, 2002, subsection (2) of said section is amended to read:

~~109.113~~ ~~110.113~~ Pay periods for state officers and employees; salary payments by direct deposit.—

(2) As a condition of employment, a person appointed to a position in state government ~~on or after July 1, 1996~~, is required to participate in the direct deposit program pursuant to s. 17.076. ~~This subsection does not apply to persons who are in the employment of the state on July 1, 1996, and subsequently receive promotion appointments, transfers, or other changes in positions within the same personnel system after July 1, 1996.~~ An employee may request an exemption from the provisions of this subsection when such employee can demonstrate a hardship ~~or when such employee is in an other personal services position.~~

Section 12. *Sections 110.114, 110.115, 110.1155, 110.116, and 110.1165, Florida Statutes, are renumbered as sections 109.114, 109.115, 109.1155, 109.116, and 109.1165, Florida Statutes, respectively.*

Section 13. Section 110.117, Florida Statutes, is renumbered as section 109.117, Florida Statutes, and subsection (3) of said section is amended to read:

~~109.117~~ ~~110.117~~ Paid holidays.—

(3) Each full-time employee is entitled to one personal holiday each year. Each part-time employee is entitled to a personal holiday each year which shall be calculated proportionately to the personal holiday allowed to a full-time employee. Such personal holiday shall be credited to eligible employees on July 1 of each year to be taken prior to June 30 of the following year. Members of the teaching and research faculty of the State University System and administrative and professional positions exempted under s. ~~109.205(2)(d)~~ ~~110.205(2)(d)~~ are not eligible for this benefit.

Section 14. *Sections 110.118, 110.119, 110.120, 110.121, 110.122, 110.1221, and 110.1225, Florida Statutes, are renumbered as sections 109.118, 109.119, 109.120, 109.121, 109.122, 109.1221, and 109.1225, Florida Statutes, respectively.*

Section 15. Section 110.1227, Florida Statutes, is renumbered as section 109.1227, Florida Statutes, and paragraph (c) of subsection (1) of said section is amended to read:

~~109.1227~~ ~~110.1227~~ Florida Employee Long-Term-Care Plan Act.—

(1) The Legislature finds that state expenditures for long-term-care services continue to increase at a rapid rate and that the state faces increasing pressure in its efforts to meet the long-term-care needs of the public.

(c) This act in no way affects the Department of Management Services' authority pursuant to s. ~~109.123~~ ~~110.123~~.

Section 16. Section 110.123, Florida Statutes, is renumbered as section 109.123, Florida Statutes, and paragraph (g) of subsection (3) of said section is amended to read:

~~109.123~~ ~~110.123~~ State group insurance program.—

## (3) STATE GROUP INSURANCE PROGRAM.—

(g)1. A person eligible to participate in the state group insurance program may be authorized by rules adopted by the department, in lieu of participating in the state group health insurance plan, to exercise an option to elect membership in a health maintenance organization plan which is under contract with the state in accordance with criteria established by this section and by said rules. The offer of optional membership in a health maintenance organization plan permitted by this paragraph may be limited or conditioned by rule as may be necessary to meet the requirements of state and federal laws.

2. The department shall contract with health maintenance organizations seeking to participate in the state group insurance program through a request for proposal or other procurement process, as developed by the Department of Management Services and determined to be appropriate.

a. The department shall establish a schedule of minimum benefits for health maintenance organization coverage, and that schedule shall include: physician services; inpatient and outpatient hospital services; emergency medical services, including out-of-area emergency coverage; diagnostic laboratory and diagnostic and therapeutic radiologic services; mental health, alcohol, and chemical dependency treatment services meeting the minimum requirements of state and federal law; skilled nursing facilities and services; prescription drugs; and other benefits as may be required by the department. Additional services may be provided subject to the contract between the department and the HMO.

b. The department may establish uniform deductibles, copayments, or coinsurance schedules for all participating HMO plans.

c. The department may require detailed information from each health maintenance organization participating in the procurement process, including information pertaining to organizational status, experience in providing prepaid health benefits, accessibility of services, financial stability of the plan, quality of management services, accreditation status, quality of medical services, network access and adequacy, performance measurement, ability to meet the department's reporting requirements, and the actuarial basis of the proposed rates and other data determined by the director to be necessary for the evaluation and selection of health maintenance organization plans and negotiation of appropriate rates for these plans. Upon receipt of proposals by health maintenance organization plans and the evaluation of those proposals, the department may enter into negotiations with all of the plans or a subset of the plans, as the department determines appropriate. Nothing shall preclude the department from negotiating regional or statewide contracts with health maintenance organization plans when this is cost-effective and when the department determines that the plan offers high value to enrollees.

d. The department may limit the number of HMOs that it contracts with in each service area based on the nature of the bids the department receives, the number of state employees in the service area, or any unique geographical characteristics of the service area. The department shall establish by rule service areas throughout the state.

e. All persons participating in the state group insurance program who are required to contribute towards a total state group health premium shall be subject to the same dollar contribution regardless of whether the enrollee enrolls in the state group health insurance plan or in an HMO plan.

3. The department is authorized to negotiate and to contract with specialty psychiatric hospitals for mental health benefits, on a regional basis, for alcohol, drug abuse, and mental and nervous disorders. The department may establish, subject to the approval of the Legislature pursuant to subsection (5), any such regional plan upon completion of an actuarial study to determine any impact on plan benefits and premiums.

4. In addition to contracting pursuant to subparagraph 2., the department shall enter into contract with any HMO to participate in the state group insurance program which:

a. Serves greater than 5,000 recipients on a prepaid basis under the Medicaid program;

b. Does not currently meet the 25 percent non-Medicare/non-Medicaid enrollment composition requirement established by the Department of Health excluding participants enrolled in the state group insurance program;

c. Meets the minimum benefit package and copayments and deductibles contained in sub-subparagraphs 2.a. and b.;

d. Is willing to participate in the state group insurance program at a cost of premiums that is not greater than 95 percent of the cost of HMO premiums accepted by the department in each service area; and

e. Meets the minimum surplus requirements of s. 641.225.

The department is authorized to contract with HMOs that meet the requirements of sub-subparagraphs a.-d. prior to the open enrollment period for state employees. The department is not required to renew the contract with the HMOs as set forth in this paragraph more than twice. Thereafter, the HMOs shall be eligible to participate in the state group insurance program only through the request for proposal process described in subparagraph 2.

5. All enrollees in the state group health insurance plan or any health maintenance organization plan shall have the option of changing to any other health plan which is offered by the state within any open enrollment period designated by the department. Open enrollment shall be held at least once each calendar year.

6. When a contract between a treating provider and the state-contracted health maintenance organization is terminated for any reason other than for cause, each party shall allow any enrollee for whom treatment was active to continue coverage and care when medically necessary, through completion of treatment of a condition for which the enrollee was receiving care at the time of the termination, until the enrollee selects another treating provider, or until the next open enrollment period offered, whichever is longer, but no longer than 6 months after termination of the contract. Each party to the terminated contract shall allow an enrollee who has initiated a course of prenatal care, regardless of the trimester in which care was initiated, to continue care and coverage until completion of postpartum care. This does not prevent a provider from refusing to continue to provide care to an enrollee who is abusive, noncompliant, or in arrears in payments for services provided. For care continued under this subparagraph, the program and the provider shall continue to be bound by the terms of the terminated contract. Changes made within 30 days before termination of a contract are effective only if agreed to by both parties.

7. Any HMO participating in the state group insurance program shall submit health care utilization and cost data to the department, in such form and in such manner as the department shall require, as a condition of participating in the program. The department shall enter into negotiations with its contracting HMOs to determine the nature and scope of the data submission and the final requirements, format, penalties associated with noncompliance, and timetables for submission. These determinations shall be adopted by rule.

8. The department may establish and direct, with respect to collective bargaining issues, a comprehensive package of insurance benefits that may include supplemental health and life coverage, dental care, long-term care, vision care, and other benefits it determines necessary to enable state employees to select from among benefit options that best suit their individual and family needs.

a. Based upon a desired benefit package, the department shall issue a request for proposal for health insurance providers interested in participating in the state group insurance program, and the department shall issue a request for proposal for insurance providers interested in participating in the non-health-related components of the state group insurance program. Upon receipt of all proposals, the department may enter into contract negotiations with insurance providers submitting bids or negotiate a specially designed benefit package. Insurance providers offering or providing supplemental coverage as of May 30, 1991, which qualify for pretax benefit treatment pursuant to s. 125 of the Internal Revenue Code of 1986, with 5,500 or more state employees currently enrolled may be included by the department in the

supplemental insurance benefit plan established by the department without participating in a request for proposal, submitting bids, negotiating contracts, or negotiating a specially designed benefit package. These contracts shall provide state employees with the most cost-effective and comprehensive coverage available; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such supplemental benefit plans. With respect to dental coverage, the division shall include in any solicitation or contract for any state group dental program made after July 1, 2001, a comprehensive indemnity dental plan option which offers enrollees a completely unrestricted choice of dentists. If a dental plan is endorsed, or in some manner recognized as the preferred product, such plan shall include a comprehensive indemnity dental plan option which provides enrollees with a completely unrestricted choice of dentists.

b. Pursuant to the applicable provisions of s. 109.161 ~~110.161~~, and s. 125 of the Internal Revenue Code of 1986, the department shall enroll in the pretax benefit program those state employees who voluntarily elect coverage in any of the supplemental insurance benefit plans as provided by sub-subparagraph a.

c. Nothing herein contained shall be construed to prohibit insurance providers from continuing to provide or offer supplemental benefit coverage to state employees as provided under existing agency plans.

Section 17. Section 110.12312, Florida Statutes, is renumbered as section 109.12312, Florida Statutes, and amended to read:

*109.12312* ~~110.12312~~ Open enrollment period for retirees.—On or after July 1, 1997, the Department of Management Services shall provide for an open enrollment period for retired state employees who want to obtain health insurance coverage under ss. 109.123 ~~110.123~~ and 109.12315 ~~110.12315~~. The options offered during the open enrollment period must provide the same health insurance coverage as the coverage provided to active employees under the same premium payment conditions in effect for covered retirees, including eligibility for health insurance subsidy payments under s. 112.363. A person who separates from employment subsequent to May 1, 1988, but whose date of retirement occurs on or after August 1, 1995, is eligible as of the first open enrollment period occurring after July 1, 1997, with an effective date of January 1, 1998, as long as the retiree's enrollment remains in effect.

Section 18. *Section 110.12315, Florida Statutes, is renumbered as section 109.12315, Florida Statutes.*

Section 19. Section 110.1232, Florida Statutes, is renumbered as section 109.1232, Florida Statutes, and amended to read:

*109.1232* ~~110.1232~~ Health insurance coverage for persons retired under state-administered retirement systems before January 1, 1976, and for spouses.—Notwithstanding any provisions of law to the contrary, the Department of Management Services shall provide health insurance coverage under the state group insurance program for persons who retired before January 1, 1976, under any of the state-administered retirement systems and who are not covered by social security and for the spouses and surviving spouses of such retirees who are also not covered by social security. Such health insurance coverage shall provide the same benefits as provided to other retirees who are entitled to participate under s. 109.123 ~~110.123~~. The claims experience of this group shall be commingled with the claims experience of other members covered under s. 109.123 ~~110.123~~.

Section 20. *Sections 110.1234, 110.1238, and 110.1239, Florida Statutes, are renumbered as sections 109.1234, 109.1238, and 109.1239, Florida Statutes, respectively.*

Section 21. Section 110.124, Florida Statutes, is renumbered as section 109.124, Florida Statutes, and, effective January 1, 2002, subsections (2) and (4) of said section are amended to read:

*109.124* ~~110.124~~ Termination or transfer of employees aged 65 or older.—

(2) Whenever any employee who has attained age 65 is terminated by an agency or department solely because the employee attains age 65,

the employee may apply for relief from the action to the *circuit court*, unless *voluntary binding arbitration is conducted pursuant to s. 109.240 Public Employees Relations Commission pursuant to s. 447.208*. The employee shall continue in employment pending the outcome of the case application. If the employee continues in employment following a the decision of the *court commission*, no further action shall be taken by the agency or department to terminate the employee for a period of 1 year following the date of the *court's decision of the commission* unless approved by the *court commission* upon a showing by the agency or department that the employee's capability has changed to a sufficient extent that he or she is no longer able to perform any job within such agency or department. *If the employee continues in employment following a decision of the voluntary binding arbitration panel, no further action shall be taken by the agency or department to terminate the employee for a period of 1 year following the date of the panel's decision unless approved by the office upon a showing by the agency or department that the employee's capability has changed to a sufficient extent that he or she is no longer able to perform any job within such agency or department.*

(4) If mutually agreed to by the employee and the agency or department, an employee who has attained age 65 may be reduced to a part-time position for the purpose of phasing the employee out of employment into retirement. Such an arrangement may also be required by the *court or the voluntary binding arbitration panel Public Employees Relations Commission* as part of its decision in any appeal arising out of this section. A reduction to a part-time position may be accompanied by an appropriate reduction in pay.

Section 22. Section 110.1245, Florida Statutes, is renumbered as section 109.1245, Florida Statutes, and amended to read:

(Substantial rewording of section. See s. 110.1245, F.S., for present text.)

109.1245 Savings sharing; bonus payments; other awards.—

(1)(a) *The Department of Management Services shall set policy, develop procedures, and promote a savings sharing program for an individual or group of employees who propose procedures or ideas which are adopted and which result in eliminating or reducing state expenditures, if such proposals are placed in effect and can be implemented under current statutory authority.*

(b) *Each agency head shall recommend employees individually or by group to be awarded an amount of money, which amount shall be directly related to the cost savings realized. Each proposed award and amount of money must be approved by the Legislative Budgeting Commission.*

(c) *Each state agency, unless otherwise provided by law, may participate in the program. The Chief Justice shall have the authority to establish a savings sharing program for employees of the judicial branch within the parameters established in this section. The program shall apply to all employees within the Career Service System, the Selected Exempt Service, and comparable employees within the judicial branch.*

(d) *The department and the judicial branch shall submit annually to the President of the Senate and the Speaker of the House of Representatives information that outlines each agency's level of participation in the savings sharing program. The information shall include, but is not limited to:*

1. *The number of proposals made.*
2. *The number of awards made to employees or groups for adopted proposals.*
3. *The actual cost savings realized as a result of implementing employee or group proposals.*
4. *The number of employees or groups recognized for superior accomplishments.*

(2) *In June of each year, bonuses shall be paid to employees from unused salary and expense dollars. Each agency shall develop a plan for awarding lump-sum bonuses, which plan shall be submitted to and*

*approved by the Office of Policy and Budget in the Executive Office of the Governor no later than September 15 of each year. Such plan shall include, at a minimum:*

(a) *A statement that bonuses shall be awarded from unused salary and expense dollars.*

(b) *A statement that all bonuses are subject to appropriation by the Legislature.*

(c) *Eligibility criteria as follows:*

1. *The employee must have been employed prior to July 1 of that fiscal year and have been continuously employed through the date of distribution.*

2. *The employee must not have been on leave without pay consecutively for 6 months or more during the fiscal year.*

3. *The employee must have had no disciplinary action during the period beginning July 1 through the date the bonus checks are distributed. Disciplinary actions include written reprimands, suspensions, dismissals, and involuntary or voluntary demotions that were associated with a disciplinary action.*

4. *The employee must have demonstrated a commitment to agency mission by reducing the burden on those served, continually improving the way business is conducted, producing results in the form of increased outputs, and working to improve processes.*

5. *The employee must have demonstrated initiative in work and exceeded normal job expectations.*

6. *The employee must have modeled the way for others by displaying agency values of fairness, cooperation, respect, commitment, honesty, excellence, and teamwork.*

(d) *An evaluation process of the employee's performance and eligibility to be performed no less than quarterly.*

(e) *Peer input to account for at least 40 percent of the bonus award determination.*

(f) *A division of the agency by work unit for purposes of peer input and bonus distribution.*

(g) *A limitation on bonus distributions equal to 35 percent of the agency's total authorized positions. This requirement may be waived by the Office of Policy and Budget in the Executive Office of the Governor upon a showing of exceptional circumstances.*

(3) *Each department head is authorized to incur expenditures to award suitable framed certificates, pins, and other tokens of recognition to retiring state employees whose service with the state has been satisfactory, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 each plus applicable taxes.*

(4) *Each department head is authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to state employees who have achieved increments of 5 years of satisfactory service in the agency or to the state, in appreciation and recognition of such service. Such awards may not cost in excess of \$50 each plus applicable taxes.*

(5) *Each department head is authorized to incur expenditures not to exceed \$100 each plus applicable taxes for suitable framed certificates, plaques, or other tokens of recognition to any appointed member of a state board or commission whose service to the state has been satisfactory, in appreciation and recognition of such service upon the expiration of such board or commission member's final term in such position.*

Section 23. Section 110.1246, Florida Statutes, is repealed.

Section 24. Sections 110.125, 110.126, and 110.127, Florida Statutes, are renumbered as sections 109.125, 109.126, and 109.127, Florida Statutes, respectively.

Section 25. Section 110.129, Florida Statutes, is renumbered as section 109.129, Florida Statutes, and amended to read:



~~109.129~~ ~~110.129~~ Services to political subdivisions.—

(1) Upon request, the department may enter into a formal agreement ~~agreements~~ with any municipality or political subdivision of the state to furnish technical assistance to improve the system or methods of personnel administration of ~~that such~~ municipality or political subdivision. The department shall provide such assistance within the limitations of available staff, funds, and other resources. All municipalities and political subdivisions of the state are authorized to enter into such agreements.

(2) Technical assistance ~~includes may include~~, but ~~is shall~~ not be limited to, *providing* technical advice, written reports, ~~or and~~ other information or materials, ~~which and~~ may cover such subjects as management and personnel systems, central administrative and support services, employee training, and employee productivity.

(3) Technical assistance rendered to municipalities or political subdivisions pursuant to this section may be on a nonreimbursable basis or may be partly or wholly reimbursable based upon the extent, nature, and duration of the requested assistance; the extent of resources required; and the degree to which the assistance would be of use to other municipalities or political subdivisions of the state.

Section 26. Section 110.131, Florida Statutes, is renumbered as section 109.131, Florida Statutes, and, effective July 1, 2001, subsections (2) and (3) and paragraph (c) of subsection (6) of said section are amended to read:

~~109.131~~ ~~110.131~~ Other-personal-services temporary employment.—

(2) An agency may employ any *qualified* individual in other-personal-services temporary employment for *100 hours in any calendar month* ~~1,040 hours within any 12-month~~ period. An extension beyond a total of *100 hours in any calendar month period* ~~1,040 hours~~ within an agency for any individual requires the approval of the *Governor's Office of Policy and Budget for good cause* ~~agency head or a designee~~. ~~Approval of extensions shall be made in accordance with criteria established by the department. Each agency shall maintain employee information as specified by the department regarding each extension of other personal-services temporary employment.~~ The time limitation established by this subsection does not apply to board members, ~~consultants, seasonal employees,~~ institutional clients employed as part of their rehabilitation, or bona fide, degree-seeking students in accredited secondary or postsecondary educational programs.

(3) The department shall adopt rules providing that other-personal-services temporary employment in an employer-employee relationship shall be used for short-term tasks. Such rules shall specify the employment categories, terms, conditions, rate of pay, and frequency of other-personal-services temporary employment and the duration for which such employment may last; ~~specify criteria for approving extensions beyond the time limitation provided in subsection (2);~~ and prescribe recordkeeping and reporting requirements for other-personal-services employment.

(6)

(c) Notwithstanding the provisions of this section, the agency head or his or her designee may extend the other-personal-services employment of a health care practitioner licensed pursuant to chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, part I of chapter 464, chapter 466, chapter 468, chapter 483, chapter 486, or chapter 490 beyond 2,080 hours *per year* and may employ such practitioner on an hourly or other basis.

Section 27. *Section 110.151, Florida Statutes, is renumbered as section 109.151, Florida Statutes.*

Section 28. Section 110.152, Florida Statutes, is renumbered as section 109.152, Florida Statutes, and subsection (4) of said section is amended to read:

~~109.152~~ ~~110.152~~ Adoption benefits for state or water management district employees; parental leave.—

(4) Any employee of the state or of a water management district who has a child placed in the custody of the employee for adoption, and who continues to reside in the same household as the child placed for adoption, shall be granted parental leave for a period not to exceed 6 months as provided in s. ~~109.221~~ ~~110.221~~.

Section 29. *Section 110.15201, Florida Statutes, is renumbered as section 109.15201, Florida Statutes.*

Section 30. Section 110.1521, Florida Statutes, is renumbered as section 109.1521, Florida Statutes, and amended to read:

~~109.1521~~ ~~110.1521~~ Short title.—Sections ~~109.1521-109.1523~~ ~~110.1521-110.1523~~ may be cited as the "Family Support Personnel Policies Act."

Section 31. Section 110.1522, Florida Statutes, is renumbered as section 109.1522, Florida Statutes, and amended to read:

~~109.1522~~ ~~110.1522~~ Model rule establishing family support personnel policies.—The Department of Management Services shall develop a model rule establishing family support personnel policies for all executive branch agencies, excluding the State University System. "Family support personnel policies," for purposes of ss. ~~109.1521-109.1523~~ ~~110.1521-110.1523~~, means personnel policies affecting employees' ability to both work and devote care and attention to their families and includes policies on flexible hour work schedules, compressed time, job sharing, part-time employment, maternity or paternity leave for employees with a newborn or newly adopted child, and paid and unpaid family or administrative leave for family responsibilities.

Section 32. Section 110.1523, Florida Statutes, is renumbered as section 109.1523, Florida Statutes, and amended to read:

~~109.1523~~ ~~110.1523~~ Adoption of model rule.—The model rule shall be effective 20 days after having been filed with the Department of State and shall become part of the personnel rules of all applicable state agencies 150 days after the effective date of the rule to the extent that each agency does not, subsequent to such effective date, adopt a rule that sets forth the intent to specifically amend all or part of such model rule. Any employee or organization representing employees shall be considered a party for purposes of any rule required by ss. ~~109.1521-109.1523~~ ~~110.1521-110.1523~~, notwithstanding any provision of chapter 120 to the contrary.

Section 33. Section 110.161, Florida Statutes, is renumbered as section 109.161, Florida Statutes, and paragraph (a) of subsection (6) of said section is amended to read:

~~109.161~~ ~~110.161~~ State employees; pretax benefits program.—

(6) The Department of Management Services is authorized to administer the pretax benefits program established for all employees so that employees may receive benefits that are not includable in gross income under the Internal Revenue Code of 1986. The pretax benefits program:

(a) Shall allow employee contributions to premiums for the state group insurance program administered under s. ~~109.123~~ ~~110.123~~ to be paid on a pretax basis unless an employee elects not to participate.

Section 34. Section 110.171, Florida Statutes, is renumbered as section 109.171, Florida Statutes, and paragraph (c) of subsection (2) of said section is amended to read:

~~109.171~~ ~~110.171~~ State employee telecommuting program.—

(2) The department shall:

(c) Identify state employees who are participating in a telecommuting program and their job classifications through the state personnel payroll information subsystem created under s. ~~109.116~~ ~~110.116~~.

Section 35. *Section 110.181, Florida Statutes, is renumbered as section 109.181, Florida Statutes.*

Section 36. Section 110.191, Florida Statutes, is renumbered as section 109.191, Florida Statutes, and amended to read:

*109.191* ~~110.191~~ State employee leasing.—

(1) In situations where the Legislature has expressly authorized the state, an agency, or the judicial branch as defined in s. *109.203* ~~110.203~~ to lease employees, the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch may authorize any of the following actions related to such state employee leasing activities, provided that the direct cost of such actions is to be paid or reimbursed within 30 days after payment by the entity or person to whom the employees are leased:

(a) Create a separate budget entity from which leased employees shall be paid and transfer the positions authorized to be leased to that budget entity.

(b) Provide increases in the operating budget entity.

(c) Authorized lump-sum salary bonuses to leased employees; however, any lump-sum salary bonus above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(d) Approve increases in salary rate for positions which are leased; however, any salary rate above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(e) Waive any requirement for automatic salary increases which may be contained in the General Appropriations Act.

(2) Positions which are in the Senior Management Service System or the Selected Exempt Service System on the day before the state employee lease agreement takes effect shall remain in the respective system if the duties performed by the position during the assignment of the state employee lease agreement are comparable as determined by the department. Those Senior Management Service System or Selected Exempt Service System positions which are not determined comparable by the department and positions which are in other pay plans on the day before the lease agreement takes effect shall have the same salaries and benefits provided to employees of the Office of the Governor pursuant to s. *109.205(2)(k)2* ~~110.205(2)(k)2~~.

Section 37. Section 110.201, Florida Statutes, is renumbered as section 109.201, Florida Statutes.

Section 38. Section 110.203, Florida Statutes, is renumbered as section 109.203, Florida Statutes, and subsections (11), (18), (19), (22), and (23) of said section are amended to read:

*109.203* ~~110.203~~ Definitions.—For the purpose of this part and the personnel affairs of the state:

(11) “Pay plan” means a formal description of the philosophy, methods, procedures, and salary *schedules* ~~schedule~~ for competitively compensating employees at market-based rates for work performed.

(18) “Promotion” means the changing of the classification of an employee to a class having a higher maximum salary; or the changing of the classification of an employee to a class having the same or a lower maximum salary but a higher level of responsibility as determined by the Department of Management Services.

(19) “Demotion” means the changing of the classification of an employee to a class having a lower maximum salary; or the changing of the classification of an employee to a class having the same or a higher maximum salary but a lower level of responsibility as determined by the Department of Management Services.

(22) “Dismissal” means a disciplinary action taken by an agency against an employee resulting in termination of his or her employment for a violation of agency standards or for cause pursuant to s. *109.227* ~~110.227~~.

(23) “Suspension” means a disciplinary action taken by an agency against an employee to temporarily relieve the employee of his or her

duties and place him or her on leave without pay for violation of agency standards or for cause pursuant to s. *109.227* ~~110.227~~.

Section 39. Effective July 1, 2001, subsections (22), (23), and (24) of section 109.203, Florida Statutes, as renumbered and amended by this act, are amended, and subsections (28) and (29) are added to said section, to read:

109.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(22) “Dismissal” means a disciplinary action taken by an agency pursuant to s. *109.227* against an employee resulting in termination of his or her employment for a violation of agency standards or for cause pursuant to s. *109.227*.

(23) “Suspension” means a disciplinary action taken by an agency pursuant to s. *109.227* against an employee to temporarily relieve the employee of his or her duties and place him or her on leave without pay for violation of agency standards or for cause pursuant to s. *109.227*.

(24) “Layoff” means termination of employment due to abolishment of positions necessitated by a shortage of funds or work, or a material change in the duties or organization of an agency, including the outsourcing or privatization of an activity or function previously performed by career service employees.

(28) “Firefighter” means a firefighter certified under chapter 633.

(29) “Law enforcement or correctional officer” means a law enforcement officer, special agent, correctional officer, correctional probationer officer, or institutional security specialist required to be certified under chapter 943.

Section 40. Section 109.2035, Florida Statutes, is created to read:

*109.2035* Civil service classification and compensation program.—

(1) The Department of Management Services, in consultation with the Executive Office of the Governor and the Legislature, shall develop a model civil service classification and compensation program. This model program shall be developed for use by all state agencies and shall address all career service classes.

(2) The model program shall consist of the following:

(a) A position classification system using no more than 50 occupational groups and up to a six-class series structure for each occupation within an occupational group. Additional occupational groups may be established only by the Executive Office of the Governor after consultation with the Legislature.

(b) A career service pay plan which shall provide broad, market-based salary ranges for each occupational group.

(3) The following goals shall be considered in designing and implementing the model program:

(a) The classification system must significantly reduce the need to reclassify positions due to work assignment and organizational changes by decreasing the number of classification changes required.

(b) The classification system must establish broad-based classes allowing flexibility in organizational structure and must reduce the levels of supervisory classes.

(c) The classification system and pay plan must emphasize pay administration and job performance evaluation by management rather than use of the classification system to award salary increases.

(d) The pay administration system must contain provisions to allow managers the flexibility to move employees through the pay ranges and provide for salary increase additives and lump-sum bonuses.

(4) The classification system shall be structured such that each confidential, managerial, and supervisory employee shall be included in the Selected Exempt Service, in accordance with part V of this chapter.

(5) *The Department of Management Services shall submit the proposed design of the model civil service classification and compensation program to the Executive Office of the Governor, the presiding officers of the Legislature, and the appropriate legislative fiscal and substantive standing committees on or before December 1, 2001.*

(6) *The department shall establish, by rule, guidelines with respect to, and shall delegate, where appropriate, to the employing agencies the authority to administer, the following:*

- (a) *Shift differentials.*
- (b) *On-call fees.*
- (c) *Hazardous-duty pay.*
- (d) *Advanced appointment rates.*
- (e) *Salary increase and decrease corrections.*
- (f) *Lead worker pay.*
- (g) *Temporary special duties pay.*
- (h) *Trainer additive pay.*
- (i) *Competitive area differentials.*
- (j) *Coordinator pay.*
- (k) *Critical market pay.*

*The employing agency must use such pay additives as are appropriate within the guidelines established by the department and shall advise the department in writing of the plan for implementing such pay additives prior to the implementation date. Any action by an employing agency to implement temporary special duties pay, competitive area differentials, or critical market pay may be implemented only after the department has reviewed and recommended such action; however, an employing agency may use temporary special duties pay for up to 3 months without prior review by the department. The department shall annually provide a summary report of the pay additives implemented pursuant to this section.*

Section 41. Section 110.205, Florida Statutes, is renumbered as section 109.205, Florida Statutes, and paragraphs (h) and (u) of subsection (2) and subsection (3) of said section are amended, and, effective July 1, 2001, paragraphs (v) and (w) are added to subsection (2) and subsection (7) is added to said section, and, effective June 30, 2002, paragraph (m) of subsection (2) of said section is amended, to read:

~~109.205~~ ~~110.205~~ Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(h) All positions which are established for a limited period of time for the purpose of conducting a special study, project, or investigation and any person paid from an other-personal-services appropriation. Unless otherwise fixed by law, the salaries for such positions and persons shall be set in accordance with rules established by the employing agency for other-personal-services payments pursuant to s. 109.131 ~~110.131~~.

(m)1.a. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 20 policymaking or managerial positions, as defined by the department and approved by the Administration Commission, as being exempt from the Career Service System. Career service employees who occupy a position designated as a position in the Selected Exempt Service under this paragraph shall have the right to remain in the Career Service System by opting to serve in a position not exempted by the employing agency. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, that if the agency head determines that the general counsel, chief Cabinet aide, public

information administrator or comparable position for a Cabinet officer, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be established by the department in accordance with the rules of the Senior Management Service.

b. In addition, each department may designate one additional position in the Senior Management Service if that position reports directly to the agency head or to a position in the Senior Management Service and if any additional costs are absorbed from the existing budget of that department.

2. If otherwise exempt, employees of ~~the Public Employees Relations Commission, the Commission on Human Relations, and the Unemployment Appeals Commission~~, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. ~~However, the deputy general counsels of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.~~

(u) Positions which are leased pursuant to a state employee lease agreement expressly authorized by the Legislature pursuant to s. 109.191 ~~110.191~~.

(v) *Managerial employees, as defined in s. 447.203(4), confidential employees, as defined in s. 447.203(5), and supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors, except employees also designated as special risk or special risk administrative support. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.*

(w) *Any employee exempted and moved to the Selected Exempt Service by way of a collective bargaining agreement.*

(3) PARTIAL EXEMPTION OF DEPARTMENT OF LAW ENFORCEMENT.—Employees of the Department of Law Enforcement shall be subject to the provisions of s. 109.227 ~~110.227~~, except in matters relating to transfer.

(7) *If an employee is transferred or otherwise moves from the Career Service System into the Selected Exempt Service, all of the employee's unused annual leave and unused sick leave shall carry forward with the employee and shall not be paid out.*

Section 42. *Sections 110.207, 110.209, and 110.21, Florida Statutes, are renumbered as sections 109.207, 109.209, and 109.21, Florida Statutes, respectively.*

Section 43. *Effective June 30, 2002, sections 109.207 and 109.209, Florida Statutes, are repealed.*

Section 44. Section 110.211, Florida Statutes, is renumbered as section 109.211, Florida Statutes, and amended to read:

~~109.211~~ ~~110.211~~ Recruitment.—

(1) Recruiting shall be planned and carried out in a manner that assures open competition based upon current and projected employing agency needs, taking into consideration the number and types of positions to be filled and the labor market conditions, with special emphasis placed on recruiting efforts to attract minorities, women, or other groups that are underrepresented in the workforce of the employing agency.

(2) Recruiting efforts to fill current or projected vacancies shall be carried out in the sound discretion of the agency head ~~the responsibility of the employing agency.~~

(3) *Recruiting shall provide efficiency in advertising and may be assisted by a contracted vendor responsible for maintenance of the personnel data. The department shall provide for executive level recruitment and a recruitment enhancement program designed to encourage individuals to seek employment with state government and to promote better public understanding of the state as an employer.*

(4) ~~An application for a publicly announced vacancy must be made directly to the employing agency.~~

(4)(5) All recruitment literature printed after July 1, 1979, involving state position vacancies shall contain the phrase "An Equal Opportunity Employer/Affirmative Action Employer."

(6) ~~The department shall develop model recruitment rules which may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt recruitment rules that are inconsistent with the model rules must consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 45. Section 110.213, Florida Statutes, is renumbered as section 109.213, Florida Statutes, and amended to read:

~~109.213 110.213~~ Selection.—

(1) ~~The department shall have the responsibility for determining guidelines for selection procedures to be utilized by the employing agencies.~~

(2) ~~Any selection procedure utilized in state employment shall be designed to provide maximum validity, reliability, and objectivity; shall be based on adequate job analysis to ensure job relatedness; and shall measure the relative ability, knowledge, and skill needed for entry to a job.~~

(1)(3) Selection for appointment from among the most qualified candidates available eligible shall be the sole responsibility of the employing agency.

(2) *Selection shall reflect efficiency and simplicity in hiring procedures. The agency head or his or her designee shall be required to document the qualifications of the selected candidate to ensure that the candidate meets the minimum qualifications and possesses the requisite knowledge, skills, and abilities for the position. No other documentation or justification shall be required prior to selecting a candidate for a position.*

(4) ~~The department shall develop model selection rules that may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt selection rules that are inconsistent with the model rules shall consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 46. Sections 110.2135, 110.215, and 110.217, Florida Statutes, are renumbered as sections 109.2135, 109.215, and 109.217, Florida Statutes, respectively.

Section 47. Section 110.219, Florida Statutes, is renumbered as section 109.219, Florida Statutes, paragraph (c) of subsection (5) of said section is amended, and subsections (6) and (7) are added to said section, to read:

~~109.219 110.219~~ Attendance and leave; general policies.—

(5) Rules shall be adopted by the department in cooperation and consultation with the agencies to implement the provisions of this section; however, such rules must be approved by the Administration Commission prior to their adoption. Such rules must provide for, but need not be limited to:

(c) Holidays as provided in s. 109.117 ~~110.117~~.

(6) *The leave benefits provided to Senior Management Service employees shall not exceed those provided to employees in the Selected Exempt Service.*

(7) *Each December, a career service employee shall be entitled, subject to available funds, to a payout of up to 24 hours of unused annual leave as follows:*

(a) *An employee must have an annual leave balance of no less than 24 hours, after the payout, in order to qualify for this benefit.*

(b) *No employee shall receive a payout of greater than 240 hours over the course of the employee's career with the state, including any leave received at the time of separation.*

Section 48. Section 110.221, Florida Statutes, is renumbered as section 109.221, Florida Statutes.

Section 49. Section 110.224, Florida Statutes, is renumbered as section 109.224, Florida Statutes, and amended to read:

~~109.224 110.224~~ Review and performance evaluation planning system.—A review and performance evaluation planning system shall be established as a basis to evaluate and improve for improving the performance of the state's workforce, to provide documentation in support of recommendations for salary increases, promotions, demotions, reassignments, or dismissals; to inform employees of strong and weak points in the employee's performance, to identify improvements expected, and current and future training needs, and to award lump-sum bonuses in accordance with s. 109.1245(2); and to assist in determining the order of layoff and reemployment.

(1) Upon original appointment, promotion, demotion, or reassignment, a job description of the position assigned each career service employee must be made available to the career service employee given a statement of the work expectations and performance standards applicable to the position. The job description may be made available in an electronic format. statement may be included in the position description or in a separate document. An employee will not be required to meet work expectations or performance standards that have not been furnished in writing to the employee.

(2) Each employee must have a employee's performance evaluation must be reviewed at least annually, and the employee must receive a copy an oral and written assessment of his or her performance evaluation. The performance evaluation assessment may include a plan of corrective action for improvement of the employee's performance based on the work expectations or performance standards applicable to the position as determined by the agency head.

(3) The department may adopt rules to administer the review and performance evaluation planning system which establish procedures for performance evaluation, procedures to be followed in case of failure to meet performance standards, review periods, and forms.

Section 50. Section 110.227, Florida Statutes, is renumbered as section 109.227, Florida Statutes, and, effective July 1, 2001, subsections (1), (2), and (3) and paragraph (a) of subsection (5) of said section are amended, present subsections (6) and (7) are amended and renumbered, and a new subsection (6) is added to said section, and, effective January 1, 2002, subsection (4) and paragraph (b) of subsection (5) of said section are amended, to read:

~~109.227 110.227~~ Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(1) Any employee other than a law enforcement or correctional officer or a firefighter who has permanent status in the career service may only be suspended or dismissed for reasonable cause. Reasonable cause shall be a determination made within the sound discretion of the agency head and includes include, but is not be limited to, negligence, inefficiency or inability to perform assigned duties, insubordination, willful violation of the provisions of law or agency rules, conduct unbecoming a public employee, misconduct, habitual drug abuse, or conviction of any crime

involving moral turpitude. A law enforcement or correctional officer or a firefighter who has permanent status in the career service may only be suspended or dismissed for just cause. The ~~Each~~ agency head shall ensure that all employees of the agency have reasonable access to the agency's personnel manual ~~are completely familiar with the agency's established procedures on disciplinary actions and grievances.~~

(2) The department shall establish rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service. *Except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff procedures shall not include any system whereby a career service employee with greater seniority has the option of selecting a different position not being eliminated, but already occupied by an employee of less seniority, and taking that employee's position, commonly referred to as "bumping."* Such rules shall be approved by the Administration Commission prior to their adoption by the department. *This subsection does not prohibit collective bargaining units from seeking to incorporate "bumping" in their collective bargaining agreements.*

(3)(a) *With regard to law enforcement or correctional officers or firefighters, when a layoff becomes necessary, such layoff shall be conducted within the competitive area identified by the agency head and approved by the Department of Management Services. Such competitive area shall be established taking into consideration the similarity of work; the organizational unit, which may be by agency, department, division, bureau, or other organizational unit; and the commuting area for the work affected.*

(b) Layoff procedures shall be developed to establish the relative merit and fitness of employees and shall include a formula for uniform application among *potentially adversely affected employees, or, with respect to law enforcement or correctional officers or firefighters, among all employees in the competitive area, taking into consideration the type of appointment, the length of service, and the evaluations of the employee's performance within the last 5 years of employment.*

(4) Any permanent career service employee subject to reduction in pay, transfer, layoff, or demotion from a class in which he or she has permanent status in the Career Service System shall be notified in writing by the agency prior to its taking such action. The notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. *As of January 1, 2002, such actions shall be appealable to the circuit court, or the aggrieved employee may request voluntary binding arbitration as provided in s. 109.240 Public Employees Relations Commission, pursuant to s. 447.208 and rules adopted by the commission. Appeals based on the protections provided by the Whistle-blower's Act, ss. 112.3187-112.31895, must be filed with the Commission on Human Relations as provided for in that act.*

(5)(a) Any permanent career service employee who is subject to suspension or dismissal shall receive written notice of such action at least 10 days prior to the date such action is to be taken. *Subsequent to such notice, and prior to the date the action is to be taken, an affected employee other than a law enforcement or correctional officer or a firefighter shall be given an opportunity to appear before the agency head or the agency head's designee to rebut the conclusion that reasonable grounds exist for the suspension or dismissal.* Subsequent to such notice, and prior to the date the action is to be taken, ~~an affected law enforcement or correctional officer or a firefighter employee~~ shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him or her. The notice to the employee required by this paragraph may be delivered to the employee personally or may be sent by certified mail with return receipt requested. An employee who is suspended or dismissed shall be entitled to a hearing before the Public Employees Relations Commission or its designated agent pursuant to s. 447.208 and rules adopted by the commission.

(b) In extraordinary situations such as when the retention of a permanent career service employee would result in damage to state property, would be detrimental to the best interest of the state, or would result in injury to the employee, a fellow employee, or some other person, such employee may be suspended or dismissed without 10 days'

prior notice, provided that written or oral notice of such action, evidence of the reasons therefor, and an opportunity to rebut the charges are furnished to the employee prior to such dismissal or suspension. Such notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Agency compliance with the foregoing procedure requiring notice, evidence, and an opportunity for rebuttal must be substantiated. *As of January 1, 2002, any employee who is suspended or dismissed pursuant to the provisions of this paragraph shall be entitled to a hearing before the circuit court, or the aggrieved employee may request voluntary binding arbitration as provided in s. 109.240 Public Employees Relations Commission or its designated agent pursuant to s. 447.208, except that such hearing shall be held no more than 20 days after the filing of the notice of appeal by the employee. Appeals based on the protections provided by the Whistle-blower's Act, ss. 112.3187-112.31895, must be filed with the Commission on Human Relations as provided for in that act.*

(6) *For any alleged adverse agency action against an employee, other than a law enforcement or correctional officer or a firefighter, occurring on or after July 1, 2001, the adversely affected employee bears the burden of proof to establish by preponderance of the evidence that the agency head abused his or her discretion in suspending, dismissing, reducing the pay of, demoting, laying off, or transferring that employee and that no reasonable cause existed for the alleged adverse action taken by the agency, or that the alleged adverse action was in violation of s. 109.233. For any alleged adverse agency action against a law enforcement or correctional officer or a firefighter occurring on or after July 1, 2001, the agency must prove just cause for suspending, dismissing, reducing the pay of, demoting, laying off, or transferring that employee.*

(7)(6) A grievance process shall be available to career service employees. A grievance is defined as the dissatisfaction that occurs when an employee ~~believes~~ ~~thinks or feels~~ that any condition affecting the employee is unjust, inequitable, or a hindrance to effective operation, or creates a problem, except that an employee shall not have the right to file a grievance against performance evaluations unless *the employee alleges it is alleged* that the evaluation is based on factors other than the employee's performance. Claims of discrimination and sexual harassment, suspensions, reductions in pay, transfers, layoffs, demotions, and dismissals are not subject to the career service grievance process.

(8)(7) The department shall adopt rules for administration of the grievance process for career service employees. Such rules shall establish agency grievance procedures, eligibility, filing deadlines, forms, and review and evaluation governing the grievance process.

Section 51. Effective January 1, 2002, paragraph (a) of subsection (5) of section 109.227, Florida Statutes, as renumbered and amended by this act, is amended to read:

109.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(5)(a) Any permanent career service employee who is subject to suspension or dismissal shall receive written notice of such action at least 10 days prior to the date such action is to be taken. Subsequent to such notice, and prior to the date the action is to be taken, an affected employee other than a law enforcement or correctional officer or a firefighter shall be given an opportunity to appear before the agency head or the agency head's designee to rebut the conclusion that reasonable grounds exist for the suspension or dismissal. Subsequent to such notice, and prior to the date the action is to be taken, an affected law enforcement or correctional officer or a firefighter shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him or her. The notice to the employee required by this paragraph may be delivered to the employee personally or may be sent by certified mail with return receipt requested. *As of January 1, 2002, an employee who is suspended or dismissed shall be entitled to a hearing before the circuit court, or the aggrieved employee may request voluntary binding arbitration as provided in s. 109.240 Public Employees Relations Commission or its designated agent pursuant to s. 447.208 and rules adopted by the*

~~commission.~~ Appeals based on the protections provided by the Whistleblower's Act, ss. 112.3187-112.31895, must be filed with the Commission on Human Relations as provided for in that act.

Section 52. Section 110.233, Florida Statutes, is renumbered as section 109.233, Florida Statutes, and paragraph (a) of subsection (4) of said section is amended to read:

~~109.233 110.233~~ Political activities and unlawful acts prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the Constitution and laws of the United States. However, no employee in the career service shall:

(a) Hold, or be a candidate for, public office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, when authorized by his or her agency head and approved by the department of Management Services as involving no interest which conflicts or activity which interferes with his or her state employment, an employee in the career service may be a candidate for or hold local public office. The department of Management Services shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

Section 53. Section 110.235, Florida Statutes, is renumbered as section 109.235, Florida Statutes, and subsection (1) of said section is amended to read:

~~109.235 110.235~~ Training.—

(1) ~~It is the intent of the Legislature that~~ State agencies shall implement training programs that encompass modern management principles, and that provide the framework to develop human resources through empowerment, training, and rewards for productivity enhancement; to continuously improve the quality of services; and to satisfy the expectations of the public.

Section 54. (1) Except as otherwise provided, effective January 1, 2002, section 109.240, Florida Statutes, is created to read:

~~109.240~~ Voluntary binding arbitration.—

(1) Upon receipt of notice of an adverse agency action, any permanent career service employee may request voluntary binding arbitration administered by the Office of Employee Relations. As used in this section, "adverse agency action" means the suspension, dismissal, reduction in pay, demotion, layoff, or transfer of an employee. Any eligible employee choosing to participate in voluntary binding arbitration must file a written request for arbitration with the office no later than 14 days after the receipt of notice of the adverse agency action.

(2) The arbitration request must be submitted on a form prescribed by the office by rule. The form must be signed by the employee and must include stipulations that:

(a) The employee is voluntarily participating in binding arbitration pursuant to this section.

(b) The arbitration order is final and may not be set aside except for an error in law that is apparent on the record.

(c) The employee will faithfully abide by the arbitration order unless otherwise determined by a court of competent jurisdiction.

(3) Upon receipt of the arbitration request, the office shall provide written notice to the agency against which a request is made regarding the employee request for binding arbitration. The agency must participate in the requested binding arbitration. Binding arbitration shall not be conducted pursuant to this section unless the employee requests it.

(4)(a) The employee bears the burden of establishing by a preponderance of the evidence that the agency action complained of was

adverse, that the agency head abused his or her discretion in taking the adverse agency action, and that no reasonable cause existed for the adverse agency action. This paragraph does not apply to law enforcement or correctional officers or firefighters.

(b) With regard to law enforcement or correctional officers or firefighters, the employer must prove just cause for the adverse agency action.

(5)(a) The voluntary binding arbitration shall be heard and determined by an employee panel that consists of three randomly selected career service employees chosen by the office in a manner to ensure a balanced representation of employees from each pay classification. At least one of the employees selected to serve on an employee panel must be a member of the same pay classification as the employee requesting binding arbitration. This paragraph does not apply to law enforcement or correctional officers or firefighters.

(b) With regard to law enforcement or correctional officers or firefighters, the voluntary binding arbitration shall be heard and determined by an employee panel that consists of three career service employees selected as follows:

1. One panel member who is a member of the same pay classification as the employee requesting the voluntary binding arbitration, selected by that employee.

2. One panel member who is a member of the same pay classification as the employee requesting the voluntary binding arbitration, selected by the employer.

3. One panel member jointly selected by the other two panel members. If the two panel members do not agree on the jointly selected panel member, the office shall select that panel member.

(c) The employee panel shall receive procedural direction and legal advice from the arbitrator appointed by the office.

(d) No employee currently employed or employed within the preceding 6 months by the agency participating in the binding arbitration shall be selected for an employee panel. Employees selected to serve on an employee panel shall hear all evidence submitted by the parties in arbitration and their decision shall be governed by the statutory burden of proof. The office shall reimburse agencies for the daily tasks of each agency employee that serves on an employee panel.

(e) The employee panel shall make all findings of fact and determination of claims. The arbitrator shall draft the arbitration decision for submission to the members of the employee panel for their approval and signatures. Unless otherwise provided in the decision, the decision shall become final 10 days after its execution by the panel.

(6) Any party may be represented by counsel or another appointed representative. The arbitrator and employee panel must complete all arbitration of the employee's claims raised in the request within 60 days after receipt of the claim. The arbitrator may extend the 60-day period upon request of the parties or at the request of one party, after a hearing on that party's request for extension.

(7)(a) The arbitrator selected by the office shall not be an employee within the Career Service System, the Select Management Service, or the Selected Exempt Service. Each selected arbitrator must, at a minimum, meet the following requirements:

1. Completion of a Florida Supreme Court certified circuit or county arbitration program, or other arbitration program approved by the office, in addition to a minimum of 1 day of training in the application of this chapter and chapter 447 and any rules adopted thereunder.

2. Compliance with the Code of Ethics for Arbitrators in Employment Disputes published by the American Arbitration Association and the American Bar Association in 1977, as amended.

3. Membership in good standing in The Florida Bar.

(b) The arbitrator shall have authority to commence and adjourn the arbitration hearing. The arbitrator shall not have authority to hold any

person in contempt or to in any way impose sanctions against any person. The arbitrator shall provide assistance to the employee panel on questions of law.

(c) The arbitrator shall schedule all arbitration proceedings, including the date, time, and location of such proceedings and provide notice of the arbitration proceeding to the parties at least 5 days in advance of the hearing date, unless otherwise agreed to by the parties. The arbitrator has the discretion to grant a continuance for reasonable cause.

(d) The arbitrator may set a preliminary conference and require all parties to file a statement of position prior to the conference. The statement of position may include stipulations of the parties to uncontested facts and applicable law, citations to all governing statutory or regulatory laws that control the controversy, a list of issues of fact and law that are in dispute, any proposals designed to expedite the arbitration process, a list of documents exchanged by the parties and a schedule for the delivery of any additional relevant documents, identification of witnesses expected to be called during the arbitration proceeding accompanied by a short summary of their expected testimony, and any other matters specified by the arbitrator.

(8) The duties of the office in administering voluntary binding arbitration pursuant to this section include, but are not limited to, the following:

(a) Supporting the arbitration process, including the filing and noticing of all arbitration requests, objections, and other party communications; the selection of the arbitrator; and the design and operation of the employee panel pool.

(b) Providing for the selection of the employee panel and arbitrator, which includes:

1. Providing selection notice to all parties, the arbitrator, and the employee panel participants.

2. Securing a signed disclosure statement from each appointed arbitrator and selected employee describing any circumstances likely to affect impartiality, including any bias or any financial or personal interest with either party or any present or past relationship with the employee seeking binding arbitration, and making these disclosure statements available to the parties. The duty to disclose shall be a continuing obligation throughout the arbitration process.

3. Filling vacancies.

4. Compensating arbitrators, provided that an arbitrator's fees and expenses shall not exceed \$500 per day for case preparation, prehearing conferences, hearings, and preparation of the arbitration order.

5. Making an electronic recording of each arbitration proceeding, including preconference hearings, even when a party chooses to make a stenographic recording of the arbitration proceeding at that party's expense.

(c) Publishing the final arbitration order submitted to the office by both parties and the arbitrator.

(9) The office shall maintain records of each dispute submitted to voluntary binding arbitration, including the recordings of the arbitration hearings. All records maintained by the office under this section shall be public records and shall be available for inspection upon reasonable notice.

(10) The arbitration proceedings shall be governed by the following procedural requirements:

(a) A party may object to the arbitrator or any employee on the panel based on the arbitrator's or employee's past or present, direct or indirect, relationship with either party or either party's attorney, whether that relationship was or is financial, professional, or social. The arbitrator shall consider any objection to a panel employee, determine its validity, and notify the parties of his or her determination. If the objection is determined valid, the office shall assign another employee from the

employee panel pool. The office shall consider any objection to the arbitrator, determine its validity, and notify the parties of its determination. If the objection is determined valid, the office shall appoint another arbitrator.

(b) The arbitrator has the power to issue subpoenas, and to effect discovery on the written request of any party by any means available to the courts and in the manner provided in the Florida Rules of Civil Procedure, including the imposition of sanctions, excluding contempt. Fees for attendance of witnesses shall be the same as that provided in civil actions in circuit courts of this state.

(c) At all arbitration proceedings, the parties may present oral and written testimony, present witnesses and evidence relevant to the dispute, cross-examine witnesses, and be represented by counsel. The arbitrator shall record the arbitration hearing and shall have the power to administer oaths.

(d) The arbitrator may continue a hearing on his or her own motion or upon the request of the party for good cause shown. A request for continuance by the employee constitutes a waiver of the 60-day time period for completion of all arbitration proceedings authorized under this section.

(e) The employee panel shall render its decision within 10 days after the closing of the hearing. The decision shall be in writing on a form prescribed or adopted by the office. The arbitrator shall send a copy of the decision to the parties by registered mail.

(f) Unless otherwise provided, the arbitration decision rendered by the employee panel and any appeals thereof are exempt from the provisions of chapter 120.

(11)(a) The office shall establish rules of procedure governing the arbitration process. Such rules shall include, but are not limited to:

1. The exchange and filing of information among the parties.

2. Discovery.

3. Offering evidence.

4. Calling and excluding witnesses.

5. Submitting evidence by affidavit.

6. Attendance of the parties and witnesses.

7. The order of proceedings.

(b) The office may adopt additional rules necessary to implement this section.

(12) Either party may make application to the circuit court for the county in which one of the parties resides or has a place of business, or the county where the arbitration hearing was held, for an order confirming, vacating, or modifying the arbitration decision. Such application must be filed within 30 days after the later of the moving party's receipt of the written decision or the date the decision becomes final. Upon filing such application, the moving party shall mail a copy to the office and, upon entry of any judgment or decree, shall mail a copy of such judgment or decree to the office. A review of such application to circuit court shall be limited to review on the record and not de novo, of:

(a) Any alleged failure of the arbitrator to comply with the applicable rules of procedure or evidence.

(b) Any alleged partiality or misconduct by an arbitrator prejudicing the rights of any party.

(c) Whether the decision reaches a result contrary to the United States Constitution or the Florida Constitution.

If the arbitrator and employee panel fail to state findings or reasons for the stated decision, or the findings and reasons are inadequate, the court shall search the record to determine whether a basis exists to uphold the decision.

(13) *The office, the arbitrator, and the employee panel shall have absolute immunity from liability arising from the performance of their duties while acting within the scope of their appointed function in any arbitration conducted under this section.*

(2) For purposes of rulemaking by the Office of Employee Relations, subsection (11) of s. 109.240, Florida Statutes, as created by this section, shall take effect July 1, 2001.

Section 55. Section 110.401, Florida Statutes, is renumbered as section 109.401, Florida Statutes, and amended to read:

~~109.401~~ ~~110.401~~ Declaration of policy.—~~It is the intent of This part creates to create~~ a uniform system for attracting, retaining, and developing highly competent senior-level managers at the highest executive-management-level agency positions in order for the highly complex programs and agencies of state government to function effectively, efficiently, and productively. The Legislature recognizes that senior-level management is an established profession and that the public interest is best served by developing and refining the management skills of its Senior Management Service employees. ~~Accordingly To this end,~~ training and management-development programs are regarded as a major administrative function within agencies.

Section 56. Section 110.402, Florida Statutes, is renumbered as section 109.402, Florida Statutes, and subsection (2) of said section is amended to read:

~~109.402~~ ~~110.402~~ Senior Management Service; creation, coverage.—

(2) The Senior Management Service shall be limited to those positions which are exempt from the Career Service System by s. ~~109.205(2)~~ ~~110.205(2)~~ and for which the salaries and benefits are set by the department in accordance with the rules of the Senior Management Service.

Section 57. Section 110.403, Florida Statutes, is renumbered as section 109.403, Florida Statutes, and amended to read:

~~109.403~~ ~~110.403~~ Powers and duties of the Department of Management Services.—

(1) ~~In order to implement the purposes of this part,~~ The department of ~~Management Services,~~ after approval by the Administration Commission, shall adopt and amend rules ~~that provide~~ ~~providing~~ for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed 0.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

(b) A performance appraisal system which shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

(c) A classification plan and a salary and benefit plan that provides appropriate incentives for the recruitment and retention of outstanding management personnel and provides for salary increases based on performance.

(d) A system of rating duties and responsibilities for positions within the Senior Management Service and the qualifications of candidates for those positions.

(e) A system for documenting actions taken on agency requests for approval of position exemptions and special pay increases.

(f) Requirements regarding recordkeeping by agencies with respect to Senior Management Service positions. Such records shall be audited periodically by the department of ~~Management Services~~ to determine agency compliance with the provisions of this part and ~~with the department's rules of the Department of Management Services.~~

(g) Other procedures relating to personnel administration to carry out the purposes of this part.

(h) A program of affirmative and positive action that will ensure full utilization of ~~the rich diversity of Florida's human resources~~ ~~women and minorities~~ in Senior Management Service positions.

(2) The powers, duties, and functions of the department of ~~Management Services~~ shall include responsibility for the policy administration of the Senior Management Service.

(3) The department of ~~Management Services~~ shall have the following additional responsibilities:

(a) To establish and administer a professional development program which shall provide for the systematic development of managerial, executive, or administrative skills.

(b) To promote public understanding of the purposes, policies, and programs of the Senior Management Service.

(c) To approve contracts of employing agencies with persons engaged in the business of conducting multistate executive searches to identify qualified and available applicants for Senior Management Service positions for which the department of ~~Management Services~~ sets salaries in accordance with the classification and pay plan. Such contracts may be entered by the agency head only after completion of an unsuccessful in-house search. The department of ~~Management Services~~ shall establish, by rule, the minimum qualifications for persons desiring to conduct executive searches, including a requirement for the use of contingency contracts. ~~These~~ ~~Such~~ rules shall ensure that such persons possess the requisite capacities to perform effectively at competitive industry prices. ~~These~~ ~~The Department of Management Services shall make the rules shall also required pursuant to this paragraph in such a manner as to~~ comply with state and federal laws and regulations governing equal opportunity employment.

(4) All policies and procedures adopted by the department of ~~Management Services~~ regarding the Senior Management Service shall comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

(5) The department of ~~Management Services~~ shall adopt, by rule, procedures for Senior Management Service employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Section 58. Effective July 1, 2001, paragraph (a) of subsection (1) of section 109.403, Florida Statutes, as renumbered and amended by this act, is amended to read:

~~109.403~~ Powers and duties of the Department of Management Services.—

(1) The department, after approval by the Administration Commission, shall adopt and amend rules which provide for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed ~~0.5~~ ~~1.5~~ percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior



Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

Section 59. *Section 110.405, Florida Statutes, is renumbered as section 109.405, Florida Statutes.*

Section 60. Section 110.406, Florida Statutes, is renumbered as section 109.406, Florida Statutes, and paragraph (a) of subsection (2) and subsection (3) of said section are amended to read:

*109.406* ~~110.406~~ Senior Management Service; data collection.—

(2) The data required by this section shall include:

(a) A detailed description of the specific actions that have been taken by the department to implement the provisions of s. *109.403* ~~110.403~~.

(3) To assist in the preparation of the data required by this section, the secretary may hire a consultant with expertise in the field of personnel management and may use the services of the advisory committee authorized in s. *109.405* ~~110.405~~.

Section 61. *Section 110.501, Florida Statutes, is renumbered as section 109.501, Florida Statutes.*

Section 62. Section 110.502, Florida Statutes, is renumbered as section 109.502, Florida Statutes, and subsections (2) and (3) of said section are amended to read:

*109.502* ~~110.502~~ Scope of act; status of volunteers.—

(2) Volunteers recruited, trained, or accepted by any state department or agency shall not be subject to any provisions of law relating to state employment, to any collective bargaining agreement between the state and any employees' association or union, or to any laws relating to hours of work, rates of compensation, leave time, and employee benefits, except those consistent with s. *109.504* ~~110.504~~. However, all volunteers shall comply with applicable department or agency rules.

(3) Every department or agency utilizing the services of volunteers is hereby authorized to provide such incidental reimbursement or benefit consistent with the provisions of s. *109.504* ~~110.504~~, including transportation costs, lodging, and subsistence, recognition, and other accommodations as the department or agency deems necessary to assist, recognize, reward, or encourage volunteers in performing their functions. No department or agency shall expend or authorize an expenditure therefor in excess of the amount provided for to the department or agency by appropriation in any fiscal year.

Section 63. *Sections 110.503 and 110.504, Florida Statutes, are renumbered as sections 109.503 and 109.504, Florida Statutes, respectively.*

Section 64. Section 110.601, Florida Statutes, is renumbered as section 109.601, Florida Statutes, and amended to read:

*109.601* ~~110.601~~ Declaration of policy.—~~It is the purpose of~~ This part ~~creates to create~~ a system of personnel management *the purpose of which is to deliver* ~~which ensures to the state the delivery of~~ high-quality performance *by those employees* in select exempt classifications by facilitating the state's ability to attract and retain qualified personnel in these positions, while also providing sufficient management flexibility to ensure that the workforce is responsive to agency needs. The Legislature recognizes that the public interest is best served by developing and refining the technical and managerial skills of its Selected Exempt Service employees, and, to this end, technical training and management development programs are regarded as a major administrative function within agencies.

Section 65. Section 110.602, Florida Statutes, is renumbered as section 109.602, Florida Statutes, and amended to read:

*109.602* ~~110.602~~ Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel

administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. *109.205(2) and (5)* ~~110.205(2) and (5)~~ and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. The department shall designate all positions included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking. In no event shall the number of positions included in the Selected Exempt Service, excluding those positions designated as professional or nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.

Section 66. Effective July 1, 2001, section 109.602, Florida Statutes, as renumbered and amended by this act, is amended to read:

*109.602* Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. *109.205(2) and (5)* and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. The department shall designate all positions included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking. ~~In no event shall the number of positions included in the Selected Exempt Service, excluding those positions designated as professional or nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.~~

Section 67. *Sections 110.603 and 110.604, Florida Statutes, are renumbered as sections 109.603 and 109.604, Florida Statutes, respectively.*

Section 68. Section 110.605, Florida Statutes, is renumbered as section 109.605, Florida Statutes, and subsection (1) of said section is amended to read:

*109.605* ~~110.605~~ Powers and duties; personnel rules, records, reports, and performance appraisal.—

(1) The department shall adopt and administer uniform personnel rules, records, and reports relating to employees and positions in the Selected Exempt Service, as well as any other rules and procedures relating to personnel administration which are necessary to carry out the purposes of this part.

(a) The department shall develop uniform forms and instructions to be used in reporting transactions which involve changes in an employee's salary, status, performance, leave, fingerprint record, loyalty oath, payroll change, or appointment action or any additional transactions as the department may deem appropriate.

~~(b) It is the responsibility of the employing agency to maintain these records and all other records and reports prescribed in applicable rules on a current basis.~~

~~(b)(e)~~ The department shall develop a uniform performance appraisal system for employees and positions in the Selected Exempt Service covered by a collective bargaining agreement. Each employing agency shall develop a performance appraisal system for all other employees and positions in the Selected Exempt System. Such agency system shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

(c)(d) *The employing agency must maintain, on a current basis, all records and reports required by applicable rules. The department shall periodically audit employing agency records to determine compliance with the provisions of this part and the rules of the department.*

~~(e) The department shall develop a program of affirmative and positive actions that will ensure full utilization of women and minorities in Selected Exempt Service positions.~~

Section 69. Section 110.606, Florida Statutes, is renumbered as section 109.606, Florida Statutes, and paragraph (c) of subsection (2) of said section is amended to read:

~~109.606~~ ~~110.606~~ Selected Exempt Service; data collection.—

(2) The data required by this section shall include:

(c) In addition, as needed, ~~the data shall include:~~

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

Section 70. (1) *Sections 109.105 through 109.191, Florida Statutes, are designated as part I of chapter 109, Florida Statutes, to be entitled "General State Employment Provisions."*

(2) *Sections 109.201 through 109.240, Florida Statutes, are designated as part II of chapter 109, Florida Statutes, to be entitled "Career Service System."*

(3) *Sections 109.401 through 109.406, Florida Statutes, are designated as part III of chapter 109, Florida Statutes, to be entitled "Senior Management Service System."*

(4) *Sections 109.501 through 109.504, Florida Statutes, are designated as part IV of chapter 109, Florida Statutes, to be entitled "Volunteers."*

(5) *Sections 109.601 through 109.606, Florida Statutes, are designated as part V of chapter 109, Florida Statutes, to be entitled "Selected Exempt Service System."*

Section 71. Paragraph (c) of subsection (2) and paragraph (d) of subsection (3) of section 20.171, Florida Statutes, are amended to read:

20.171 Department of Labor and Employment Security.—There is created a Department of Labor and Employment Security. The department shall operate its programs in a decentralized fashion.

(2)

(c) The managers of all divisions and offices specifically named in this section and the directors of the five field offices are exempt from part II of chapter 109 ~~110~~ and are included in the Senior Management Service in accordance with s. 109.205(2)(i) ~~110.205(2)(i)~~. No other assistant secretaries or senior management positions at or above the division level, except those established in chapter 109 ~~110~~, may be created without specific legislative authority.

(3)

(d)1. The secretary shall appoint a comptroller who shall be responsible to the assistant secretary. This position is exempt from part II of chapter 109 ~~110~~.

2. The comptroller is the chief financial officer of the department and shall be a proven, effective administrator who, by a combination of education and experience, clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller shall hold an active license to practice public accounting in this state pursuant to chapter 473 or in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system which will in a timely manner accurately reflect the revenues and expenditures of the department and which shall include a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and shall be responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies which examine the cost-effectiveness and feasibility of contracting for services and operations performed by the department. The review shall state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data.

3. The comptroller may be required to give bond as provided by s. 20.05(4).

4. The department shall, by rule or internal management memoranda as required by chapter 120, provide for the maintenance by the comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system for the prompt payment of the just obligations of the department, which records must at all times disclose:

a. The several appropriations available for the use of the department.

b. The specific amounts of each such appropriation budgeted by the department for each improvement or purpose.

c. The apportionment or division of all such appropriations among the several counties and field offices, when such apportionment or division is made.

d. The amount or portion of each such apportionment against general contractual and other obligations of the department.

e. The amount expended and still to be expended in connection with each contractual and each other obligation of the department.

f. The expense and operating costs of the various activities of the department.

g. The receipts accruing to the department and the distribution thereof.

h. The assets, investments, and liabilities of the department.

i. The cash requirements of the department for a 36-month period.

5. The comptroller shall maintain a separate account for each fund administered by the department.

6. The comptroller shall perform such other related duties as may be designated by the department.

Section 72. Subsection (3) of section 20.18, Florida Statutes, is amended to read:

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

(3) Unless otherwise provided by law, the Secretary of Community Affairs shall appoint the directors or executive directors of any commission or council assigned to the department, who shall serve at his or her pleasure as provided for division directors in s. 109.205 ~~110.205~~. The appointment or termination by the secretary will be done with the

advice and consent of the commission or council; and the director or executive director may employ, subject to departmental rules and procedures, such personnel as may be authorized and necessary.

Section 73. Subsection (6) of section 20.21, Florida Statutes, is amended to read:

20.21 Department of Revenue.—There is created a Department of Revenue.

(6) Notwithstanding the provisions of s. 109.123 ~~110-123~~, relating to the state group insurance program, the department may pay, or participate in the payment of, premiums for health, accident, and life insurance for its full-time out-of-state employees, pursuant to such rules as it may adopt, and such payments shall be in addition to the regular salaries of such full-time out-of-state employees.

Section 74. Paragraph (d) of subsection (1), paragraph (h) of subsection (2), paragraphs (d), (f), (h), and (i) of subsection (3), paragraphs (c) and (d) of subsection (4), and subsection (5) of section 20.23, Florida Statutes, are amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)

(d) Any secretary appointed after July 5, 1989, and the assistant secretaries shall be exempt from the provisions of part III of chapter 109 ~~110~~ and shall receive compensation commensurate with their qualifications and competitive with compensation for comparable responsibility in the private sector. When the salary of any assistant secretary exceeds the limits established in part III of chapter 109 ~~110~~, the Governor shall approve said salary.

(2)

(h) The commission shall appoint an executive director and assistant executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 109 ~~110~~ and shall serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service; provided, however, that the commission shall have complete authority for fixing the salary of the executive director and assistant executive director.

(3)

(d)1. Policy, program, or operations offices shall be established within the central office for the purposes of:

- a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures;
- b. Performing statewide activities which it is more cost-effective to perform in a central location;
- c. Assessing and ensuring the accuracy of information within the department's financial management information systems; and
- d. Performing other activities of a statewide nature.

2. The following offices are established and shall be headed by a manager, each of whom shall be appointed by and serve at the pleasure of the secretary. The positions shall be classified at a level equal to a division director:

- a. The Office of Administration;
- b. The Office of Policy Planning;
- c. The Office of Design;
- d. The Office of Highway Operations;

- e. The Office of Right-of-Way;
- f. The Office of Toll Operations;
- g. The Office of Information Systems; and
- h. The Office of Motor Carrier Compliance.

3. Other offices may be established in accordance with s. 20.04(7). The heads of such offices are exempt from part II of chapter 109 ~~110~~. No office or organization shall be created at a level equal to or higher than a division without specific legislative authority.

4. During the construction of a major transportation improvement project or as determined by the district secretary, the department may provide assistance to a business entity significantly impacted by the project if the entity is a for-profit entity that has been in business for 3 years prior to the beginning of construction and has direct or shared access to the transportation project being constructed. The assistance program shall be in the form of additional guarantees to assist the impacted business entity in receiving loans pursuant to Title 13 C.F.R. part 120. However, in no instance shall the combined guarantees be greater than 90 percent of the loan. The department shall adopt rules to implement this subparagraph.

(f)1. Within the central office there is created an Office of Management and Budget. The head of the Office of Management and Budget is responsible to the Assistant Secretary for Finance and Administration and is exempt from part II of chapter 109 ~~110~~.

2. The functions of the Office of Management and Budget include, but are not limited to:

- a. Preparation of the work program;
- b. Preparation of the departmental budget; and
- c. Coordination of related policies and procedures.

3. The Office of Management and Budget shall also be responsible for developing uniform implementation and monitoring procedures for all activities performed at the district level involving the budget and the work program.

(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. To comply with recommended professional auditing standards related to independence and objectivity, the inspector general shall be appointed to a position within the Career Service System and may be removed by the secretary with the concurrence of the Transportation Commission. In order to attract and retain an individual who has the proven technical and administrative skills necessary to comply with the requirements of this section, the agency head may appoint the inspector general to a classification level within the Career Service System that is equivalent to that provided for in part III of chapter 109 ~~110~~. The inspector general may be organizationally located within another unit of the department for administrative purposes, but shall function independently and be directly responsible to the secretary pursuant to s. 20.055. The duties of the inspector general shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The inspector general shall give priority to reviewing major parts of the department's accounting system and central office monitoring function to determine whether such systems effectively ensure accountability and compliance with all laws, rules, policies, and procedures applicable to the operation of the department. The inspector general shall also give priority to assessing the department's management information systems as required by s. 282.318. The internal audit function shall use the necessary expertise, in particular, engineering, financial, and property appraising expertise, to independently evaluate the technical aspects of the department's operations. The inspector general shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his or her duties. The inspector general is

responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing standards. The inspector general shall annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of contracts executed by the department with private entities and other governmental entities. The inspector general has the sole responsibility for the contents of his or her reports, and a copy of each report containing his or her findings and recommendations shall be furnished directly to the secretary and the commission.

2. In addition to the authority and responsibilities herein provided, the inspector general is required to report to the:

a. Secretary whenever the inspector general makes a preliminary determination that particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the department have occurred. The secretary shall review and assess the correctness of the preliminary determination by the inspector general. If the preliminary determination is substantiated, the secretary shall submit such report to the appropriate committees of the Legislature within 7 calendar days, together with a report by the secretary containing any comments deemed appropriate. Nothing in this section shall be construed to authorize the public disclosure of information which is specifically prohibited from disclosure by any other provision of law.

b. Transportation Commission and the Legislature any actions by the secretary that prohibit the inspector general from initiating, carrying out, or completing any audit after the inspector general has decided to initiate, carry out, or complete such audit. The secretary shall, within 30 days after transmission of the report, set forth in a statement to the Transportation Commission and the Legislature the reasons for his or her actions.

(i)1. The secretary shall appoint a comptroller who is responsible to the Assistant Secretary for Finance and Administration. This position is exempt from part II of chapter 109 ~~110~~.

2. The comptroller is the chief financial officer of the department and must be a proven, effective administrator who by a combination of education and experience clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller must hold an active license to practice public accounting in Florida pursuant to chapter 473 or an active license to practice public accounting in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system that will in a timely manner accurately reflect the revenues and expenditures of the department and that includes a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and is responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies that examine the cost-effectiveness and feasibility of contracting for services and operations performed by the department. The review must state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data.

3. The department shall by rule or internal management memoranda as required by chapter 120 provide for the maintenance by the comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system for the prompt payment of the just obligations of the department, which records must at all times disclose:

a. The several appropriations available for the use of the department;

b. The specific amounts of each such appropriation budgeted by the department for each improvement or purpose;

c. The apportionment or division of all such appropriations among the several counties and districts, when such apportionment or division is made;

d. The amount or portion of each such apportionment against general contractual and other liabilities then created;

e. The amount expended and still to be expended in connection with each contractual and other obligation of the department;

f. The expense and operating costs of the various activities of the department;

g. The receipts accruing to the department and the distribution thereof;

h. The assets, investments, and liabilities of the department; and

i. The cash requirements of the department for a 36-month period.

4. The comptroller shall maintain a separate account for each fund administered by the department.

5. The comptroller shall perform such other related duties as designated by the department.

(4)

(c) Each district secretary may appoint a district director for planning and programming, a district director for production, and a district director for operations. These positions are exempt from part II of chapter 109 ~~110~~.

(d) Within each district, offices shall be established for managing major functional responsibilities of the department. The offices may include planning, design, construction, right-of-way, maintenance, and public transportation. The heads of these offices shall be exempt from part II of chapter 109 ~~110~~.

(5) Notwithstanding the provisions of s. 109.205 ~~110.205~~, the Department of Management Services is authorized to exempt positions within the Department of Transportation which are comparable to positions within the Senior Management Service pursuant to s. 109.205(2)(i) ~~110.205(2)(i)~~ or positions which are comparable to positions in the Selected Exempt Service under s. 109.205(2)(l) ~~110.205(2)(l)~~.

Section 75. Subsection (2) of section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(2)(a) There shall be three deputy secretaries who are to be appointed by and shall serve at the pleasure of the secretary. The secretary may assign any deputy secretary the responsibility to supervise, coordinate, and formulate policy for any division, office, or district. The following special offices are established and headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary:

1. Office of Chief of Staff,
2. Office of General Counsel,
3. Office of Inspector General,
4. Office of External Affairs,
5. Office of Legislative and Government Affairs, and
6. Office of Greenways and Trails.

(b) There shall be six administrative districts involved in regulatory matters of waste management, water resource management, wetlands, and air resources, which shall be headed by managers, each of whom is

to be appointed by and serve at the pleasure of the secretary. Divisions of the department may have one assistant or two deputy division directors, as required to facilitate effective operation.

The managers of all divisions and offices specifically named in this section and the directors of the six administrative districts are exempt from part II of chapter 109 ~~110~~ and are included in the Senior Management Service in accordance with s. 109.205(2)(i) ~~110.205(2)(i)~~.

Section 76. Paragraph (b) of subsection (3) and paragraph (e) of subsection (6) of section 20.315, Florida Statutes, are amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(3) SECRETARY OF CORRECTIONS.—The head of the Department of Corrections is the Secretary of Corrections. The secretary is appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor. The secretary is responsible for planning, coordinating, and managing the corrections system of the state. The secretary shall ensure that the programs and services of the department are administered in accordance with state and federal laws, rules, and regulations, with established program standards, and consistent with legislative intent. The secretary shall identify the need for and recommend funding for the secure and efficient operation of the state correctional system.

(b) The secretary shall appoint a general counsel and an inspector general, who are exempt from part II of chapter 109 ~~110~~ and are included in the Senior Management Service.

(6) FLORIDA CORRECTIONS COMMISSION.—

(e) The commission shall appoint an executive director and an assistant executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 109 ~~110~~ and serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service rules; however, the commission shall have complete authority for fixing the salaries of the executive director and the assistant executive director. The executive director and staff of the Task Force for Review of the Criminal Justice and Corrections System, created under chapter 93-404, Laws of Florida, shall serve as the staff for the commission until the commission hires an executive director.

Section 77. Paragraph (d) of subsection (20) of section 24.105, Florida Statutes, is amended to read:

24.105 Powers and duties of department.—The department shall:

(20) Employ division directors and other staff as may be necessary to carry out the provisions of this act; however:

(d) The department shall establish and maintain a personnel program for its employees, including a personnel classification and pay plan which may provide any or all of the benefits provided in the Senior Management Service or Selected Exempt Service. Each officer or employee of the department shall be a member of the Florida Retirement System. The retirement class of each officer or employee shall be the same as other persons performing comparable functions for other agencies. Employees of the department shall serve at the pleasure of the secretary and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the secretary. Such personnel actions are exempt from the provisions of chapter 120. All employees of the department are exempt from the Career Service System provided in chapter 109 ~~110~~ and, notwithstanding the provisions of s. 109.205(5) ~~110.205(5)~~, are not included in either the Senior Management Service or the Selected Exempt Service. However, all employees of the department are subject to all standards of conduct adopted by rule for career service and senior management employees pursuant to chapter 109 ~~110~~. In the event of a

conflict between standards of conduct applicable to employees of the Department of the Lottery the more restrictive standard shall apply. Interpretations as to the more restrictive standard may be provided by the Commission on Ethics upon request of an advisory opinion pursuant to s. 112.322(3)(a), for purposes of this subsection the opinion shall be considered final action.

Section 78. Paragraph (d) of subsection (4) of section 24.122, Florida Statutes, is amended to read:

24.122 Exemption from taxation; state preemption; inapplicability of other laws.—

(4) Any state or local law providing any penalty, disability, restriction, or prohibition for the possession, manufacture, transportation, distribution, advertising, or sale of any lottery ticket, including chapter 849, shall not apply to the tickets of the state lottery operated pursuant to this act; nor shall any such law apply to the possession of a ticket issued by any other government-operated lottery. In addition, activities of the department under this act are exempt from the provisions of:

(d) Section 109.131 ~~110.131~~, relating to other personal services.

Section 79. Subsection (1) of section 68.087, Florida Statutes, is amended to read:

68.087 Exemptions to civil actions.—

(1) No court shall have jurisdiction over an action brought under this act against a member of the Legislature, a member of the judiciary, or a senior executive branch official if the action is based on evidence or information known to the state government when the action was brought. For purposes of this subsection, the term “senior executive branch official” means any person employed in the executive branch of government holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~.

Section 80. Subsection (3) of section 104.31, Florida Statutes, is amended to read:

104.31 Political activities of state, county, and municipal officers and employees.—

(3) Nothing contained in this section or in any county or municipal charter shall be deemed to prohibit any public employee from expressing his or her opinions on any candidate or issue or from participating in any political campaign during the employee’s off-duty hours, so long as such activities are not in conflict with the provisions of subsection (1) or s. 109.233 ~~110.233~~.

Section 81. Subsection (3) of section 106.082, Florida Statutes, is amended to read:

106.082 Commissioner of Agriculture candidates; campaign contribution limits.—

(3) No employee of the Department of Agriculture may solicit a campaign contribution for any candidate for the office of Commissioner of Agriculture from any person or business who is licensed, inspected, or otherwise authorized to do business as a food outlet or convenience store pursuant to chapter 500; or any director, officer, lobbyist, or controlling interest of that person; or any political committee or committee of continuous existence that represents that person. For purposes of this section, “employee of the department” means any person employed in the Department of Agriculture holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~; any person holding a position in the Selected Exempt Service as defined in s. 109.602 ~~110.602~~; any person having authority over food outlet or convenience store regulation, or inspection supervision; or any person, hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

Section 82. Subsection (4) of section 106.24, Florida Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers; duties.—

(4) The commission shall appoint an executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations. All employees, except the executive director and attorneys, are subject to part II of chapter 109 ~~110~~. The executive director shall serve at the pleasure of the commission and be subject to part III of chapter 109 ~~110~~, except that the commission shall have complete authority for setting the executive director's salary. Attorneys employed by the commission shall be subject to part V of chapter 109 ~~110~~.

Section 83. Subsection (4) of section 112.044, Florida Statutes, is amended to read:

112.044 Public employers, employment agencies, labor organizations; discrimination based on age prohibited; exceptions; remedy.—

(4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the state who is within the Career Service System established by chapter 109 ~~110~~ and who is aggrieved by a violation of this act may appeal to the Public Employees Relations Commission under the conditions and following the procedures prescribed in part II of chapter 447. Any person other than an employee who is within the Career Service System established by chapter 109 ~~110~~, or any person employed by the Public Employees Relations Commission, who is aggrieved by a violation of this act may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this act.

Section 84. Section 112.0805, Florida Statutes, is amended to read:

112.0805 Employer notice of insurance eligibility to employees who retire.—Any employer who provides insurance coverage under s. 109.123 ~~110.123~~ or s. 112.0801 shall notify those employees who retire of their eligibility to participate in either the same group insurance plan or self-insurance plan as provided in ss. 109.123 ~~110.123~~ and 112.0801, or the insurance coverage as provided by this law.

Section 85. Paragraph (a) of subsection (9) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~ or any person holding a position in the Selected Exempt Service as defined in s. 109.602 ~~110.602~~ or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director of the Legislative Committee on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the

Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Regents; and the president, vice presidents, and deans of each state university.

(VI) Any person having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

4. No agency employee shall personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989;

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

Section 86. Paragraph (a) of subsection (5) of section 112.3189, Florida Statutes, is amended to read:

112.3189 Investigative procedures upon receipt of whistle-blower information from certain state employees.—

(5)(a) If the Chief Inspector General or agency inspector general under subsection (3) determines that the information disclosed is the type of information described in s. 112.3187(5), that the source of the information is from a person who is an employee or former employee of, or an applicant for employment with, a state agency, as defined in s.

216.011, and that the information disclosed demonstrates reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty, the Chief Inspector General or agency inspector general making such determination shall then conduct an investigation, unless the Chief Inspector General or the agency inspector general determines, within 30 days after receiving the allegations from the complainant, that such investigation is unnecessary. For purposes of this subsection, the Chief Inspector General or the agency inspector general shall consider the following factors, but is not limited to only the following factors, when deciding whether the investigation is not necessary:

1. The gravity of the disclosed information compared to the time and expense of an investigation.
2. The potential for an investigation to yield recommendations that will make state government more efficient and effective.
3. The benefit to state government to have a final report on the disclosed information.
4. Whether the alleged whistle-blower information primarily concerns personnel practices that may be investigated under chapter 109 ~~110~~.
5. Whether another agency may be conducting an investigation and whether any investigation under this section could be duplicative.
6. The time that has elapsed between the alleged event and the disclosure of the information.

Section 87. Subsection (2) of section 112.363, Florida Statutes, is amended to read:

112.363 Retiree health insurance subsidy.—

(2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—A person who is retired under a state-administered retirement system, or a beneficiary who is a spouse or financial dependent entitled to receive benefits under a state-administered retirement system, is eligible for health insurance subsidy payments provided under this section; except that pension recipients under ss. 121.40, 238.07(16)(a), and 250.22, recipients of health insurance coverage under s. 109.1232 ~~110.1232~~, or any other special pension or relief act shall not be eligible for such payments. Payment of the retiree health insurance subsidy shall be made only after coverage for health insurance for the retiree or beneficiary has been certified in writing to the Department of Management Services. Participation in a former employer's group health insurance program is not a requirement for eligibility under this section. However, participants in the Senior Management Service Optional Annuity Program as provided in s. 121.055(6) and the State University System Optional Retirement Program as provided in s. 121.35 shall not receive the retiree health insurance subsidy provided in this section. The employer of such participant shall pay the contributions required in subsection (8) to the annuity program provided in s. 121.055(6)(d) or s. 121.35(4)(a), as applicable.

Section 88. Effective July 1, 2001, paragraph (a) of subsection (2) of section 112.363, Florida Statutes, as amended by chapter 2000-169, Laws of Florida, is amended to read:

112.363 Retiree health insurance subsidy.—

(2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

(a) A person who is retired under a state-administered retirement system, or a beneficiary who is a spouse or financial dependent entitled to receive benefits under a state-administered retirement system, is eligible for health insurance subsidy payments provided under this section; except that pension recipients under ss. 121.40, 238.07(16)(a),

and 250.22, recipients of health insurance coverage under s. 109.1232 ~~110.1232~~, or any other special pension or relief act shall not be eligible for such payments.

Section 89. Subsection (38) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(38) "Continuous service" means creditable service as a member, beginning with the first day of employment with an employer covered under a state-administered retirement system consolidated herein and continuing for as long as the member remains in an employer-employee relationship with an employer covered under this chapter. An absence of 1 calendar month or more from an employer's payroll shall be considered a break in continuous service, except for periods of absence during which an employer-employee relationship continues to exist and such period of absence is creditable under this chapter or under one of the existing systems consolidated herein. However, a law enforcement officer as defined in s. 121.0515(2)(a) who was a member of a state-administered retirement system under chapter 122 or chapter 321 and who resigned and was subsequently reemployed in a law enforcement position within 12 calendar months of such resignation by an employer under such state-administered retirement system shall be deemed to have not experienced a break in service. Further, with respect to a state-employed law enforcement officer who meets the criteria specified in s. 121.0515(2)(a), if the absence from the employer's payroll is the result of a "layoff" as defined in s. 109.203(24) ~~110.203(24)~~ or a resignation to run for an elected office that meets the criteria specified in s. 121.0515(2)(a), no break in continuous service shall be deemed to have occurred if the member is reemployed as a state law enforcement officer or is elected to an office which meets the criteria specified in s. 121.0515(2)(a) within 12 calendar months after the date of the layoff or resignation, notwithstanding the fact that such period of layoff or resignation is not creditable service under this chapter. A withdrawal of contributions will constitute a break in service. Continuous service also includes past service purchased under this chapter, provided such service is continuous within this definition and the rules established by the administrator. The administrator may establish administrative rules and procedures for applying this definition to creditable service authorized under this chapter. Any correctional officer, as defined in s. 943.10, whose participation in the state-administered retirement system is terminated due to the transfer of a county detention facility through a contractual agreement with a private entity pursuant to s. 951.062, shall be deemed an employee with continuous service in the Special Risk Class, provided return to employment with the former employer takes place within 3 years due to contract termination or the officer is employed by a covered employer in a special risk position within 1 year after his or her initial termination of employment by such transfer of its detention facilities to the private entity.

Section 90. Paragraph (b) of subsection (3) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(3) PROCEDURE FOR DESIGNATING.—

(b)1. Applying the criteria set forth in this section, the Department of Management Services shall specify which current and newly created classes of positions under the uniform classification plan established pursuant to chapter 109 ~~110~~ entitle the incumbents of positions in those classes to membership in the Special Risk Class. Only employees employed in the classes so specified shall be special risk members.

2. When a class is not specified by the department as provided in subparagraph 1., the employing agency may petition the State Retirement Commission for approval in accordance with s. 121.23.

Section 91. Paragraph (a) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida

Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)(a) Participation in the Senior Management Service Class shall be limited to and compulsory for any member of the Florida Retirement System who holds a position in the Senior Management Service of the State of Florida, established by part III of chapter 109 ~~110~~, unless such member elects, within the time specified herein, to participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

Section 92. Paragraph (a) of subsection (2) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

(a) Participation in the optional retirement program provided by this section shall be limited to persons who are otherwise eligible for membership in the Florida Retirement System; who are employed or appointed for no less than one academic year; and who are employed in one of the following State University System positions:

1. Positions classified as instructional and research faculty which are exempt from the career service under the provisions of s. 109.205(2)(d) ~~110.205(2)(d)~~.

2. Positions classified as administrative and professional which are exempt from the career service under the provisions of s. 109.205(2)(d) ~~110.205(2)(d)~~.

3. The Chancellor and the university presidents.

Section 93. Subsection (5) of section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(5) The Department of Management Services shall be the functional owner of the Cooperative Personnel Employment Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of ss. 109.116 ~~110.116~~ and 215.90-215.96. The subsystem shall include, but shall not be limited to, functions for:

(a) Maintenance of employee and position data, including funding sources and percentages and salary lapse. The employee data shall include, but not be limited to, information to meet the payroll system requirements of the Department of Banking and Finance and to meet the employee benefit system requirements of the Department of Management Services.

(b) Recruitment and examination.

(c) Time reporting.

(d) Collective bargaining.

Section 94. Subsection (2) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(2) For purposes of this chapter, terms related to personnel affairs of the state shall be defined as set forth in s. 109.203 ~~110.203~~.

Section 95. Paragraph (a) of subsection (2) of section 216.251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans provided for in chapter 109 ~~110~~.

2. Within the classification and pay plans established by the Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

3. Within the classification and pay plan approved and administered by the Board of Regents for those positions in the State University System.

4. Within the classification and pay plan approved by the President of the Senate and the Speaker of the House of Representatives, as the case may be, for employees of the Legislature.

5. Within the approved classification and pay plan for the judicial branch.

6. The salary of all positions not specifically included in this subsection shall be set by the commission or by the Chief Justice for the judicial branch.

Section 96. Section 231.381, Florida Statutes, is amended to read:

231.381 Transfer of sick leave and annual leave.—In implementing the provisions of ss. 230.23(4)(n) and 402.22(1)(d), educational personnel in Department of Children and Family Services residential care facilities who are employed by a district school board may request, and the district school board shall accept, a lump-sum transfer of accumulated sick leave for such personnel to the maximum allowed by policies of the district school board, notwithstanding the provisions of s. 109.122 ~~110.122~~. Educational personnel in Department of Children and Family Services residential care facilities who are employed by a district school board under the provisions of s. 402.22(1)(d) may request, and the district school board shall accept, a lump-sum transfer of accumulated annual leave for each person employed by the district school board in a position in the district eligible to accrue vacation leave under policies of the district school board.

Section 97. Paragraph (c) of subsection (1) of section 235.217, Florida Statutes, is amended to read:

235.217 SMART (Soundly Made, Accountable, Reasonable, and Thrifty) Schools Clearinghouse.—

(1)

(c) The clearinghouse is assigned to the Department of Management Services for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department, except as otherwise provided in chapters 109 ~~110~~, 255, and 287 for agencies of the executive branch.

Section 98. Paragraph (f) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(f) Establish and maintain systemwide personnel programs for all State University System employees, including a systemwide personnel classification and pay plan, notwithstanding provisions of law that grant authority to the Department of Management Services over such programs for state employees. The board shall consult with the legislative appropriations committees regarding any major policy changes related to classification and pay which are in conflict with those policies in effect for career service employees with similar job classifications and responsibilities. The board may adopt rules relating to the appointment, employment, and removal of personnel which delegate its authority to the Chancellor or the universities. The board shall submit, in a manner prescribed by law, any reports concerning State University System personnel programs as shall be required of the Department of Management Services for other state employees. The Department of Management Services shall retain authority over State University System employees for programs established in ss. 109.116,



109.123, 109.1232, 109.1234, and 109.1238 ~~110.116, 110.123, 110.1232, 110.1234, and 110.1238~~ and in chapters 121, 122, and 238. The board shall adopt rules to provide for a coordinated, efficient systemwide program and shall delegate to the universities authority for implementing the program consistent with these coordinating rules so adopted and applicable collective bargaining agreements. The salary rate controls for positions in budgets under the Board of Regents shall separately delineate the general faculty and all other categories.

Section 99. Paragraph (a) of subsection (1) of section 240.2111, Florida Statutes, is amended to read:

240.2111 Employee recognition program.—

(1)(a) Notwithstanding the provisions of s. 109.1245 ~~110.1245~~, the Board of Regents and each university shall promulgate rules for an employee recognition program which provides for the following components:

1. A superior accomplishment component to recognize employees who have contributed outstanding and meritorious service in their fields, including those who have made exceptional contributions to efficiency, economy, or other improvement in State University System operations. No cash award under the superior accomplishment component of the program shall exceed \$1,000, excluding applicable taxes.

2. A satisfactory service component to recognize employees who have achieved increments of 5 continuous years of satisfactory service to the Board of Regents, university, or state in appreciation and recognition of such service. No cash award granted under the satisfactory service component shall exceed \$50, excluding applicable taxes.

Section 100. Section 240.507, Florida Statutes, is amended to read:

240.507 Extension personnel; federal health insurance programs notwithstanding the provisions of s. 109.123 ~~110.123~~.—The Institute of Food and Agricultural Sciences at the University of Florida is authorized to pay the employer's share of premiums to the Federal Health Benefits Insurance Program from its appropriated budget for any cooperative extension employee of the institute having both state and federal appointments and participating in the Federal Civil Service Retirement System.

Section 101. Subsection (9) of section 241.002, Florida Statutes, is amended to read:

241.002 Duties of the Department of Education.—The duties of the Department of Education concerning distance learning include, but are not limited to, the duty to:

(9) Hire appropriate staff which may include a position that shall be exempt from part II of chapter 109 ~~110~~ and is included in the Senior Management Service in accordance with s. 109.205 ~~110.205~~.

Nothing in ss. 241.001-241.004 shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college board of trustees, the State Board of Community Colleges, or the Board of Regents.

Section 102. Paragraph (b) of subsection (6) of section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(6) The board of trustees shall:

(b) Administer and maintain personnel programs for all employees of the board of trustees and the Florida School for the Deaf and the Blind who shall be state employees, including the personnel classification and pay plan established in accordance with ss. 109.205(2)(d) ~~110.205(2)(d)~~ and 216.251(2)(a)2. for academic and academic administrative personnel, the provisions of chapter 109 ~~110~~, and the provisions of law that grant authority to the Department of Management Services over such programs for state employees.

Section 103. Subsection (2) of section 260.0125, Florida Statutes, is amended to read:

260.0125 Limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails.—

(2) Any private landowner who consents to designation of his or her land as part of the statewide system of greenways and trails pursuant to s. 260.016(2)(d) without compensation shall be considered a volunteer, as defined in s. 109.501 ~~110.501~~, and shall be covered by state liability protection pursuant to s. 768.28, including s. 768.28(9).

Section 104. Paragraph (a) of subsection (4) of section 281.02, Florida Statutes, is amended to read:

281.02 Powers and duties of the Department of Management Services, Florida Capitol Police.—The Department of Management Services, Florida Capitol Police, has the following powers and duties:

(4) To employ:

(a) Agents who hold certification as police officers in accordance with the minimum standards and qualifications as set forth in s. 943.13 and the provisions of chapter 109 ~~110~~, who shall have the authority to bear arms, make arrests, and apply for arrest warrants; and

Section 105. Section 287.175, Florida Statutes, is amended to read:

287.175 Penalties.—A violation of this part or a rule adopted hereunder, pursuant to applicable constitutional and statutory procedures, constitutes misuse of public position as defined in s. 112.313(6), and is punishable as provided in s. 112.317. The Comptroller shall report incidents of suspected misuse to the Commission on Ethics, and the commission shall investigate possible violations of this part or rules adopted hereunder when reported by the Comptroller, notwithstanding the provisions of s. 112.324. Any violation of this part or a rule adopted hereunder shall be presumed to have been committed with wrongful intent, but such presumption is rebuttable. Nothing in this section is intended to deny rights provided to career service employees by s. 109.227 ~~110.227~~.

Section 106. Subsection (2) of section 288.708, Florida Statutes, is amended to read:

288.708 Executive director; employees.—

(2) The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 109 ~~110~~, and the executive director shall be subject to the provisions of part IV of chapter 109 ~~110~~.

Section 107. Paragraph (a) of subsection (4) of section 295.07, Florida Statutes, is amended to read:

295.07 Preference in appointment and retention.—

(4) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 109.205(2) ~~110.205(2)~~; however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida Community College System and the School for the Deaf and the Blind are included.

Section 108. Subsection (3) and paragraph (b) of subsection (4) of section 296.04, Florida Statutes, are amended to read:

296.04 Administrator; duties and qualifications; responsibilities.—

(3) The administrator shall be a resident of the state at the time of entering into employment in the position. The position shall be assigned to the Selected Exempt Service under part V of chapter 109 ~~110~~. The director shall afford applicants veterans' preference in appointment in accordance with ss. 295.07 and 295.085. In addition, the administrator must have at least a 4-year degree from an accredited university or college and 3 years of administrative experience in a health care facility,

or any equivalent combination of experience, training, and education totaling 7 years in work relating to administration of a health care facility.

(4)

(b) All employees who fill authorized and established positions appropriated for the home shall be state employees. The department shall classify such employees in the manner prescribed in chapter 109 ~~110~~.

Section 109. Subsection (1) and paragraph (b) of subsection (4) of section 296.34, Florida Statutes, are amended to read:

296.34 Administrator; qualifications, duties, and responsibilities.—

(1) The director shall appoint an administrator of the home who shall be the chief executive of the home. The position shall be assigned to the Selected Exempt Service under part V of chapter 109 ~~110~~. The director shall give preference in appointment as provided in ss. 295.07 and 295.085 to applicants for the position of administrator.

(4)

(b) All employees who fill authorized and established positions appropriated for the home shall be state employees. The department shall classify such employees in the manner prescribed in chapter 109 ~~110~~.

Section 110. Subsection (5) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(5) Any port which receives funding under the program shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. 109.112 ~~110-112~~.

Section 111. Paragraph (c) of subsection (10) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.

4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.

5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 109 ~~110~~ and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

Section 112. Subsection (4) of section 343.74, Florida Statutes, is amended to read:

343.74 Powers and duties.—

(4) The authority shall institute procedures to ensure that jobs created as a result of state funding pursuant to this section shall be subject to equal opportunity hiring practices as provided for in s. 109.112 ~~110-112~~.

Section 113. Paragraph (e) of subsection (3) of section 381.85, Florida Statutes, is amended to read:

381.85 Biomedical and social research.—

(3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL RESEARCH.—

(e) The council shall be staffed by an executive director and a secretary who shall be appointed by the council and who shall be exempt from the provisions of part II of chapter 109 ~~110~~ relating to the Career Service System.

Section 114. Section 393.0657, Florida Statutes, is amended to read:

393.0657 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 109.1127(3) ~~110-1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any direct service provider screening or fingerprinting requirements.

Section 115. Subsection (3) of section 400.19, Florida Statutes, is amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. The agency shall verify

through subsequent inspection that any deficiency identified during the annual inspection is corrected. However, the agency may verify the correction of a class III deficiency unrelated to resident rights or resident care without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter *109 110*.

Section 116. Subsection (3) of section 400.953, Florida Statutes, is amended to read:

400.953 Background screening of home medical equipment provider personnel.—The agency shall require employment screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home medical equipment provider personnel.

(3) Proof of compliance with the screening requirements of s. *109.1127 110.1127*, s. 393.0655, s. 394.4572, s. 397.451, s. 402.305, s. 402.313, s. 409.175, s. 464.008, or s. 985.407 or this part must be accepted in lieu of the requirements of this section if the person has been continuously employed in the same type of occupation for which he or she is seeking employment without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened by the Department of Law Enforcement. An employer or contractor shall directly provide proof of compliance to another employer or contractor, and a potential employer or contractor may not accept any proof of compliance directly from the person requiring screening. Proof of compliance with the screening requirements of this section shall be provided, upon request, to the person screened by the home medical equipment provider.

Section 117. Section 402.3057, Florida Statutes, is amended to read:

402.3057 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers and noninstructional personnel who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. *109.1127(3) 110.1127(3)*, 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 118. Subsection (4) of section 402.55, Florida Statutes, is amended to read:

402.55 Management fellows program.—

(4) Notwithstanding the provisions of chapter *109 110*, the departments may grant special pay increases to management fellows upon successful completion of the program.

Section 119. Subsection (2) of section 402.731, Florida Statutes, is amended to read:

402.731 Department of Children and Family Services certification programs for employees and service providers; employment provisions for transition to community-based care.—

(2) The department shall develop and implement employment programs to attract and retain competent staff to support and facilitate the transition to privatized community-based care. Such employment programs shall include lump-sum bonuses, salary incentives, relocation allowances, or severance pay. The department shall also contract for the delivery or administration of outplacement services. The department shall establish time-limited exempt positions as provided in s. *109.205(2)(h) 110.205(2)(h)*, in accordance with the authority provided in s. 216.262(1)(c)1. Employees appointed to fill such exempt positions shall have the same salaries and benefits as career exempt employees.

Section 120. Section 409.1757, Florida Statutes, is amended to read:

409.1757 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and this chapter, and teachers who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. *109.1127(3) 110.1127(3)*, 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 121. Paragraph (o) of subsection (1) of section 440.102, Florida Statutes, is amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(1) DEFINITIONS.—Except where the context otherwise requires, as used in this act:

(o) “Safety-sensitive position” means, with respect to a public employer, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to s. *109.1127 110.1127*; or a position in which a momentary lapse in attention could result in injury or death to another person.

Section 122. Paragraph (a) of subsection (3) of section 440.4416, Florida Statutes, is amended to read:

440.4416 Workers’ Compensation Oversight Board.—

(3) EXECUTIVE DIRECTOR; EXPENSES.—

(a) The board shall appoint an executive director to direct and supervise the administrative affairs and general management of the board who shall be subject to the provisions of part IV of chapter *109 110*. The executive director may employ persons and obtain technical assistance as authorized by the board and shall attend all meetings of the board. Board employees shall be exempt from part II of chapter *109 110*.

Section 123. Subsection (4) of section 443.171, Florida Statutes, is amended to read:

443.171 Division and commission; powers and duties; rules; advisory council; records and reports; proceedings; state-federal cooperation.—

(4) PERSONNEL.—Subject to chapter *109 110* and the other provisions of this chapter, the division is authorized to appoint, fix the compensation of, and prescribe the duties and powers of such employees, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties under this chapter. The division may delegate to any such person such power and authority as it deems reasonable and proper for the effective administration of this chapter and may in its discretion bond any person handling moneys or signing checks hereunder; the cost of such bonds shall be paid from the Employment Security Administration Trust Fund.

Section 124. Paragraph (a) of subsection (9) of section 447.207, Florida Statutes, is amended to read:

447.207 Commission; powers and duties.—

(9) Pursuant to s. 447.208, the commission or its designated agent shall hear appeals, and enter such orders as it deems appropriate, arising out of:

(a) Section 109.124 ~~110.124~~, relating to termination or transfer of State Career Service System employees aged 65 or older.

Section 125. Paragraph (a) of subsection (2) of section 456.048, Florida Statutes, is amended to read:

456.048 Financial responsibility requirements for certain health care practitioners.—

(2) The board or department may grant exemptions upon application by practitioners meeting any of the following criteria:

(a) Any person licensed under chapter 457, chapter 460, chapter 461, s. 464.012, chapter 466, or chapter 467 who practices exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(15) or who is a volunteer under s. 109.501(1) ~~110.501(1)~~.

Section 126. Subsection (3) of section 471.038, Florida Statutes, is amended to read:

471.038 Florida Engineers Management Corporation.—

(3) The Florida Engineers Management Corporation is created to provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455 and this chapter. The management corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 109 ~~110~~ or chapter 112, except that the board of directors and the staff are subject to the provisions of s. 112.061. The provisions of s. 768.28 apply to the management corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state, but which is not an agency within the meaning of s. 20.03(11). The management corporation shall:

(a) Be a Florida corporation not for profit, incorporated under the provisions of chapter 617.

(b) Provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455, this chapter, and the contract required by this section.

(c) Receive, hold, and administer property and make only prudent expenditures directly related to the responsibilities of the board, and in accordance with the contract required by this section.

(d) Be approved by the board and the department to operate for the benefit of the board and in the best interest of the state.

(e) Operate under a fiscal year that begins on July 1 of each year and ends on June 30 of the following year.

(f) Have a seven-member board of directors, five of whom are to be appointed by the board and must be registrants regulated by the board and two of whom are to be appointed by the secretary and must be laypersons not regulated by the board. All initial appointments shall expire on October 31, 2000. Current members may be appointed to one additional term that complies with the provisions of this paragraph. Two members shall be appointed for 2 years, three members shall be appointed for 3 years, and two members shall be appointed for 4 years. One layperson shall be appointed to a 3-year term and one layperson shall be appointed to a 4-year term. Thereafter, all appointments shall be for 4-year terms. No new member shall serve more than two consecutive terms. Failure to attend three consecutive meetings shall be deemed a resignation from the board, and the vacancy shall be filled by a new appointment.

(g) Select its officers in accordance with its bylaws. The members of the board of directors may be removed by the board, with the concurrence of the department, for the same reasons that a board member may be removed.

(h) Use a portion of the interest derived from the management corporation account to offset the costs associated with the use of credit cards for payment of fees by applicants or licensees.

(i) Operate under an annual written contract with the department which is approved by the board. The contract must provide for, but is not limited to:

1. Approval of the articles of incorporation and bylaws of the management corporation by the department and the board.

2. Submission by the management corporation of an annual budget that complies with board rules for approval by the board and the department.

3. Annual certification by the board and the department that the management corporation is complying with the terms of the contract in a manner consistent with the goals and purposes of the board and in the best interest of the state. This certification must be reported in the board's minutes. The contract must also provide for methods and mechanisms to resolve any situation in which the certification process determines noncompliance.

4. Employment by the department of a contract administrator to actively supervise the administrative, investigative, and prosecutorial activities of the management corporation to ensure compliance with the contract and the provisions of chapter 455 and this chapter and to act as a liaison for the department, the board, and the management corporation to ensure the effective operation of the management corporation.

5. Funding of the management corporation through appropriations allocated to the regulation of professional engineers from the Professional Regulation Trust Fund.

6. The reversion to the board, or the state if the board ceases to exist, of moneys, records, data, and property held in trust by the management corporation for the benefit of the board, if the management corporation is no longer approved to operate for the board or the board ceases to exist. All records and data in a computerized database shall be returned to the department in a form that is compatible with the computerized database of the department.

7. The securing and maintaining by the management corporation, during the term of the contract and for all acts performed during the term of the contract, of all liability insurance coverages in an amount to be approved by the department to defend, indemnify, and hold harmless the management corporation and its officers and employees, the department and its employees, and the state against all claims arising from state and federal laws. Such insurance coverage must be with insurers qualified and doing business in the state. The management corporation must provide proof of insurance to the department. The department and its employees and the state are exempt from and are not liable for any sum of money which represents a deductible, which sums shall be the sole responsibility of the management corporation. Violation of this subparagraph shall be grounds for terminating the contract.

8. Payment by the management corporation, out of its allocated budget, to the department of all costs of representation by the board counsel, including salary and benefits, travel, and any other compensation traditionally paid by the department to other board counsels.

9. Payment by the management corporation, out of its allocated budget, to the department of all costs incurred by the management corporation or the board for the Division of Administrative Hearings of the Department of Management Services and any other cost for utilization of these state services.

10. Payment by the management corporation, out of its allocated budget, to the department of all costs associated with the contract administrator of the department, including salary and benefits, travel, and other related costs traditionally paid to state employees.

(j) Provide for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with generally accepted auditing standards. The annual audit report shall include a detailed supplemental schedule

of expenditures for each expenditure category and a management letter. The annual audit report must be submitted to the board, the department, and the Auditor General for review. The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the corporation.

(k) Provide for persons charged with the responsibility of receiving and depositing fee and fine revenues to have a faithful performance bond in such an amount and according to such terms as shall be determined in the contract.

(l) Submit to the secretary, the board, and the Legislature, on or before January 1 of each year, a report on the status of the corporation which includes, but is not limited to, information concerning the programs and funds that have been transferred to the corporation. The report must include: the number of license applications received; the number approved and denied and the number of licenses issued; the number of examinations administered and the number of applicants who passed or failed the examination; the number of complaints received; the number determined to be legally sufficient; the number dismissed; the number determined to have probable cause; the number of administrative complaints issued and the status of the complaints; and the number and nature of disciplinary actions taken by the board.

(m) Develop, with the department, performance standards and measurable outcomes for the board to adopt by rule in order to facilitate efficient and cost-effective regulation.

Section 127. Subsection (3) of section 509.036, Florida Statutes, is amended to read:

509.036 Public food service inspector standardization.—

(3) The division and its agent shall adopt rules in accordance with the provisions of chapter 120 to provide for disciplinary action in cases of inspector negligence. An inspector may be subject to suspension or dismissal for cause as set forth in s. 109.227 ~~110.227~~.

Section 128. Effective July 1, 2001, subsection (3) of section 509.036, Florida Statutes, as amended by this act, is amended to read:

509.036 Public food service inspector standardization.—

(3) The division and its agent shall adopt rules in accordance with the provisions of chapter 120 to provide for disciplinary action in cases of inspector negligence. An inspector may be subject to suspension or dismissal for *reasonable* cause as set forth in s. 109.227.

Section 129. Subsection (1) of section 570.073, Florida Statutes, is amended to read:

570.073 Department of Agriculture and Consumer Services, law enforcement officers.—

(1) The commissioner may create an Office of Agricultural Law Enforcement under the supervision of a senior manager exempt under s. 109.205 ~~110.205~~ in the Senior Management Service. The commissioner may designate law enforcement officers, as necessary, to enforce any criminal law or conduct any criminal investigation relating to any matter over which the department has jurisdiction or which occurs on property owned, managed, or occupied by the department. Those matters include laws relating to:

(a) Domesticated animals, including livestock, poultry, aquaculture products, and other wild or domesticated animals or animal products.

(b) Farms, farm equipment, livery tack, citrus or citrus products, or horticultural products.

(c) Trespass, littering, forests, forest fires, and open burning.

(d) Damage to or theft of forest products.

(e) Enforcement of a marketing order.

(f) Protection of consumers.

(g) Civil traffic offenses provided for in chapters 316, 320, and 322, subject to the provisions of chapter 318, relating to any matter over

which the department has jurisdiction or committed on property owned, managed, or occupied by the department.

(h) The use of alcohol or drugs which occurs on property owned, managed, or occupied by the department.

(i) Any emergency situation in which the life, limb, or property of any person is placed in immediate and serious danger.

(j) Any crime incidental to or related to paragraphs (a)-(i).

Section 130. Section 570.074, Florida Statutes, is amended to read:

570.074 Department of Agriculture and Consumer Services; water policy coordination.—The commissioner may create an Office of Water Coordination under the supervision of a senior manager exempt under s. 109.205 ~~110.205~~ in the Senior Management Service. The commissioner may designate the bureaus and positions in the various organizational divisions of the department that report to this office relating to any matter over which the department has jurisdiction in matters relating to water policy affecting agriculture, application of such policies, and coordination of such matters with state and federal agencies.

Section 131. Subsection (6) of section 624.307, Florida Statutes, is amended to read:

624.307 General powers; duties.—

(6) The department may employ actuaries who shall be at-will employees and who shall serve at the pleasure of the Insurance Commissioner. Actuaries employed pursuant to this paragraph shall be members of the Society of Actuaries or the Casualty Actuarial Society and shall be exempt from the Career Service System established under chapter 109 ~~110~~. The salaries of the actuaries employed pursuant to this paragraph by the department shall be set in accordance with s. 216.251(2)(a)5. and shall be set at levels which are commensurate with salary levels paid to actuaries by the insurance industry.

Section 132. Subsection (4) of section 627.0623, Florida Statutes, is amended to read:

627.0623 Restrictions on expenditures and solicitations of insurers and affiliates.—

(4) No employee of the department may solicit a campaign contribution for the Treasurer or any candidate for the office of Treasurer from any insurer, affiliate, or officer of an insurer or affiliate, or any political committee or committee of continuous existence that represents such insurer, affiliate, or officer. For purposes of this section, "employee of the department" means any person employed in the Department of Insurance or the Treasurer's office holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~; any person holding a position in the Selected Exempt Service as defined in s. 109.602 ~~110.602~~; any person having authority over insurance policy, regulation, or supervision; or any person hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

Section 133. Paragraph (h) of subsection (4) of section 627.6488, Florida Statutes, is amended to read:

627.6488 Florida Comprehensive Health Association.—

(4) The association shall:

(h) Contract with preferred provider organizations and health maintenance organizations giving due consideration to the preferred provider organizations and health maintenance organizations which have contracted with the state group health insurance program pursuant to s. 109.123 ~~110.123~~. If cost-effective and available in the county where the policyholder resides, the board, upon application or renewal of a policy, shall place a high-risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who shall determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. If cost-effective and available in the county where

the policyholder resides, the board, with the consent of the policyholder, may place a low-risk or medium-risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who may determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent, or guardian.

Section 134. Paragraph (a) of subsection (1) of section 627.649, Florida Statutes, is amended to read:

627.649 Administrator.—

(1) The board shall select an administrator, through a competitive bidding process, to administer the plan. The board shall evaluate bids submitted under this subsection based on criteria established by the board, which criteria shall include:

(a) The administrator's proven ability to handle large group accident and health insurance, and due consideration shall be given to any administrator who has acted as a third-party administrator for the state group health insurance program pursuant to s. 109.123 ~~110.123~~.

Section 135. Paragraph (a) of subsection (2) and subsection (3) of section 627.6498, Florida Statutes, are amended to read:

627.6498 Minimum benefits coverage; exclusions; premiums; deductibles.—

(2) BENEFITS.—

(a) The plan shall offer major medical expense coverage similar to that provided by the state group health insurance program as defined in s. 109.123 ~~110.123~~ except as specified in subsection (3) to every eligible person who is not eligible for Medicare. Major medical expense coverage offered under the plan shall pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4), up to a lifetime limit of \$500,000 per covered individual. The maximum limit under this paragraph shall not be altered by the board, and no actuarially equivalent benefit may be substituted by the board.

(3) COVERED EXPENSES.—The coverage to be issued by the association shall be patterned after the state group health insurance program as defined in s. 109.123 ~~110.123~~, including its benefits, exclusions, and other limitations, except as otherwise provided in this act. The plan may cover the cost of experimental drugs which have been approved for use by the Food and Drug Administration on an experimental basis if the cost is less than the usual and customary treatment. Such coverage shall only apply to those insureds who are in the case management system upon the approval of the insured, the case manager, and the board.

Section 136. Subsection (4) of section 627.6617, Florida Statutes, is amended to read:

627.6617 Coverage for home health care services.—

(4) The provisions of this section shall not apply to a multiple-employer welfare arrangement as defined in s. 624.437(1) and in the State Health Plan as provided in s. 109.123 ~~110.123~~.

Section 137. Subsection (3) of section 655.019, Florida Statutes, is amended to read:

655.019 Campaign contributions; limitations.—

(3) No employee of the department may solicit a campaign contribution for the Comptroller or any candidate for the office of the Comptroller from any person who is licensed or otherwise authorized to do business by the department or who has an application pending for licensure or other authorization to do business pending with the department, or any director, officer, employee, agent, retained legal counsel, lobbyist, or partner or affiliate of that person or any political committee or committee of continuous existence that represents that person. For purposes of this section, "employee of the department"

means any person employed in the department or the Comptroller's office holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~; any person holding a position in the Selected Exempt Service as defined in s. 109.602 ~~110.602~~; any person having authority over institution policy, regulation, or supervision; or any person hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

Section 138. Paragraph (a) of subsection (4) of section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.059;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 109.1127(3) ~~110.1127(3)~~, s. 393.063(15), s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 985.407, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity that licenses child care facilities.

Section 139. Paragraph (a) of subsection (4) of section 943.059, Florida Statutes, is amended to read:

943.059 Court-ordered sealing of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to seal the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to seal a criminal history record until the person seeking to seal a criminal history record has applied for and received a certificate of eligibility for sealing pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be sealed, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed or pled guilty or nolo contendere to committing the offense as a delinquent act. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal history record of a minor or an adult which is ordered sealed by a court of competent jurisdiction pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, or to those entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section or s. 943.0585;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 109.1127(3) ~~110.1127(3)~~, s. 393.063(15), s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 415.103, s. 985.407, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity which licenses child care facilities.

Section 140. Subsection (4) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.—

(4) No individual filling a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~ is eligible to participate in the salary incentive program authorized by this section.

Section 141. Paragraph (c) of subsection (3) of section 944.35, Florida Statutes, is amended to read:

944.35 Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties.—

(3)

(c) Notwithstanding prosecution, any violation of the provisions of this subsection, as determined by the Public Employees Relations Commission, shall constitute sufficient cause under s. 109.227 ~~110.227~~ for dismissal from employment with the department, and such person shall not again be employed in any capacity in connection with the correctional system.

Section 142. Subsection (2) of section 945.043, Florida Statutes, is amended to read:

945.043 Department-operated day care services.—

(2) The department is exempt from the requirements of s. 109.151 ~~110.151~~.

Section 143. Subsection (6) of section 957.03, Florida Statutes, is amended to read:

957.03 Correctional Privatization Commission.—

(6) SUPPORT BY DEPARTMENT OF MANAGEMENT SERVICES.—The commission shall be a separate budget entity, and the executive director shall be its chief administrative officer. The Department of Management Services shall provide administrative support and service to the commission to the extent requested by the executive director. The commission and its staff are not subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, and budgetary matters, except to the extent as provided in chapters 109 ~~110~~, 216, 255, 282, and 287 for agencies of the executive branch. The executive director may designate a maximum of two policymaking or managerial positions as being exempt from the Career Service System. These two positions may be provided for as members of the Senior Management Service.

Section 144. Subsection (2) of section 985.04, Florida Statutes, is amended to read:

## 985.04 Oaths; records; confidential information.—

(2) Records maintained by the Department of Juvenile Justice, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in ss. 109.1127 ~~110.1127~~, 393.0655, 394.457, 397.451, 402.305(2), 409.175, and 409.176 may not be destroyed pursuant to this section, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or pursuant to departmental rule; however, current criminal history information must be obtained from the Department of Law Enforcement in accordance with s. 943.053. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

Section 145. Paragraph (e) of subsection (4) of section 985.05, Florida Statutes, is amended to read:

## 985.05 Court records.—

(4) A court record of proceedings under this part is not admissible in evidence in any other civil or criminal proceeding, except that:

(e) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 109.1127 ~~110.1127~~, 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and 985.407.

Section 146. Paragraph (b) of subsection (1) of section 985.4045, Florida Statutes, is amended to read:

985.4045 Sexual misconduct prohibited; reporting required; penalties.—

(1)

(b) Notwithstanding prosecution, any violation of this subsection, as determined by the Public Employees Relations Commission, constitutes sufficient cause under s. 109.227 ~~110.227~~ for dismissal from employment with the department, and such person may not again be employed in any capacity in connection with the juvenile justice system.

Section 147. Paragraph (c) of subsection (1) of section 216.262, Florida Statutes, is amended to read:

## 216.262 Authorized positions.—

(1)

(c)1. The Executive Office of the Governor, under such procedures and qualifications as it deems appropriate, shall, upon agency request, delegate to any state agency authority to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity within the same division, and may approve additions and deletions of authorized positions or transfers of authorized positions within the state agency when such changes would enable the agency to administer more effectively its authorized and approved programs. The additions or deletions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

2. The Chief Justice of the Supreme Court shall have the authority to establish procedures for the judicial branch to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity, and to add and delete authorized positions within the same budget entity, when such changes are consistent with legislative policy and intent and do not conflict with spending policies specified in the General Appropriations Act.

3.a. A state agency may be eligible for an efficiency award based on changes to authorized positions. To be eligible, the agency must submit an application to the Legislative Budgeting Commission identifying the modification to an approved program resulting in efficiency and cost savings.

b. The amount of the efficiency award shall be determined by the Legislative Budgeting Commission but shall not exceed the actual savings of currently appropriated funds. In determining the amount of the award, the Legislative Budgeting Commission shall consider the actual savings for the current year and the annualized savings. The efficiency award may be used for nonrecurring purposes only.

c. Each state agency allowed to retain salary appropriations pursuant to this subparagraph shall submit in its next legislative budget request a schedule showing how the agency utilized such funds.

Section 148. Effective January 1, 2002, section 447.201, Florida Statutes, is amended to read:

447.201 Statement of policy.—~~It is declared that~~ The public policy of this the state, and the purpose of this part, is to provide statutory implementation of s. 6, Art. I of the State Constitution, with respect to public employees; to promote harmonious and cooperative relationships between government and its employees, both collectively and individually; and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. ~~It is the intent of the Legislature that~~ Nothing herein shall be construed either to encourage or discourage organization of public employees. ~~This state's public policy is~~ These policies are best effectuated by:

(1) Granting to public employees the right of organization and representation;

(2) Requiring the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public employees;

(3) Creating the Office of Employee Relations and establishing a voluntary binding arbitration procedure ~~Public Employees Relations Commission~~ to assist in resolving disputes between public employees and public employers; and

(4) Recognizing the constitutional prohibition against strikes by public employees and providing remedies for violations of such prohibition.

Section 149. Effective January 1, 2002, subsections (1) and (2), paragraph (d) of subsection (3), and subsections (4), (8), (12), and (17) of section 447.203, Florida Statutes, are amended, and, effective July 1, 2001, subsections (19) and (20) are added to said section, to read:

## 447.203 Definitions.—As used in this part:

(1)(a) "Office" means the Office of Employee Relations within the Department of Management Services.

(b) "Commission" means the Public Employees Relations Commission created by s. 447.205.

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the office ~~commission~~ determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the office ~~commission~~ as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor shall be deemed to be the public employer; and the Board of Regents shall be deemed to be the public employer with respect to all public employees within the State University System as provided in s. 240.209(3)(f), except that such employees shall have the right, in elections to be conducted at each university by the office ~~commission~~ pursuant to its rules, to elect not to participate in collective bargaining. In the event that a majority of such voting employees at any university elect not to participate in collective bargaining, they shall be removed from the applicable Board of Regents bargaining unit. If, thereafter, by election conducted by the office ~~commission~~ pursuant to its rules, a majority of such voting employees elect to participate in collective bargaining, they shall be included again in the applicable Board of Regents bargaining unit for such purpose. The board of trustees of a community college shall be deemed to be the public employer with respect to all employees of the community college. The



district school board shall be deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind shall be deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. The Governor shall be deemed to be the public employer with respect to all employees in the Correctional Education Program of the Department of Corrections established pursuant to s. 944.801.

(3) "Public employee" means any person employed by a public employer except:

(d) Those persons who are designated by the *office commission* as managerial or confidential employees pursuant to criteria contained herein.

(4) "Managerial employees" are those employees who:

(a) Perform jobs that are not of a routine, clerical, or ministerial nature and require the exercise of independent judgment in the performance of such jobs and to whom one or more of the following applies:

1. They formulate or assist in formulating policies which are applicable to bargaining unit employees.

2. They may reasonably be required on behalf of the employer to assist in the preparation for the conduct of collective bargaining negotiations.

3. They have a role in the administration of agreements resulting from collective bargaining negotiations.

4. They have a significant role in personnel administration.

5. They have a significant role in employee relations.

6. They are included in the definition of administrative personnel contained in s. 228.041(10).

7. They have a significant role in the preparation or administration of budgets for any public agency or institution or subdivision thereof.

(b) Serve as police chiefs, fire chiefs, or directors of public safety of any police, fire, or public safety department. Other police officers, as defined in s. 943.10(1), and firefighters, as defined in s. 633.30(1), may be determined by the *office commission* to be managerial employees of such departments. In making such determinations, the *office commission* shall consider, in addition to the criteria established in paragraph (a), the paramilitary organizational structure of the department involved.

However, in determining whether an individual is a managerial employee pursuant to either paragraph (a) or paragraph (b), above, the *office commission* may consider historic relationships of the employee to the public employer and to coemployees.

(8) "Bargaining unit" means either that unit determined by the *office commission*, that unit determined through local regulations promulgated pursuant to s. 447.603, or that unit determined by the public employer and the public employee organization and approved by the *office commission* to be appropriate for the purposes of collective bargaining. However, no bargaining unit shall be defined as appropriate which includes employees of two employers that are not departments or divisions of the state, a county, a municipality, or other political entity.

(12) "Bargaining agent" means the employee organization which has been certified by the *office commission* as representing the employees in the bargaining unit, as provided in s. 447.307, or its representative.

(17) "Good faith bargaining" means ~~shall mean~~, but is not be limited to, the willingness of both parties to meet at reasonable times and places, as mutually agreed upon, in order to discuss issues which are proper subjects of bargaining, with the intent of reaching a common accord. It shall include an obligation for both parties to participate actively in the negotiations with an open mind and a sincere desire, as well as making a sincere effort, to resolve differences and come to an

agreement. In determining whether a party failed to bargain in good faith, the *office commission* shall consider the total conduct of the parties during negotiations as well as the specific incidents of alleged bad faith. Incidents indicative of bad faith shall include, but not be limited to, the following occurrences:

(a) Failure to meet at reasonable times and places with representatives of the other party for the purpose of negotiations.

(b) Placing unreasonable restrictions on the other party as a prerequisite to meeting.

(c) Failure to discuss bargainable issues.

(d) Refusing, upon reasonable written request, to provide public information, excluding work products as defined in s. 447.605.

(e) Refusing to negotiate because of an unwanted person on the opposing negotiating team.

(f) Negotiating directly with employees rather than with their certified bargaining agent.

(g) Refusing to reduce a total agreement to writing.

(19) "Firefighter" means a firefighter certified under chapter 633.

(20) "Law enforcement or correctional officer" means a law enforcement officer, special agent, correctional officer, correctional probation officer, or institutional security specialist required to be certified under chapter 943.

Section 150. *Effective June 30, 2002, paragraph (b) of subsection (1) and paragraph (h) of subsection (3) of section 447.203, Florida Statutes, and section 447.205, Florida Statutes, are repealed.*

Section 151. Section 447.204, Florida Statutes, is created to read:

*447.204 Office of Employee Relations.—*

*(1)(a) There is created within the Department of Management Services the Office of Employee Relations, hereinafter referred to as the "office." The Governor shall appoint an executive director of the office. The executive director shall serve at the pleasure of and report to the Governor. The executive director must be a member in good standing of The Florida Bar, have a minimum of 5 years of legal experience, and be knowledgeable regarding and have a background in the laws regarding state employees, the Career Service System, employee bargaining units, and collective bargaining. In no event shall the executive director be a person who, on account of previous vocation, employment, or affiliation, is or has been classified as a representative of employers, employees, or employee organizations. The executive director shall serve on a full-time basis, and shall personally, or through a representative of the office, carry out the purposes and functions of the office in accordance with state and federal law. The executive director shall be responsible for the administrative functions of the office, including the executive board. The executive director shall make all planning, personnel, and budgeting decisions with regard to the office, except that such decisions shall be made in consultation with the board members with regard to their duties and responsibilities. The executive director shall be solely responsible for handling unfair labor practice disputes, registration and recognition of bargaining units, decertification of bargaining units, unit clarification, and elections, as well as any other duty or responsibility statutorily required by the office. The executive director, or the executive director's designee, shall be responsible for establishing and implementing a training and education program for all the office's employees with regard to their duties and responsibilities, procedural requirements, and applicable law, as appropriate for each employee's position.*

*(b) There is created within the office a three-member executive board. Effective January 1, 2002, the three commissioners of the Public Employees Relations Commission are transferred to the office and shall constitute the executive board. Each board member's term shall expire on the same date as that member's current term as commissioner. Thereafter, the Governor shall appoint each board member, subject to confirmation by the Senate, from persons representative of the public and*

known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while on the board. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is or has been classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is or has been classified as a representative of employees or employee organizations. The board members shall devote full time to board duties and shall not engage in any other business, vocation, or employment while in such office. Every term of office shall be for 4 years. Nothing in this section prohibits an executive board member from serving multiple terms. In the event a vacancy occurs prior to the expiration of a term of office, the Governor shall appoint another person to serve on the board for the unexpired term of that office. The executive board shall implement the voluntary binding arbitration program which is set forth in s. 109.240 and shall perform the duties required of the office with regard to resolution of impasses as described in s. 447.403.

(2) The executive director shall employ a general counsel and an administrative assistant to meet immediate staffing needs. The executive director, general counsel, and administrative assistant shall be paid annual salaries to be fixed by law. Such salaries shall be paid in equal monthly installments. The executive director, general counsel, and administrative assistant shall be reimbursed for necessary travel expenses, as provided in s. 112.061. Effective December 1, 2001, the executive director shall have the authority to employ such personnel as is necessary to carry out the duties and responsibilities of the office. These personnel shall be paid annual salaries fixed by law, in equal monthly installments, and such personnel shall be reimbursed for necessary travel expenses as provided in s. 112.061.

(3) The office, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction of the Department of Management Services. The office shall be a separate budget entity within the department's legislative budget request.

(4) The Department of Management Services shall provide the necessary office space, furniture, equipment, and supplies necessary for the startup of the office. The department shall further provide administrative support and service to the office to the extent requested by the executive director within the available resources of the department. The executive director may request the assistance of the Inspector General of the Department of Management Services in providing auditing services, and the Office of General Counsel of the department may provide assistance in rulemaking and other matters as needed to assist the office.

(5) The office shall make such expenditures, including expenditures for personal services and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, furniture, equipment, and supplies, and for printing and binding, as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities. All such expenditures by the office shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the executive director.

(6) The office may charge for copies of records and documents as provided for in s. 119.07.

(7) The office shall maintain and keep open during reasonable business hours an office at which its public records shall be kept. The office may conduct hearings at any place within the state.

(8) The office shall have a seal for authentication of its orders and proceedings, upon which shall be inscribed the words "State of Florida—Office of Employee Relations—Seal" and which shall be judicially noticed.

(9) The office is expressly authorized to provide by rule for, and to destroy, obsolete records of the office.

(10) Any hearing held or oral argument heard by the office pursuant to chapter 120 or this chapter shall be open to the public.

(11) Any hearing held by the office under this part shall be conducted in accordance with the provisions of ss. 120.569 and 120.57 by an employee of the office, or a person designated by the executive director, who is a member in good standing of The Florida Bar.

Section 152. Effective January 1, 2002, section 447.207, Florida Statutes, as amended by this act, is amended to read:

447.207 *Office of Employee Relations Commission*; powers and duties.—

(1) The *Office of Employee Relations commission* shall, in accordance with chapter 120, adopt, promulgate, amend, or rescind such rules and regulations as it deems necessary and administratively feasible to carry out the provisions of this part.

(2) To accomplish the objectives and carry out the duties prescribed by this part, the *office commission* may preserve and enforce order during any proceeding; issue subpoenas for, administer oaths or affirmations to, and compel the attendance and testimony of witnesses; or issue subpoenas for, and compel the production of, books, papers, records, documents, and other evidence. However, in the absence of extraordinary circumstances, no subpoena shall issue which commands the attendance or testimony of any *office commissioner* or any *commission* employee at an *office a commission* proceeding with respect to the performance of official or assigned duties, or the production of books, papers, records, or documents of the *office commission* which have been prepared during the performance of such duties.

(3) If any person:

(a) Misbehaves during a proceeding or so near the place thereof as to obstruct the same;

(b) Neglects to produce, after having been ordered to do so, any pertinent book, paper, record, or document; or

(c) Refuses or fails to appear after having been subpoenaed or, upon appearing, refuses to take oath or affirmation as a witness or, after having taken the oath, refuses to be examined according to law,

the *office commission* shall certify the facts to the circuit court having jurisdiction in the county where the proceeding is taking place, which shall thereupon in a summary manner hear the evidence as to the acts complained of and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process or order of, or in the presence of, the court.

(4) Any subpoena, notice of hearing, or other process or notice of the *commission* issued by the office under the provisions of this part shall be served personally or by certified mail. A return made and verified by the individual making such service and setting forth the manner of such service is proof of service, and a returned post office receipt, when certified mail is used, is proof of service. All process of any court to which application may be made under the provisions of this part shall be served in the county wherein the persons required to be served reside or may be found.

(5) The *office commission* shall adopt rules as to the qualifications of persons who may serve as mediators and special masters and shall maintain lists of such qualified persons who are not employees of the *office commission*. The *office commission* may initiate dispute resolution procedures by special masters, pursuant to the provisions of this part.

(6) Pursuant to its established procedures, the *office commission* shall resolve questions and controversies concerning claims for recognition as the bargaining agent for a bargaining unit, determine or approve units appropriate for purposes of collective bargaining, expeditiously process charges of unfair labor practices and violations of s. 447.505 by public employees, and resolve such other questions and controversies as it may be authorized herein to undertake. The petitioner, charging party, respondent, and any intervenors shall be the adversary parties before the *office commission* in any adjudicatory proceeding conducted pursuant to this part. Any *office commission*

statement of general applicability that implements, interprets, or prescribes law or policy, made in the course of adjudicating a case pursuant to s. 447.307 or s. 447.503 shall not constitute a rule within the meaning of s. 120.52.

(7) The ~~office commission~~ shall provide by rule a procedure for the filing and prompt disposition of petitions for a declaratory statement as to the applicability of any statutory provision or any rule or order of the ~~office commission~~. Such rule or rules shall provide for, but not be limited to, an expeditious disposition of petitions posing questions relating to potential unfair labor practices. ~~Office Commission~~ disposition of a petition shall be final agency action and shall not constitute a rule as defined in s. 120.52.

(8) ~~The office shall provide for voluntary binding arbitration as provided in s. 109.240 with regard to a Pursuant to s. 447.208, the commission or its designated agent shall hear appeals arising out of any suspension, reduction in pay, transfer, layoff, demotion, or dismissal of any permanent employee in the State Career Service System. Written notice of a request for voluntary binding arbitration any such appeal shall be filed with the office commission within 14 calendar days after the date on which the notice of suspension, reduction in pay, transfer, layoff, demotion, or dismissal is received by the employee.~~

(9) ~~The office shall provide for voluntary binding arbitration as provided in s. 109.240 and, pursuant thereto, shall facilitate the arbitration of appeals Pursuant to s. 447.208, the commission or its designated agent shall hear appeals, and enter such orders as it deems appropriate, arising out of:~~

(a) Section 109.124, relating to termination or transfer of State Career Service System employees aged 65 or older.

(b) Section 112.044(4), relating to age discrimination.

(c) Section 295.11, relating to reasons for not employing a preferred veteran applicant.

(10) ~~Voluntary binding arbitration conducted Appeals to the commission pursuant to subsection (8) or subsection (9) shall be the exclusive administrative review of such actions, notwithstanding the provisions of chapter 120. However, nothing in this subsection shall affect an employee's rights pursuant to s. 447.401 or s. 447.503.~~

(11) ~~Decisions issued by the commission pursuant to subsection (8) or subsection (9) shall be final agency action which shall be reviewable pursuant to s. 447.504.~~

Section 153. *Notwithstanding the amendments to s. 447.207, Florida Statutes, by this act, the authority granted to the Public Employees Relations Commission by s. 407.207(1), (2), (3), and (4), Florida Statutes 2000, shall continue to apply to the commission until June 30, 2002.*

Section 154. Effective July 1, 2001, section 447.208, Florida Statutes, is amended to read:

447.208 Procedure for ~~with respect to~~ certain appeals under s. 447.207.—

(1) Any person filing an appeal pursuant to subsection (8) or subsection (9) of s. 447.207 shall be entitled to a hearing pursuant to subsections (4) and (5) of s. 447.503 and in accordance with chapter 120; however, the hearing shall be conducted within 30 days of the filing of an appeal with the commission, unless an extension of time is granted by the commission for good cause. Discovery may be granted only upon a showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and an inability to obtain relevant information by other means. To the extent that chapter 120 is inconsistent with these provisions, the procedures contained in this section shall govern.

(2) This section does not prohibit any person from representing himself or herself in proceedings before the commission or from being represented by legal counsel or by any individual who qualifies as a representative pursuant to rules promulgated and adopted by the commission.

(3) With respect to hearings relating to demotions, suspensions, or dismissals pursuant to the provisions of this section:

(a)1. *For an alleged adverse agency action against an employee, except a law enforcement or correctional officer or a firefighter, occurring on or after July 1, 2001, the burden of proof shall be on the employee requesting the appeal to establish by a preponderance of the evidence that the agency head abused his or her discretion in demoting, suspending, or dismissing the employee and that no reasonable cause existed for the alleged adverse action taken by the agency.*

2.(a) Upon a finding that *the adversely affected employee was unable to establish that the agency head abused his or her discretion and was unable to establish that no reasonable just cause existed for the demotion, suspension, or dismissal, the commission shall affirm the demotion, suspension, or dismissal.*

3.(b) Upon a finding that *the adversely affected employee established that the agency head abused his or her discretion and that no reasonable just cause existed did not exist for the demotion, suspension, or dismissal, the commission may order the reinstatement of the employee, with or without back pay.*

(b) *With regard to a law enforcement or correctional officer or a firefighter:*

1. *Upon a finding that just cause existed for the demotion, suspension, or dismissal, the commission shall affirm the demotion, suspension, or dismissal.*

2. *Upon a finding that just cause did not exist for the demotion, suspension, or dismissal, the commission may order the reinstatement of the law enforcement or correctional officer or firefighter, with or without back pay.*

3.(e) Upon a finding that just cause for disciplinary action existed, but did not justify the severity of the action taken, the commission may, in its limited discretion, reduce the penalty.

(d) The commission is limited in its discretionary reduction of dismissals and suspensions to consider only the following circumstances:

a.1. The seriousness of the conduct as it relates to the employee's duties and responsibilities.

b.2. Action taken with respect to similar conduct by other employees.

c.3. The previous employment record and disciplinary record of the employee.

d.4. Extraordinary circumstances beyond the employee's control which temporarily diminished the employee's capacity to effectively perform his or her duties or which substantially contributed to the violation for which punishment is being considered.

The agency may present evidence to refute the existence of these circumstances.

(c)(e) Any order of the commission issued pursuant to this subsection may include back pay, if applicable, and an amount, to be determined by the commission and paid by the agency, for reasonable attorney's fees, witness fees, and other out-of-pocket expenses incurred during the prosecution of an appeal against an agency in which the commission *finds sustains* the employee *met his or her burden of proof by establishing that the agency head abused his or her discretion and that no reasonable cause existed for the employee's demotion, suspension, or dismissal.* In determining the amount of an attorney's fee, the commission shall consider only the number of hours reasonably spent on the appeal, comparing the number of hours spent on similar Career Service System appeals and the reasonable hourly rate charged in the geographic area for similar appeals, but not including litigation over the amount of the attorney's fee. ~~This paragraph applies to future and pending cases.~~

Section 155. *Effective January 1, 2002, sections 447.208 and 447.2085, Florida Statutes, are repealed.*

Section 156. Effective January 1, 2002, subsection (5) of section 447.301, Florida Statutes, is amended to read:

447.301 Public employees' rights; organization and representation.—

(5) In negotiations over the terms and conditions of service and other matters affecting the working environment of employees, or the learning environment of students, in institutions of higher education, one student representative selected by the council of student body presidents may, at his or her discretion, be present at all negotiating sessions which take place between the Board of Regents and the bargaining agent for an employee bargaining unit. In the case of community colleges, the student government association of each college shall establish procedures for the selection of, and shall select, a student representative to be present, at his or her discretion, at negotiations between the bargaining agent of the employees and the board of trustees. Each student representative shall have access to all written draft agreements and all other written documents pertaining to negotiations exchanged by the appropriate public employer and the bargaining agent, including a copy of any prepared written transcripts of any negotiating session. Each student representative shall have the right at reasonable times during the negotiating session to comment to the parties and to the public upon the impact of proposed agreements on the educational environment of students. Each student representative shall have the right to be accompanied by alternates or aides, not to exceed a combined total of two in number. Each student representative shall be obligated to participate in good faith during all negotiations and shall be subject to the rules and regulations of the ~~office Public Employees Relations Commission~~. The student representatives shall have neither voting nor veto power in any negotiation, action, or agreement. The state or any branch, agency, division, agent, or institution of the state shall not expend any moneys from any source for the payment of reimbursement for travel expenses or per diem to aides, alternates, or student representatives participating in, observing, or contributing to any negotiating sessions between the bargaining parties; however, this limitation does not apply to the use of student activity fees for the reimbursement of travel expenses and per diem to the university student representative, aides, or alternates participating in the aforementioned negotiations between the Board of Regents and the bargaining agent for an employee bargaining unit.

Section 157. Effective January 1, 2002, section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

(1) Every employee organization seeking to become a certified bargaining agent for public employees shall register with the ~~office commission~~ pursuant to the procedures set forth in s. 120.60 prior to requesting recognition by a public employer for purposes of collective bargaining and prior to submitting a petition to the ~~office commission~~ requesting certification as an exclusive bargaining agent. Further, if such employee organization is not registered, it may not participate in a representation hearing, participate in a representation election, or be certified as an exclusive bargaining agent. The application for registration required by this section shall be under oath and in such form as the ~~office commission~~ may prescribe and shall include:

- (a) The name and address of the organization and of any parent organization or organization with which it is affiliated.
- (b) The names and addresses of the principal officers and all representatives of the organization.
- (c) The amount of the initiation fee and of the monthly dues which members must pay.
- (d) The current annual financial statement of the organization.
- (e) The name of its business agent, if any; if different from the business agent, the name of its local agent for service of process; and the addresses where such person or persons can be reached.
- (f) A pledge, in a form prescribed by the ~~office commission~~, that the employee organization will conform to the laws of the state and that it

will accept members without regard to age, race, sex, religion, or national origin.

(g) A copy of the current constitution and bylaws of the employee organization.

(h) A copy of the current constitution and bylaws of the state and national groups with which the employee organization is affiliated or associated. In lieu of this provision, and upon adoption of a rule by the ~~office commission~~, a state or national affiliate or parent organization of any registering labor organization may annually submit a copy of its current constitution and bylaws.

(2) A registration granted to an employee organization pursuant to the provisions of this section shall run for 1 year from the date of issuance. A registration shall be renewed annually by filing application for renewal under oath with the ~~office commission~~, which application shall reflect any changes in the information provided to the ~~office commission~~ in conjunction with the employee organization's preceding application for registration or previous renewal, whichever is applicable. Each application for renewal of registration shall include a current annual financial report, signed by its president and treasurer or corresponding principal officers, containing the following information in such detail as may be necessary accurately to disclose its financial condition and operations for its preceding fiscal year and in such categories as the ~~office commission~~ may prescribe:

- (a) Assets and liabilities at the beginning and end of the fiscal year;
- (b) Receipts of any kind and the sources thereof;
- (c) Salary, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and also to each employee who, during such fiscal year, received more than \$10,000 in the aggregate from such employee organization and any other employee organization affiliated with it or with which it is affiliated or which is affiliated with the same national or international employee organization;
- (d) Direct and indirect loans made to any officer, employee, or member which aggregated more than \$250 during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment; and
- (e) Direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment.

(3) A registration fee shall accompany each application filed with the ~~office commission~~. The amount charged for an application for registration or renewal of registration shall not exceed \$25 ~~\$15~~. All such money collected by the ~~office commission~~ shall be deposited in the General Revenue Fund.

(4) Notification of registrations and renewals of registration shall be furnished at regular intervals by the ~~office commission~~ to the Department of Labor and Employment Security.

(5) Every employee organization shall keep accurate accounts of its income and expenses, which accounts shall be open for inspection at all reasonable times by any member of the organization or by the ~~office commission~~.

Section 158. Effective January 1, 2002, section 447.307, Florida Statutes, is amended to read:

447.307 Certification of employee organization.—

(1)(a) Any employee organization which is designated or selected by a majority of public employees in an appropriate unit as their representative for purposes of collective bargaining shall request recognition by the public employer. The public employer shall, if satisfied as to the majority status of the employee organization and the appropriateness of the proposed unit, recognize the employee organization as the collective bargaining representative of employees in the designated unit. Upon recognition by a public employer, the

employee organization shall immediately petition the ~~office commission~~ for certification. The ~~office commission~~ shall review only the appropriateness of the unit proposed by the employee organization. If the unit is appropriate according to the criteria used in this part, the ~~office commission~~ shall immediately certify the employee organization as the exclusive representative of all employees in the unit. If the unit is inappropriate according to the criteria used in this part, the ~~office commission~~ may dismiss the petition.

(b) Whenever a public employer recognizes an employee organization on the basis of majority status and on the basis of appropriateness in accordance with subparagraph (4)(f)5. of this section, the ~~office commission~~ shall, in the absence of inclusion of a prohibited category of employees or violation of s. 447.501, certify the proposed unit.

(2) If the public employer refuses to recognize the employee organization, the employee organization may file a petition with the ~~office commission~~ for certification as the bargaining agent for a proposed bargaining unit. The petition shall be accompanied by dated statements signed by at least 30 percent of the employees in the proposed unit, indicating that such employees desire to be represented for purposes of collective bargaining by the petitioning employee organization. Once a petition for certification has been filed by an employee organization, any registered employee organization desiring placement on the ballot in any election to be conducted pursuant to this section may be permitted by the ~~office commission~~ to intervene in the proceeding upon motion accompanied by dated statements signed by at least 10 percent of the employees in the proposed unit, indicating that such employees desire to be represented for the purposes of collective bargaining by the moving employee organization. The petitions and dated statements signed by the employees are confidential and exempt from the provisions of s. 119.07(1), except that any employee, employer, or employee organization having sufficient reason to believe any of the employee signatures were obtained by collusion, coercion, intimidation, or misrepresentation or are otherwise invalid shall be given a reasonable opportunity to verify and challenge the signatures appearing on the petition.

(3)(a) The ~~office commission~~ or one of its designated agents shall investigate the petition to determine its sufficiency; if it has reasonable cause to believe that the petition is sufficient, the ~~office commission~~ shall provide for an appropriate hearing upon due notice. Such a hearing may be conducted by an agent of the ~~office commission~~. If the ~~office commission~~ finds the petition to be insufficient, it may dismiss the petition. If the ~~office commission~~ finds upon the record of the hearing that the petition is sufficient, it shall immediately:

1. Define the proposed bargaining unit and determine which public employees shall be qualified and entitled to vote at any election held by the ~~office commission~~.

2. Identify the public employer or employers for purposes of collective bargaining with the bargaining agent.

3. Order an election by secret ballot, the cost of said election and any required runoff election to be borne equally by the parties, except as the ~~office commission~~ may provide by rule. The ~~office's commission's~~ order assessing costs of an election may be enforced pursuant to the provisions of this part.

(b) When an employee organization is selected by a majority of the employees voting in an election, the ~~office commission~~ shall certify the employee organization as the exclusive collective bargaining representative of all employees in the unit. Certification is effective upon the issuance of the final order by the ~~office commission~~ or, if the final order is appealed, at the time the appeal is exhausted or any stay is vacated by the ~~office commission~~ or the court.

(c) In any election in which none of the choices on the ballot receives the vote of a majority of the employees voting, a runoff election shall be held according to rules promulgated by the ~~office commission~~.

(d) No petition may be filed seeking an election in any proposed or existing appropriate bargaining unit to determine the exclusive

bargaining agent within 12 months after the date of an ~~office a commission~~ order verifying a representation election or, if an employee organization prevails, within 12 months after the date of an effective certification covering any of the employees in the proposed or existing bargaining unit. Furthermore, if a valid collective bargaining agreement covering any of the employees in a proposed unit is in effect, a petition for certification may be filed with the ~~office commission~~ only during the period extending from 150 days to 90 days immediately preceding the expiration date of that agreement, or at any time subsequent to its expiration date but prior to the effective date of any new agreement. The effective date of a collective bargaining agreement means the date of ratification by both parties, if the agreement becomes effective immediately or retroactively; or its actual effective date, if the agreement becomes effective after its ratification date.

(4) In defining a proposed bargaining unit, the ~~office commission~~ shall take into consideration:

(a) The principles of efficient administration of government.

(b) The number of employee organizations with which the employer might have to negotiate.

(c) The compatibility of the unit with the joint responsibilities of the public employer and public employees to represent the public.

(d) The power of the officials of government at the level of the unit to agree, or make effective recommendations to another administrative authority or to a legislative body, with respect to matters of employment upon which the employee desires to negotiate.

(e) The organizational structure of the public employer.

(f) Community of interest among the employees to be included in the unit, considering:

1. The manner in which wages and other terms of employment are determined.

2. The method by which jobs and salary classifications are determined.

3. The interdependence of jobs and interchange of employees.

4. The desires of the employees.

5. The history of employee relations within the organization of the public employer concerning organization and negotiation and the interest of the employees and the employer in the continuation of a traditional, workable, and accepted negotiation relationship.

(g) The statutory authority of the public employer to administer a classification and pay plan.

(h) Such other factors and policies as the ~~office commission~~ may deem appropriate.

However, no unit shall be established or approved for purposes of collective bargaining which includes both professional and nonprofessional employees unless a majority of each group votes for inclusion in such unit.

Section 159. Effective January 1, 2002, section 447.308, Florida Statutes, is amended to read:

447.308 Revocation of certification of employee organization.—

(1) Any employee or group of employees which no longer desires to be represented by the certified bargaining agent may file with the ~~office commission~~ a petition to revoke certification. The petition shall be accompanied by dated statements signed by at least 30 percent of the employees in the unit, indicating that such employees no longer desire to be represented for purposes of collective bargaining by the certified bargaining agent. The time of filing said petition shall be governed by the provisions of s. 447.307(3)(d) relating to petitions for certification. Any employee or employee organization having sufficient reason to believe any of the employee signatures were obtained by collusion, coercion, intimidation, or misrepresentation or are otherwise invalid

shall be given a reasonable opportunity to verify and challenge the signatures appearing on the petition. The ~~office commission~~ or one of its designated agents shall investigate the petition to determine its sufficiency. If the ~~office commission~~ finds the petition to be insufficient, it may dismiss the petition. If the ~~office commission~~ finds that the petition is sufficient, it shall immediately:

(a) Identify the bargaining unit and determine which public employees shall be qualified and entitled to vote in the election held by the ~~office commission~~.

(b) Identify the public employer or employers.

(c) Order an election by secret ballot, the cost of ~~which is said election~~ to be borne equally by the parties, except as the ~~office commission~~ may provide by rule. The ~~office's commission's~~ order assessing costs of an election may be enforced pursuant to the provisions of this part.

(2) If a majority of the employees voting in such election vote against the continuation of representation by the certified bargaining agent, the certification of the employee organization as the exclusive bargaining agent for the employees in the bargaining unit shall be revoked.

(3) If a majority of the employees voting in such election do not vote against the continuation of representation by the certified bargaining agent, the certification of the employee organization as the exclusive bargaining agent for the employees in the unit shall be retained by the organization.

Section 160. Effective January 1, 2002, subsection (4) of section 447.309, Florida Statutes, is amended to read:

447.309 Collective bargaining; approval or rejection.—

(4) If the agreement is not ratified by the public employer or is not approved by a majority vote of employees voting in the unit, in accordance with procedures adopted by the ~~office commission~~, the agreement shall be returned to the chief executive officer and the employee organization for further negotiations.

Section 161. Effective January 1, 2002, section 447.403, Florida Statutes, is amended to read:

447.403 Resolution of impasses.—

(1) ~~If~~, After a reasonable period of negotiation concerning the terms and conditions of employment to be incorporated in a collective bargaining agreement, ~~if~~ a dispute ~~still~~ exists between a public employer and a bargaining agent, an impasse shall be deemed to have occurred when one of the parties so declares in writing to the other party and to the ~~office commission~~.

(2) When an impasse occurs, the public employer or the bargaining agent, or both parties acting jointly, may appoint, or secure the appointment of, a mediator to assist in the resolution of the impasse. *Nothing in this section precludes the parties from using the services of a mediator at any time during the conduct of collective bargaining.*

(3)(a)(2) If no mediator is appointed, or upon the request of either party, the ~~office commission~~ shall appoint, and submit all unresolved issues to, a special master acceptable to both parties. If the parties are unable to agree on the appointment of a special master, the ~~office commission~~ shall appoint, in its discretion, a qualified special master. However, if the parties agree in writing to waive the appointment of a special master, the parties may proceed directly to resolution of the impasse by the legislative body pursuant to paragraph (4)(d). ~~Nothing in this section precludes the parties from using the services of a mediator at any time during the conduct of collective bargaining.~~

(b)(3) The special master shall hold hearings in order to define the area or areas of dispute, to determine facts relating to the dispute, and to render a decision on any and all unresolved contract issues. The hearings shall be held at *reasonable* times, dates, and places to be established by the special master in accordance with rules promulgated by the ~~office commission~~. The special master shall be empowered to

administer oaths and issue subpoenas on behalf of the parties to the dispute or on his or her own behalf. Within 15 calendar days after the close of the final hearing, the special master shall transmit his or her recommended decision to the ~~office commission~~ and to the representatives of both parties by registered mail, return receipt requested. Such recommended decision shall be discussed by the parties, and each recommendation of the special master shall be deemed approved by both parties unless specifically rejected by either party by written notice filed with the ~~office commission~~ within 20 calendar days after the date the party received the special master's recommended decision. The written notice shall include a statement of the cause for each rejection and shall be served upon the other party.

(4) In the event that either the public employer or the employee organization does not accept, in whole or in part, the recommended decision of the special master:

(a) The chief executive officer of the governmental entity involved shall, within 10 days after rejection of a recommendation of the special master, submit to the legislative body of the governmental entity involved a copy of the findings of fact and recommended decision of the special master, together with the chief executive officer's recommendations for settling the disputed impasse issues. The chief executive officer shall also transmit his or her recommendations to the employee organization. If the dispute involves employees for whom the Board of Regents is the public employer, the Governor may also submit recommendations to the legislative body for settling the disputed impasse issues.;

(b) The employee organization shall submit its recommendations for settling the disputed impasse issues to such legislative body and to the chief executive officer.;

(c) The legislative body or a duly authorized committee thereof shall forthwith conduct a public hearing at which the parties shall be required to explain their positions with respect to the rejected recommendations of the special master.;

(d) Thereafter, the legislative body shall take such action as it deems to be in the public interest, including the interest of the public employees involved, to resolve all disputed impasse issues. ~~and~~

(e) Following the resolution of the disputed impasse issues by the legislative body, the parties shall reduce to writing an agreement which includes those issues agreed to by the parties and those disputed impasse issues resolved by the legislative body's action taken pursuant to paragraph (d). The agreement shall be signed by the chief executive officer and the bargaining agent and shall be submitted to the public employer and to the public employees who are members of the bargaining unit for ratification. If such agreement is not ratified by all parties, pursuant to the provisions of s. 447.309, the legislative body's action taken pursuant to the provisions of paragraph (d) shall take effect as of the date of such legislative body's action for the remainder of the first fiscal year which was the subject of negotiations; however, the legislative body's action shall not take effect with respect to those disputed impasse issues which establish the language of contractual provisions which could have no effect in the absence of a ratified agreement, including, but not limited to, preambles, recognition clauses, and duration clauses.

Section 162. Effective January 1, 2002, section 447.4095, Florida Statutes, is amended to read:

447.4095 Financial urgency.—In the event of a financial urgency requiring modification of an agreement, the chief executive officer or his or her representative and the bargaining agent or its representative shall meet as soon as possible to negotiate the impact of the financial urgency. If after a reasonable period of negotiation which shall not exceed 14 days, a dispute exists between the public employer and the bargaining agent, an impasse shall be deemed to have occurred, and one of the parties shall so declare in writing to the other party and to the ~~office commission~~. The parties shall then proceed pursuant to the provisions of s. 447.403. An unfair labor practice charge shall not be filed during the 14 days during which negotiations are occurring pursuant to this section.

Section 163. Effective January 1, 2002, section 447.503, Florida Statutes, is amended to read:

447.503 Charges of unfair labor practices.—It is the intent of the Legislature that the ~~office commission~~ act as expeditiously as possible to settle disputes regarding alleged unfair labor practices. To this end, violations of the provisions of s. 447.501 shall be remedied by the ~~office commission~~ in accordance with the following procedures and in accordance with chapter 120; however, to the extent that chapter 120 is inconsistent with the provisions of this section, the procedures contained in this section shall govern:

(1) A proceeding to remedy a violation of the provisions of s. 447.501 shall be initiated by the filing of a charge with the ~~office commission~~ by an employer, employee, or employee organization, or any combination thereof. Such a charge shall contain a clear and concise statement of facts constituting the alleged unfair labor practice, including the names of all individuals involved in the alleged unfair labor practice, specific reference to the provisions of s. 447.501 alleged to have been violated, and such other relevant information as the ~~office commission~~ may by rule require or allow. Service of the charge shall be made upon each named respondent at the time of filing with the ~~office commission~~. The charge must be accompanied by sworn statements and documentary evidence sufficient to establish a prima facie violation of the applicable unfair labor practice provision. Such supporting evidence is not to be attached to the charge and is to be furnished only to the ~~office commission~~.

(2) The ~~office commission~~, or any agent designated by it for such purpose, shall thereupon review the charge to determine its sufficiency.

(a) If upon review it is determined that the charge is insufficient, the ~~office commission~~ or its designated agent may issue a summary dismissal of the charge. A charging party whose charge is dismissed by a designated agent may appeal the dismissal to the ~~office commission~~ within 20 days after the date of issuance of the dismissal. If the ~~office commission~~ finds the charge to be sufficient, it shall reinstate the charge.

(b) If upon review it is determined that the charge is sufficient, the ~~office commission~~ shall notify the parties. Each respondent so charged shall thereupon file an answer to the charge with the ~~office commission~~, and serve a copy upon the charging party, no more than 20 days after service of notification of the sufficiency of the charge, unless otherwise allowed by the ~~office commission~~. The ~~office commission~~, in its discretion, may allow a charge or answer to be amended at any time. The ~~office commission~~ may also, in its discretion, allow other interested parties to intervene in the proceeding.

(3) Whenever a charging party alleges that a respondent has engaged in unfair labor practices and that the charging party will suffer substantial and irreparable injury if not granted temporary relief, the ~~office commission~~ may petition the circuit court for appropriate injunctive relief pending the final adjudication by the ~~office commission~~ with respect to such matter. Upon the filing of any such petition, the court shall cause notice thereof to be served upon the parties and, thereupon, shall have jurisdiction to grant such temporary relief or restraining order as it deems just and proper.

(4) The ~~office commission~~ may issue prehearing orders requiring the parties to provide written statements of relevant issues of fact and law and such other information as the ~~office commission~~ may require to expedite the resolution of the case. Such orders may further direct the parties to identify witnesses, exchange intended exhibits and documentary evidence, and appear at a conference before the ~~office commission~~ or an ~~employee a member~~ thereof, or a ~~designated hearing officer~~, for the purpose of handling such matters as will aid the ~~office commission~~ in expeditiously resolving the case before it.

(5) Whenever the proceeding involves a disputed issue of material fact and an evidentiary hearing is to be conducted:

(a) The ~~office commission~~ shall issue and serve upon all parties a notice of hearing before a ~~person an~~ assigned pursuant to paragraph (b)

hearing officer at a time and place specified therein. Such notice shall be issued at least 14 days prior to the scheduled hearing.

(b) The evidentiary hearing shall be conducted by a *person designated by the executive director of the office who is an office employee and a member of The Florida Bar or an agent designated by the executive director who is a member of The Florida Bar* ~~hearing officer designated by the commission. Said hearing officer may be the commission itself, a member of the commission, or an agent designated by the commission for such purpose, provided that such agent shall be an employee of the commission and a member of The Florida Bar.~~

(c) Not later than 45 days after the close of the evidentiary hearing, unless extended by the ~~office commission~~ with the consent of all parties, the *person conducting the hearing* ~~officer~~ shall submit to the ~~office commission~~ and to all parties a recommended order which shall include findings of fact and recommended rulings on procedural matters. The recommended order may also include recommended conclusions of law if requested by the ~~office commission~~.

~~(d) If the hearing was held before the commission or a member of the commission, the commission may elect to issue a final order which is in compliance with ss. 120.569 and 120.57.~~

(6)(a) If, upon consideration of the record in the case, the ~~office commission~~ finds that an unfair labor practice has been committed, it shall issue and cause to be served an order requiring the appropriate party or parties to cease and desist from the unfair labor practice and take such positive action, including reinstatement of employees with or without back pay, as will best implement the general policies expressed in this part. However, no order of the ~~office commission~~ shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment of any back pay, if the individual was suspended or discharged *as otherwise provided by law for cause*. The order may further require the party or parties to make periodic reports showing the extent to which it has complied with the order. If, upon consideration of the record in the case, the ~~office commission~~ finds that an unfair labor practice has not been or is not being committed, it shall issue an order dismissing the case.

(b) If the ~~office commission~~ determines that the alleged unfair labor practice occurred more than 6 months prior to the filing of the charge, the ~~office commission~~ shall issue an order dismissing the case, unless the person filing the charge was prevented from doing so by reason of service in the Armed Forces, in which case the 6-month period shall run from the date of the person's discharge.

(c) The ~~office commission~~ may award to the prevailing party all or part of the costs of litigation, reasonable attorney's fees, and expert witness fees whenever the ~~office commission~~ determines that such an award is appropriate.

(d) Final orders of the ~~office commission~~ issued pursuant to this section shall be enforced pursuant to the provisions of s. 447.5035 and shall be reviewed pursuant to the provisions of s. 447.504.

Section 164. Effective January 1, 2002, section 447.5035, Florida Statutes, is amended to read:

447.5035 Enforcement of ~~office commission~~ orders.—In case of any failure by any employer, employee, or employee organization to comply with any order of the ~~office commission~~, upon application of the ~~office commission~~ or, notwithstanding the provisions of s. 120.69(1)(b)1., upon application of any person who is a resident of the state and who is substantially interested in such order, any circuit court of this state shall have jurisdiction to enforce the order pursuant to the provisions of s. 120.69. However, if one or more petitions for enforcement and a notice of appeal involving the same agency action are pending at the same time, the district court of appeal considering the notice of appeal shall order all such actions transferred to and consolidated in the district court of appeal. If a petition for enforcement is filed after the time for filing notice of appeal has expired, the respondent may assert as a defense only that the agency action was not intended to apply to respondent or that respondent has complied with the agency action. Petitions for enforcement filed under this part shall be heard

expeditiously by the circuit court to which presented and shall take precedence over all other civil matters except prior matters of the same character.

Section 165. Effective January 1, 2002, section 447.504, Florida Statutes, is amended to read:

447.504 Judicial review.—

(1) *Except with respect to voluntary binding arbitration orders as otherwise provided for in s. 109.240*, the district courts of appeal are empowered, upon the filing of appropriate notices of appeal, to review final orders of the ~~office commission~~ pursuant to s. 120.68. A copy of the notice of appeal shall be filed with the ~~office commission~~. The record in the proceeding, certified by the ~~office commission~~, shall be filed with the court in accordance with the Florida Rules of Appellate Procedure.

(2) Upon the filing of a notice of appeal, the appropriate district court of appeal shall thereupon have jurisdiction of the proceeding and may grant such temporary or permanent relief or restraining order as it deems just and proper and may enforce, modify, affirm, or set aside, in whole or in part, the order of the ~~office commission~~. The findings of the ~~office commission~~ with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(3) The court may award to the prevailing party all or part of the costs of litigation and reasonable attorney's fees and expert witness fees whenever the court determines that such an award is appropriate. However, no such costs or fees shall be assessed against the ~~office commission~~ in any appeal from an order issued by the ~~office commission~~ in an adjudicatory proceeding between adversary parties conducted pursuant to this part.

(4) The commencement of proceedings under this section shall not, unless specifically ordered by the district court of appeal, operate as a stay of the ~~office's commission's~~ order.

(5) Appeals filed under this part shall be heard expeditiously by the district court of appeal to which presented and shall take precedence over all other civil matters except prior matters of the same character.

Section 166. Effective January 1, 2002, section 447.507, Florida Statutes, is amended to read:

447.507 Violation of strike prohibition; penalties.—

(1) Circuit courts having jurisdiction of the parties are vested with the authority to hear and determine all actions alleging violations of s. 447.505. Suits to enjoin violations of s. 447.505 will have priority over all matters on the court's docket except other emergency matters.

(2) If a public employee, a group of employees, an employee organization, or any officer, agent, or representative of any employee organization engages in a strike in violation of s. 447.505, either the ~~office commission~~ or any public employer whose employees are involved or whose employees may be affected by the strike may file suit to enjoin the strike in the circuit court having proper jurisdiction and proper venue of such actions under the Florida Rules of Civil Procedure and Florida Statutes. The circuit court shall conduct a hearing, with notice to the ~~office commission~~ and to all interested parties, at the earliest practicable time. If the plaintiff makes a prima facie showing that a violation of s. 447.505 is in progress or that there is a clear, real, and present danger that such a strike is about to commence, the circuit court shall issue a temporary injunction enjoining the strike. Upon final hearing, the circuit court shall either make the injunction permanent or dissolve it.

(3) If an injunction to enjoin a strike issued pursuant to this section is not promptly complied with, on the application of the plaintiff, the circuit court shall immediately initiate contempt proceedings against those who appear to be in violation. An employee organization found to be in contempt of court for violating an injunction against a strike shall be fined an amount deemed appropriate by the court. In determining the appropriate fine, the court shall objectively consider the extent of lost services and the particular nature and position of the employee group in

violation. In no event shall the fine exceed \$5,000. Each officer, agent, or representative of an employee organization found to be in contempt of court for violating an injunction against a strike shall be fined not less than \$50 nor more than \$100 for each calendar day that the violation is in progress.

(4) An employee organization shall be liable for any damages which might be suffered by a public employer as a result of a violation of the provisions of s. 447.505 by the employee organization or its representatives, officers, or agents. The circuit court having jurisdiction over such actions is empowered to enforce judgments against employee organizations, as defined in this part, by attachment or garnishment of union initiation fees or dues which are to be deducted or checked off by public employers. No action shall be maintained pursuant to this subsection until all proceedings which were pending before the ~~office commission~~ at the time of the strike or which were initiated within 30 days of the strike have been finally adjudicated or otherwise disposed of. In determining the amount of damages, if any, to be awarded to the public employer, the trier of fact shall take into consideration any action or inaction by the public employer or its agents that provoked or tended to provoke the strike by the public employees. The trier of fact shall also take into consideration any damages that might have been recovered by the public employer under subparagraph (6)(a)4.

(5) If the ~~office commission~~, after a hearing on notice conducted according to rules promulgated by the ~~office commission~~, determines that an employee has violated s. 447.505, it may order the termination of his or her employment by the public employer. Notwithstanding any other provision of law, a person knowingly violating the provision of said section may, subsequent to such violation, be appointed, reappointed, employed, or reemployed as a public employee, but only upon the following conditions:

(a) Such person shall be on probation for a period of 18 6 months following his or her appointment, reappointment, employment, or reemployment, during which period he or she shall serve without *permanent status and at the pleasure of the agency head tenure*. ~~During this period, the person may be discharged only upon a showing of just cause.~~

(b) His or her compensation may in no event exceed that received immediately prior to the time of the violation.

(c) The compensation of the person may not be increased until after the expiration of 1 year from such appointment, reappointment, employment, or reemployment.

(6)(a) If the ~~office commission~~ determines that an employee organization has violated s. 447.505, it may:

1. Issue cease and desist orders as necessary to ensure compliance with its order.

2. Suspend or revoke the certification of the employee organization as the bargaining agent of such employee unit.

3. Revoke the right of dues deduction and collection previously granted to said employee organization pursuant to s. 447.303.

4. Fine the organization up to \$20,000 for each calendar day of such violation or determine the approximate cost to the public due to each calendar day of the strike and fine the organization an amount equal to such cost, notwithstanding the fact that the fine may exceed \$20,000 for each such calendar day. The fines so collected shall immediately accrue to the public employer and shall be used by him or her to replace those services denied the public as a result of the strike. In determining the amount of damages, if any, to be awarded to the public employer, the ~~office commission~~ shall take into consideration any action or inaction by the public employer or its agents that provoked, or tended to provoke, the strike by the public employees.

(b) An organization determined to be in violation of s. 447.505 shall not be certified until 1 year from the date of final payment of any fine against it.



Section 167. Effective July 1, 2001, section 447.607, Florida Statutes, is amended to read:

447.607 ~~Office Commission~~ rules; powers retained by the Legislature.—The Legislature shall retain the right to approve, amend, or rescind all rules promulgated by the ~~office commission~~ pursuant to this part. In the absence of legislative action to the contrary, all rules shall have full force and effect.

Section 168. Effective June 30, 2002, subsection (7) of section 20.171, Florida Statutes, is amended to read:

20.171 Department of Labor and Employment Security.—There is created a Department of Labor and Employment Security. The department shall operate its programs in a decentralized fashion.

(7) The *Unemployment Appeals Commission* is ~~following commissions~~ established within the Department of Labor and Employment Security.:

(a) ~~Public Employees Relations Commission.~~

(b) ~~Unemployment Appeals Commission.~~

Section 169. Effective January 1, 2002, paragraph (m) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (4), shall be granted only to the following persons, officials, and agencies:

(m) The *Office of Employee Relations within the Department of Management Services* ~~Public Employees Relations Commission~~ for the sole purpose of obtaining evidence for *voluntary binding arbitration conducted appeals* filed pursuant to s. 109.240 ~~447-207~~. Records may be released only after deletion of all information which specifically identifies persons other than the employee.

Section 170. Effective January 1, 2002, subsection (4) of section 112.044, Florida Statutes, as amended by this act, is amended to read:

112.044 Public employers, employment agencies, labor organizations; discrimination based on age prohibited; exceptions; remedy.—

(4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the state ~~who is within the Career Service System established by chapter 109 and~~ who is aggrieved by a violation of this act may appeal to the ~~Public Employees Relations Commission under the conditions and following the procedures prescribed in part II of chapter 447. Any person other than an employee who is within the Career Service System established by chapter 109, or any person employed by the Public Employees Relations Commission, who is aggrieved by a violation of this act may~~ bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this act, ~~unless voluntary binding arbitration is conducted pursuant to s. 109.240.~~

Section 171. Effective January 1, 2002, paragraph (b) of subsection (6), subsection (14), and paragraph (a) of subsection (15) of section 112.0455, Florida Statutes, are amended to read:

112.0455 Drug-Free Workplace Act.—

(6) NOTICE TO EMPLOYEES.—

(b) Prior to testing, all employees and job applicants for employment shall be given a written policy statement from the employer which contains:

1. A general statement of the employer's policy on employee drug use, which shall identify:

a. The types of testing an employee or job applicant may be required to submit to, including reasonable suspicion or other basis; and

b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.

2. A statement advising the employee or job applicant of the existence of this section.

3. A general statement concerning confidentiality.

4. Procedures for employees and job applicants to confidentially report the use of prescription or nonprescription medications both before and after being tested. Additionally, employees and job applicants shall receive notice of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications shall be developed by the Agency for Health Care Administration.

5. The consequences of refusing to submit to a drug test.

6. Names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs.

7. A statement that an employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the employer within 5 working days after written notification of the positive test result. If an employee or job applicant's explanation or challenge is unsatisfactory to the employer, the person may contest the drug test result as provided by subsections (14) and (15).

8. A statement informing the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil actions brought pursuant to this section.

9. A list of all drugs for which the employer will test, described by brand names or common names, as applicable, as well as by chemical names.

10. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the *circuit court or request voluntary binding arbitration, if applicable, as provided for by s. 109.240* ~~Public Employees Relations Commission.~~

11. A statement notifying employees and job applicants of their right to consult the testing laboratory for technical information regarding prescription and nonprescription medication.

(14) DISCIPLINE REMEDIES.—

(a) An executive branch employee who is disciplined or who is a job applicant for another position and is not hired pursuant to this section, may file an appeal with the *circuit court or request voluntary binding arbitration, if applicable, as provided for by s. 109.240* ~~Public Employees Relations Commission~~. Any appeal must be filed within 30 calendar days of receipt by the employee or job applicant of notice of discipline or refusal to hire. The notice shall inform the employee or job applicant of the right to file an appeal, or if available, the right to file a collective bargaining grievance pursuant to s. 447.401. ~~Such appeals shall be resolved pursuant to the procedures established in ss. 447.207(1)(4), 447.208(2), and 447.503(4) and (5).~~ A hearing on the appeal shall be conducted within 30 days ~~after~~ of the filing of the appeal, unless an extension is requested by the employee or job applicant and granted by the ~~court commission~~ or a *collective bargaining grievance* ~~an~~ arbitrator.

(b) ~~The commission shall promulgate rules concerning the receipt, processing, and resolution of appeals filed pursuant to this section.~~

(c) ~~Appeals to the commission shall be the exclusive administrative remedy for any employee who is disciplined or any job applicant who is not hired pursuant to this section, notwithstanding the provisions of chapter 120. However, Nothing in this subsection shall affect the right of an employee or job applicant to file a collective bargaining grievance pursuant to s. 447.401 provided that an employee or job applicant may not file both an appeal and a grievance.~~

(d) ~~An employee or a job applicant who has been disciplined or who has not been hired pursuant to this section must exhaust either the administrative appeal process or collective bargaining grievance arbitration process.~~

~~(e) Upon resolving an appeal filed pursuant to paragraph (c), and finding a violation of this section, the commission may order the following relief:~~

~~1. Rescind the disciplinary action, expunge related records from the personnel file of the employee or job applicant and reinstate the employee.~~

~~2. Order compliance with paragraph (10)(g).~~

~~3. Award back pay and benefits.~~

~~(b)4. The court may award the prevailing employee or job applicant the necessary costs of the appeal, reasonable attorney's fees, and expert witness fees.~~

**(15) NONDISCIPLINE REMEDIES.—**

(a) Any person alleging a violation of the provisions of this section, that is not remediable by the commission or an arbitrator pursuant to subsection (14), must institute a civil action for injunctive relief or damages, or both, in a court of competent jurisdiction within 180 days of the alleged violation, or be barred from obtaining the following relief. Relief is limited to:

1. An order restraining the continued violation of this section.

2. An award of the costs of litigation, expert witness fees, reasonable attorney's fees, and noneconomic damages provided that damages shall be limited to the recovery of damages directly resulting from injury or loss caused by each violation of this section.

Section 172. Effective July 1, 2001, paragraph (a) of subsection (8) of section 112.215, Florida Statutes, is amended to read:

112.215 Government employees; deferred compensation program.—

(8)(a) There is hereby created a Deferred Compensation Advisory Council composed of seven members.

1. One member shall be appointed by the Speaker of the House of Representatives and the President of the Senate jointly and shall be an employee of the legislative branch.

2. One member shall be appointed by the Chief Justice of the Supreme Court and shall be an employee of the judicial branch.

3. One member shall be appointed by the *executive board of the Office of Employee Relations within the Department of Management Services* ~~chair of the Public Employees Relations Commission~~ and shall be a nonexempt public employee.

4. The remaining four members shall be employed by the executive branch and shall be appointed as follows:

a. One member shall be appointed by the Chancellor of the State University System and shall be an employee of the university system.

b. One member shall be appointed by the Treasurer and shall be an employee of the Treasurer.

c. One member shall be appointed by the Governor and shall be an employee of the executive branch.

d. One member shall be appointed by the Comptroller and shall be an employee of the Comptroller.

Section 173. Effective July 1, 2001, paragraph (a) of subsection (3) and subsection (4) of section 112.31895, Florida Statutes, are amended to read:

112.31895 Investigative procedures in response to prohibited personnel actions.—

**(3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—**

(a) The Florida Commission on Human Relations, in accordance with this act and for the sole purpose of this act, is empowered to:

1. Receive and investigate complaints from employees alleging retaliation by state agencies, as the term "state agency" is defined in s. 216.011.

2. Protect employees and applicants for employment with such agencies from prohibited personnel practices under s. 112.3187.

3. Petition for stays and petition for corrective actions, including, but not limited to, temporary reinstatement.

4. Recommend disciplinary proceedings pursuant to investigation and appropriate agency rules and procedures.

5. Coordinate with the Chief Inspector General in the Executive Office of the Governor and the Florida Commission on Human Relations to receive, review, and forward to appropriate agencies, legislative entities, or the Department of Law Enforcement disclosures of a violation of any law, rule, or regulation, or disclosures of gross mismanagement, malfeasance, misfeasance, nonfeasance, neglect of duty, or gross waste of public funds.

6. Review rules pertaining to personnel matters issued or proposed by the Department of Management Services, ~~the Public Employees Relations Commission~~, and other agencies, and, if the Florida Commission on Human Relations finds that any rule or proposed rule, on its face or as implemented, requires the commission of a prohibited personnel practice, provide a written comment to the appropriate agency.

7. Investigate, request assistance from other governmental entities, and, if appropriate, bring actions concerning, allegations of retaliation by state agencies under subparagraph 1.

8. Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery, pursuant to investigations under subparagraph 1.

9. Intervene or otherwise participate, as a matter of right, in any appeal or other proceeding arising under this section before *an the Public Employees Relations Commission or any other appropriate agency*, except that the Florida Commission on Human Relations must comply with the rules of *that the commission or other agency* and may not seek corrective action or intervene in an appeal or other proceeding without the consent of the person protected under ss. 112.3187-112.31895.

10. Conduct an investigation, in the absence of an allegation, to determine whether reasonable grounds exist to believe that a prohibited action or a pattern of prohibited action has occurred, is occurring, or is to be taken.

**(4) RIGHT TO APPEAL.—**

~~(a) Not more than 60 days after receipt of a notice of termination of the investigation from the Florida Commission on Human Relations, the complainant may file for judicial review of the notice of termination as provided for in s. 120.68. The notice of termination of the investigation, which shall contain a statement of facts, analysis, and conclusions, shall be considered final agency action for purposes of s. 120.68., with the Public Employees Relations Commission, a complaint against the hearings regarding the alleged prohibited personnel action. The Public Employees Relations Commission shall have jurisdiction over such complaints under ss. 112.3187 and 447.503(4) and (5).~~

~~(b) Judicial review of any final order of the commission shall be as provided in s. 120.68.~~

Section 174. Effective July 1, 2001, subsection (12) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

**(12) OFFICE OF EMPLOYEE RELATIONS PUBLIC EMPLOYEES RELATIONS COMMISSION.—**

(a) Notwithstanding s. 120.57(1)(a), hearings within the jurisdiction of the *Office of Employee Relations within the Department of*

~~Management Services Public Employees Relations Commission~~ need not be conducted by an administrative law judge assigned by the division.

(b) Section 120.60 does not apply to certification of employee organizations pursuant to s. 447.307.

Section 175. Paragraph (d) of subsection (2) of section 125.0108, Florida Statutes, is repealed.

Section 176. Paragraph (b) of subsection (9) of section 376.75, Florida Statutes, is amended to read:

376.75 Tax on production or importation of perchloroethylene.—

(9)

~~(b) The Department of Revenue, under the applicable rules of the Public Employees Relations Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature. The Department of Revenue is empowered to adopt such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section.~~

Section 177. Paragraph (b) of subsection (3) of section 403.718, Florida Statutes, is amended to read:

403.718 Waste tire fees.—

(3)

~~(b) The Department of Revenue, under the applicable rules of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature. The department is empowered to adopt such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section. The department is authorized to establish audit procedures and to assess delinquent fees.~~

Section 178. Section 538.11, Florida Statutes, is amended to read:

538.11 Powers and duties of department; rules.—The same duties and privileges imposed by chapter 212 upon dealers of tangible personal property respecting the keeping of books and records and accounts and compliance with rules of the department shall apply to and be binding upon all persons who are subject to the provisions of this chapter. The department shall administer, collect, and enforce the registration authorized under this chapter pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under chapter 212, except as provided in this section. The provisions of chapter 212 regarding the keeping of records and books shall apply. ~~The department, under the applicable rules of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature. The department is empowered to adopt such rules, and shall prescribe and publish such forms, as may be necessary to effectuate the purposes of this chapter. The Legislature hereby finds that the failure to promptly implement the provisions of this chapter would present an immediate threat to the welfare of the state. Therefore, the executive director of the department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4), for purposes of implementing this chapter. Notwithstanding any other provision of law, such emergency rules shall remain effective for 6 months from the date of adoption. Other rules of the department related to and in furtherance of the orderly implementation of the chapter shall not be subject to a rule challenge under s. 120.56(2) or a drawout proceeding under s. 120.54(3)(c)2. but, once adopted, shall be subject to an invalidity challenge under s. 120.56(3). Such rules shall be adopted by the Governor and Cabinet and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(3)(e)6.~~

Section 179. Effective July 1, 2001, section 284.30, Florida Statutes, is amended to read:

284.30 State Risk Management Trust Fund; coverages to be provided.—A state self-insurance fund, designated as the "State Risk Management Trust Fund," is created to be set up by the Department of

Insurance and administered with a program of risk management, which fund is to provide insurance, as authorized by s. 284.33, for workers' compensation, general liability, fleet automotive liability, federal civil rights actions under 42 U.S.C. s. 1983 or similar federal statutes, and court-awarded attorney's fees in other proceedings against the state except for such awards in eminent domain or for inverse condemnation ~~or for awards by the Public Employees Relations Commission.~~ A party to a suit in any court, to be entitled to have his or her attorney's fees paid by the state or any of its agencies, must serve a copy of the pleading claiming the fees on the Department of Insurance; and thereafter the department shall be entitled to participate with the agency in the defense of the suit and any appeal thereof with respect to such fees.

Section 180. Effective July 1, 2001, section 284.31, Florida Statutes, is amended to read:

284.31 Scope and types of coverages; separate accounts.—The insurance risk management trust fund shall, unless specifically excluded by the Department of Insurance, cover all departments of the State of Florida and their employees, agents, and volunteers and shall provide separate accounts for workers' compensation, general liability, fleet automotive liability, federal civil rights actions under 42 U.S.C. s. 1983 or similar federal statutes, and court-awarded attorney's fees in other proceedings against the state except for such awards in eminent domain or for inverse condemnation ~~or for awards by the Public Employees Relations Commission.~~ Unless specifically excluded by the Department of Insurance, the insurance risk management trust fund shall provide fleet automotive liability coverage to motor vehicles titled to the state, or to any department of the state, when such motor vehicles are used by community transportation coordinators performing, under contract to the appropriate department of the state, services for the transportation disadvantaged under part I of chapter 427. Such fleet automotive liability coverage shall be primary and shall be subject to the provisions of s. 768.28 and parts II and III of chapter 284, and applicable rules adopted thereunder, and the terms and conditions of the certificate of coverage issued by the Department of Insurance.

Section 181. Effective January 1, 2002, section 295.11, Florida Statutes, is amended to read:

295.11 Investigation; administrative hearing for not employing preferred applicant.—

(1) The Department of Veterans' Affairs or its designee shall, upon the written request of any person specified in s. 295.07, investigate any complaint filed with the department by such person when the person has applied to any state agency or any agency of a political subdivision in the state for a position of employment which was awarded to a nonveteran and the person feels aggrieved under this chapter. The Department of Veterans' Affairs shall review each case and ~~may issue an opinion to the Public Employees Relations Commission as to the merit or lack of merit in each case. The investigation must be accomplished within existing amounts appropriated to the department.~~

(2) Upon completion of the investigation, the department shall furnish a copy of the investigative findings to the complainant and to the agency involved.

~~(3) When a satisfactory resolution to the complaint is not forthcoming, any department of the state or political subdivision in the state may testify telephonically or in person at the discretion of the Public Employees Relations Commission. The complainant, however, may be represented at the hearing by counsel of his or her choice at his or her expense.~~

~~(3)(4) Jurisdiction to effectuate the purposes of ss. 295.07-295.09 shall vest with the circuit court, unless voluntary binding arbitration is appropriate as provided for by s. 109.240 Public Employees Relations Commission for appropriate administrative determination. If, upon preliminary review of the Public Employees Relations Commission, the commission agrees with the department's determination that a case lacks merit and finds, in its discretion, that there was a complete absence of justiciable issues of either law or fact raised by the veterans' preference complaint, the Public Employees Relations Commission shall dismiss the complaint without the necessity of holding a hearing.~~

Section 182. Effective January 1, 2002, section 295.14, Florida Statutes, is amended to read:

295.14 Penalties.—

(1) When the ~~court Public Employees Relations Commission, after a hearing on notice conducted according to rules adopted by the commission,~~ determines that a violation of s. 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b) has occurred ~~and sustains the veteran seeking redress,~~ the ~~court commission~~ shall order the offending agency, employee, or officer of the state to comply with the provisions of s. 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b); and, in the event of a violation of s. 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b), the ~~court commission~~ may issue an order to compensate the veteran for the loss of any wages and reasonable attorney's fees for actual hours worked, ~~and costs of all work, including litigation, incurred as a result of such violation, which order shall be conclusive on the agency, employee, or officer concerned.~~ The attorney's fees and costs may not exceed \$10,000. ~~The action of the commission shall be in writing and shall be served on the parties concerned by certified mail with return receipt requested.~~

(2) ~~When reparation is sought through civil action in a court of competent jurisdiction,~~ Any agency, employee, or officer of the state or a political subdivision thereof found in violation of any provision of this act shall, in addition to any other edict issued by the court, be required to pay the costs of suit and reasonable attorney's fees incurred in such action and shall be required to pay as damages such amount as the court may award, any law to the contrary notwithstanding.

(2)(3) Any employee or officer found liable pursuant to a second or subsequent violation of the provisions of this section shall forfeit his or her position.

Section 183. Effective January 1, 2002, paragraph (k) of subsection (3) of section 415.107, Florida Statutes, is amended to read:

415.107 Confidentiality of reports and records.—

(3) Access to all records, excluding the name of the reporter which shall be released only as provided in subsection (6), shall be granted only to the following persons, officials, and agencies:

(k) The *Office of Employee Relations within the Department of Management Services* ~~Public Employees Relations Commission~~ for the sole purpose of obtaining evidence for *voluntary binding arbitration conducted appeals filed* pursuant to s. 109.240 ~~447-207~~. Records may be released only after deletion of all information that specifically identifies persons other than the employee.

Section 184. Effective January 1, 2002, paragraph (a) of subsection (3) of section 440.102, Florida Statutes, is amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.—

(a) One time only, prior to testing, an employer shall give all employees and job applicants for employment a written policy statement which contains:

1. ~~A general statement of~~ The employer's policy on employee drug use, which must identify:

a. The types of drug testing an employee or job applicant may be required to submit to, including reasonable-suspicion drug testing or drug testing conducted on any other basis.

b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.

2. ~~Notification to A statement advising~~ the employee or job applicant of the existence of this section.

3. ~~Provisions A general statement~~ concerning confidentiality.

4. Procedures for employees and job applicants to confidentially report to a medical review officer the use of prescription or nonprescription medications to a medical review officer both before and after being tested.

5. A list of the most common medications, by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications as developed by the Agency for Health Care Administration shall be available to employers through the Division of Workers' Compensation of the Department of Labor and Employment Security.

6. The consequences of refusing to submit to a drug test.

7. A representative sampling of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs.

8. A statement that an employee or job applicant who receives a positive confirmed test result may contest or explain the result to the medical review officer within 5 working days after receiving written notification of the test result; that if an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the employer; and that a person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

9. ~~Notification to A statement informing~~ the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil action brought pursuant to this section.

10. A list of all drugs for which the employer will test, described by brand name or common name, as applicable, as well as by chemical name.

11. ~~Notification A statement~~ regarding any applicable collective bargaining agreement or contract and ~~any appeal rights the right to appeal to the Public Employees Relations Commission or applicable court.~~

12. ~~Notification to the employee or A statement notifying employees and job applicant applicants of his or her their~~ right to consult with a medical review officer for technical information regarding prescription or nonprescription medication.

Section 185. *Effective January 1, 2002, paragraph (c) of subsection (3) of section 944.35, Florida Statutes, and paragraph (b) of subsection (1) of section 985.4045, Florida Statutes, are repealed.*

Section 186. *The Office of Employee Relations within the Department of Management Services shall coordinate the development and implementation of a transition plan that supports the implementation of this act. The Department of Labor and Employment Security, the Public Employees Relations Commission, and all other state agencies identified by the office shall cooperate fully in developing and implementing the plan and shall dedicate the financial and staff resources that are necessary for such implementation.*

Section 187. (1) *Until July 1, 2001, the Public Employees Relations Commission shall continue to exercise its powers, duties, and functions pursuant to the authority granted it under the Florida Statutes 2000.*

(2) *On and after July 1, 2001, the Public Employees Relations Commission shall continue to exercise its powers, duties, and functions pursuant to this act's amendments which take effect July 1, 2001. As to those cases within the Public Employees Relations Commission jurisdiction that are pending before the commission on January 1, 2002, the commission shall continue to exercise its authority in order to finalize those existing cases under review and phase out the operation of the commission.*

(3) *The commissioners of the Public Employees Relations Commission transferred to the Office of Employee Relations on January 1, 2002, by this act may continue to exercise their authority as*

*commissioners of the Public Employees Relations Commission solely with respect to those cases pending before the commission on that date, until June 30, 2002.*

(4) *After June 30, 2002, the Public Employees Relations Commission shall cease to exist.*

Section 188. *There is appropriated to the Department of Management Services for fiscal year 2000-2001, \$26,208 of nonrecurring general revenue for the purpose of establishing an administrative staff to implement the provisions of this act.*

Section 189. *There are appropriated 18 full-time equivalent positions and \$1,331,289 in recurring general revenue for the purpose of staffing the recurring operations of the Office of Employee Relations. The annualized salary and expense amounts shall not exceed \$2.1 million.*

Section 190. *There is appropriated \$2,885,327 in nonrecurring general revenue for the Public Employees Relations Commission for fiscal year 2001-2002. Any resources not needed shall be placed in reserve by the Executive Office of the Governor pursuant to s. 216.177, Florida Statutes.*

Section 191. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to public employees; renumbering parts I, II, III, IV, and V of ch. 110, F.S., as parts I, II, III, IV, and V of ch. 109, F.S.; amending and renumbering s. 110.107, F.S.; revising definitions; repealing s. 110.108, F.S., relating to pilot projects for agencies seeking managerial flexibility for personnel programs, s. 110.109, F.S., relating to personnel audits of agencies, and s. 110.1095, F.S., relating to training programs for supervisors and managers; amending and renumbering s. 110.1099, F.S.; specifying duties of agency heads with respect to education and training opportunities for state employees; amending and renumbering s. 110.112, F.S.; providing policy relating to use of human resources; revising provisions relating to implementation of affirmative action plans by agency heads, state attorneys, and public defenders; amending and renumbering s. 110.113, F.S.; requiring all state employees to participate in the direct deposit program; revising conditions for requesting an exemption; amending and renumbering s. 110.124, F.S.; providing that an employee who is terminated solely because of attaining age 65 may apply to the circuit court for relief if voluntary binding arbitration is not conducted; amending and renumbering s. 110.1245, F.S.; providing for a savings sharing program of awards for certain state agency and judicial branch employees; requiring a report; providing for annual bonus payments to employees; directing agency heads to develop a plan for awarding bonuses and providing requirements with respect thereto; authorizing department heads to incur expenditures for certain awards; repealing s. 110.1246, F.S., which provides for lump-sum bonus payments to employees; amending and renumbering s. 110.131, F.S.; revising the time limitation on employment of other-personal-services temporary employees; requiring approval of the Governor's Office of Policy and Budget for extensions of such limitations; revising exemptions from such limitation; amending and renumbering s. 110.203, F.S.; revising definitions; revising the definition of "layoff" to include outsourcing or privatization; creating s. 109.2035, F.S.; directing the Department of Management Services, in consultation with specified entities, to develop a model civil service classification and compensation program and providing requirements with respect thereto; directing the department to establish guidelines regarding certain types of pay and providing duties of agencies with respect thereto; amending and renumbering s. 110.205, F.S.; providing additional positions that are exempt from the Career Service System and included in the Selected Exempt Service; providing that when an employee transfers from the Career Service System to the Selected Exempt Service, unused leave shall carry forward and not be paid out; repealing ss. 109.207 and 109.209, F.S., as renumbered by the act, relating to establishment and maintenance of a uniform classification plan and an equitable pay plan and related agency duties; amending

and renumbering ss. 110.211 and 110.213, F.S.; revising requirements with respect to recruitment and selection; amending and renumbering s. 110.219, F.S.; providing requirements regarding leave benefits for Senior Management Service employees; providing for an annual payout of unused annual leave for career service employees; amending and renumbering s. 110.224, F.S.; revising requirements relating to a review and performance planning system and designating such system a review and performance evaluation system; revising requirements relating to certain information furnished to employees and employee evaluation; amending and renumbering s. 110.227, F.S.; providing that a career service employee other than a law enforcement or correctional officer or a firefighter may be suspended or dismissed for reasonable cause; providing that reasonable cause shall be determined by the agency head and specifying actions included thereunder; revising certain responsibilities of agency heads; providing that, except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff shall not include "bumping"; deleting a requirement that a layoff be conducted within an identified competitive area with regard to employees other than law enforcement or correctional officers or firefighters; providing for appeal of reductions in pay, transfers, layoffs, or demotions to, and hearings regarding suspension or dismissal before, the circuit court, or for voluntary binding arbitration with respect thereto; providing that, for any alleged adverse agency action against an employee other than a law enforcement or correctional officer or a firefighter occurring after a specified date, the employee bears the burden of proof to establish that the agency head abused his or her discretion; creating s. 109.240, F.S.; providing that any permanent career service employee may request voluntary binding arbitration administered by the Office of Employee Relations upon notice of an adverse agency action; providing definitions; providing requirements for such requests; providing for notice to the agency; specifying the employee's burden of proof; providing for arbitrators and their qualifications and authority; providing for employee panels and their qualifications and authority; providing duties of the office; providing for records; providing procedural requirements for arbitration proceedings; providing for rules; providing for application to the circuit court for an order confirming, vacating, or modifying the arbitration decision; providing for immunity; amending and renumbering s. 110.403, F.S.; increasing the limit on the number of Senior Management Service positions; amending and renumbering s. 110.602, F.S.; removing the limit on the number of Selected Exempt Service positions; amending and renumbering s. 110.605, F.S.; deleting provisions relating to development of a program of affirmative and positive action for the Selected Exempt Service by the department; amending and renumbering ss. 110.1091, 110.1127, 110.117, 110.1227, 110.123, 110.12312, 110.1232, 110.129, 110.152, 110.1521, 110.1522, 110.1523, 110.161, 110.171, 110.191, 110.233, 110.235, 110.401, 110.402, 110.406, 110.502, 110.601, and 110.606, F.S.; clarifying and conforming language and correcting cross references; amending ss. 20.171, 20.18, 20.21, 20.23, 20.255, 20.315, 24.105, 24.122, 68.087, 104.31, 106.082, 106.24, 112.044, 112.0805, 112.313, 112.3189, 112.363, 121.021, 121.0515, 121.055, 121.35, 215.94, 216.011, 216.251, 231.381, 235.217, 240.209, 240.2111, 240.507, 241.002, 242.331, 260.0125, 281.02, 287.175, 288.708, 295.07, 296.04, 296.34, 311.07, 339.175, 343.74, 381.85, 393.0657, 400.19, 400.953, 402.3057, 402.55, 402.731, 409.1757, 440.102, 440.4416, 443.171, 447.207, 456.048, 471.038, 509.036, 570.073, 570.074, 624.307, 627.0623, 627.6488, 627.649, 627.6498, 627.6617, 655.019, 943.0585, 943.059, 943.22, 944.35, 945.043, 957.03, 985.04, 985.05, and 985.4045, F.S.; conforming language and correcting cross references; amending s. 216.262, F.S.; authorizing efficiency awards to state agencies based on changes to authorized positions and providing requirements with respect thereto; amending s. 447.201, F.S.; revising the statement of public policy regarding public employees; amending s. 447.203, F.S.; revising definitions for purposes of part II of ch. 447, F.S., relating to public employees; repealing s. 447.203(1)(b) and (3)(h), F.S., which define the Public Employees Relations Commission and exempt its employees from the definition of "public employee," and s. 447.205, F.S., which creates the commission, effective June 30, 2002; creating s. 447.204, F.S.; creating an Office of Employee Relations within the Department of Management Services; providing for an executive director, an executive board, a general counsel, and an administrative assistant, and their qualifications and duties; providing

for additional personnel; providing duties of the department; providing powers and duties of the office; amending s. 447.207, F.S.; transferring general powers of the commission and powers relating to collective bargaining to the office; directing the office to provide for voluntary binding arbitration with regard to certain adverse actions and discrimination in lieu of appeals to the commission; providing that the commission shall retain certain authority until June 30, 2002; amending s. 447.208, F.S.; providing the employee's burden of proof for alleged adverse agency actions occurring on or after July 1, 2001; repealing s. 447.208, F.S., which provides procedures for appeals to the commission regarding certain adverse agency actions, and s. 447.2085, F.S., which provides for rules with respect thereto, effective January 1, 2002; amending s. 447.301, F.S.; conforming language; amending ss. 447.305, 447.307, 447.308, 447.309, and 447.403, F.S.; transferring powers and duties relating to registration and certification of employee organizations, adoption of procedures relating to collective bargaining agreements, and resolution of impasses from the commission to the office; increasing the registration fee; amending s. 447.4095, F.S.; conforming language; amending s. 447.503, F.S.; transferring powers relating to settling of unfair labor practices disputes from the commission to the office; providing for persons conducting evidentiary hearings; amending s. 447.5035, F.S.; providing for enforcement of division orders; amending s. 447.504, F.S., which provides for judicial review of final orders, to conform; amending s. 447.507, F.S.; transferring powers and duties relating to enforcement of the strike prohibition from the commission to the office; revising conditions under which a person who violates such prohibition may be employed or appointed; amending s. 447.607, F.S.; conforming language; amending s. 20.171, F.S.; conforming language; amending s. 39.202, F.S.; providing for access to certain records by the office; amending s. 112.044, F.S., which prohibits age discrimination against public employees; providing for court action by an aggrieved employee if voluntary binding arbitration is not conducted; amending s. 112.0455, F.S., the Drug-Free Workplace Act; providing for appeals with respect to discipline or not being hired under said act to the circuit court rather than the commission, or for voluntary finding arbitration; amending s. 112.215, F.S.; providing for appointment of members of the Deferred Compensation Advisory Council by the executive board of the office rather than the commission; amending s. 112.31895, F.S.; providing for judicial review of notice of termination of an investigation in connection with the Whistle-blower's Act rather than commission review; amending s. 120.80, F.S.; conforming language; repealing s. 125.0108(2)(d), F.S., and amending ss. 376.75, 403.718, and 538.11, F.S.; removing provisions which authorize certain actions by the Department of Revenue pursuant to rules of the commission or the Career Service Commission; amending ss. 284.30 and 284.31, F.S.; conforming language; amending ss. 295.11 and 295.14, F.S.; providing that the circuit court, rather than the commission, has jurisdiction to enforce provisions relating to employment preference for veterans if voluntary binding arbitration is not appropriate; amending s. 415.107, F.S.; providing for access to certain records by the office; amending s. 440.102, F.S.; conforming language; repealing ss. 944.35(3)(c) and 985.4045(1)(b), F.S., which provide that violations by Department of Corrections employees of prohibitions against malicious battery and sexual misconduct, and violations by Department of Juvenile Justice employees of the prohibition against sexual misconduct, as determined by the commission, constitute cause for dismissal; directing the office to coordinate a transition plan; specifying transitional powers and duties of the commission and providing that it shall cease to exist June 30, 2002; providing appropriations and authorizing positions; providing effective dates.

Rep. Diaz-Balart moved the adoption of the amendment.

The Council for Smarter Government offered the following:

(Amendment Bar Code: 205293)

**Amendment 1 to Amendment 1**—On page 21, line 2, remove from the amendment: *\$50*

and insert in lieu thereof: *\$100*

The Council for Smarter Government offered the following:

(Amendment Bar Code: 961673)

**Amendment 2 to Amendment 1**—On page 22, line 22, of the amendment

insert after "individual": *or category of individuals*

The Council for Smarter Government offered the following:

(Amendment Bar Code: 093177)

**Amendment 3 to Amendment 1**—On page 38, line 3 through page 39 line 2,

remove from the amendment: all of said lines

and insert in lieu thereof:

~~109.224~~ ~~110.224~~ *Public employee Review*—and performance evaluation ~~planning~~ system.—A *public employee review*—and performance ~~evaluation~~ ~~planning~~ system shall be established as a basis *to evaluate and improve* for ~~improving~~ the performance of the state's workforce, ~~to provide documentation in support of recommendations for salary increases, promotions, demotions, reassignments, or dismissals;~~ to inform employees of strong and weak points in the employee's performance, ~~to identify improvements expected, and current and future training needs, and to award lump-sum bonuses in accordance with s. 109.1245(2); and to assist in determining the order of layoff and~~ *reemployment.*

(1) Upon original appointment, promotion, demotion, or reassignment, ~~a job description of the position assigned each career service employee must be made available to the career service employee given a statement of the work expectations and performance standards applicable to the position. The job description may be made available in an electronic format. statement may be included in the position description or in a separate document. An employee will not be required to meet work expectations or performance standards that have not been furnished in writing to the employee.~~

(2) ~~Each employee must have an employee's performance evaluation must be reviewed~~ at least annually, and the employee must receive ~~a copy an oral and written assessment~~ of his or her performance *evaluation*. The *performance evaluation assessment* may include a plan of ~~corrective~~ action for improvement of the employee's performance based on the work expectations or performance standards applicable to the position *as determined by the agency head*.

(3) The department may adopt rules to administer the *public employee review*—and ~~performance evaluation~~ ~~planning~~ system which

The Council for Smarter Government offered the following:

(Amendment Bar Code: 621549)

**Amendment 4 to Amendment 1**—On page 36, line 14, of the amendment

insert after the period: *An employee must successfully complete at least a 1-year probationary period before attainment of permanent status.*

The Council for Smarter Government offered the following:

(Amendment Bar Code: 694591)

**Amendment 5 to Amendment 1**—On page 63, lines 24-27 remove from the amendment: all of said lines

and insert in lieu thereof:

~~(d)(e)~~ The department shall develop a program of affirmative and positive actions that will ensure full utilization of women and minorities in Selected Exempt Service positions.

Rep. Diaz-Balart moved the adoption of the council amendments, which were adopted *en bloc*.

The question recurred on the adoption of **Amendment 1**, as amended.

Representative(s) Diaz-Balart offered the following:

(Amendment Bar Code: 824029)

**Substitute Amendment 1 (with title amendment)—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *Section 110.105, Florida Statutes, is renumbered as section 109.105, Florida Statutes.*

Section 2. Section 110.107, Florida Statutes, is renumbered as section 109.107, Florida Statutes, and amended to read:

*109.107* ~~110.107~~ Definitions.—As used in this chapter, the term:

(1) “Department” means the Department of Management Services.

(2)(3) “Furlough” means a temporary reduction in the regular hours of employment in a pay period, or temporary leave without pay for one or more pay periods, with a commensurate reduction in pay, necessitated by a projected deficit in any fund that supports salary and benefit appropriations. The deficit must be projected by the Revenue Estimating Conference pursuant to s. 216.136(3).

(3) “Office” means the Office of Employee Relations within the Department of Management Services.

(4)(2) “Secretary” means the Secretary of Management Services.

Section 3. *Sections 110.108 and 110.109, Florida Statutes, are repealed.*

Section 4. *Section 110.1082, Florida Statutes, is renumbered as section 109.1082, Florida Statutes.*

Section 5. Section 110.1091, Florida Statutes, is renumbered as section 109.1091, Florida Statutes, and amended to read:

*109.1091* ~~110.1091~~ Program for assisting state employees; confidentiality.—*Each* employing state agency may provide a program to assist any of its state employees ~~employee~~ who have has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects their the employee's job performance, through referral for counseling, therapy, or other professional treatment. Each employing state agency may designate community diagnostic and referral resources as necessary to implement the provisions of this section. Any communication between a state employee and personnel or service providers of a state employee assistance program relative to the employee's participation in the program shall be a confidential communication. Any routine monitoring of telephone calls by the state agency does not violate this provision. All records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 6. *Section 110.1095, Florida Statutes, is repealed.*

Section 7. Section 110.1099, Florida Statutes, is renumbered as section 109.1099, Florida Statutes, and amended to read:

*109.1099* ~~110.1099~~ Education and training opportunities for state employees.—

(1) Education and training are an integral component in improving the delivery of services to the public. Recognizing that the application of productivity-enhancing technology and practice demand continuous educational and training opportunities, a state employee ~~employees~~ may be authorized to receive a fundable tuition waiver ~~waivers~~ on a space-available basis or a voucher ~~vouchers~~ to attend work-related courses at public universities. Student credit hours generated by state employee fee waivers shall be fundable credit hours.

(2) The department, in conjunction with the agencies, shall request that public universities ~~such institutions~~ provide evening and weekend

programs for state employees. When evening and weekend training and educational programs are not available, an employee ~~employees~~ may be authorized to take paid time off during his or her ~~their~~ regular working hours for training and career development, as provided in s. 109.105(1) ~~110.105(1)~~, if such training benefits the employer as determined by that employee's agency head.

(3) An employee ~~Employees~~ who exhibits ~~exhibit~~ superior aptitude and performance may be authorized by that employee's agency head to take a paid educational leave ~~leaves~~ of absence for up to 1 academic year at a time, for specific approved work-related education and training.

(4) That employee ~~Such employees~~ must enter into a contract ~~contracts~~ to return to state employment for a period of time equal to the length of the leave of absence or refund salary and benefits paid during his or her ~~their~~ educational leave ~~leaves~~ of absence.

(4)(6) As a precondition to approving an employee's training request, an agency or the judicial branch may require an employee to enter into an agreement that requires the employee to reimburse the agency or judicial branch for the registration fee or similar expense for any training or training series when the cost of the fee or similar expense exceeds \$1,000 if the employee voluntarily terminates employment or is discharged ~~for cause~~ from the agency or judicial branch within a specified period of time not to exceed ~~exceeding~~ 4 years after the conclusion of the training. This subsection does not apply to any training program that an agency or the judicial branch requires an the employee to attend. An agency or the judicial branch may pay the outstanding balance then due and owing on behalf of a state employee under this subsection in connection with recruitment and hiring of such state employee.

(5) The Department of Management Services, in consultation with the agencies and, to the extent applicable, Florida's public ~~universities~~ ~~postsecondary educational institutions~~, shall adopt rules to implement and administer this section.

Section 8. Section 110.112, Florida Statutes, is renumbered as section 109.112, Florida Statutes, and amended to read:

*109.112* ~~110.112~~ Affirmative action; equal employment opportunity.—

(1) It is ~~shall be~~ the policy of this the state to fully utilize the rich diversity of Florida's human resources and to assist in providing the assurance of equal employment opportunity through education and other programs of affirmative and positive action that will allow the citizens of Florida to benefit from the full utilization of all available human resources ~~women and minorities~~.

(2)(a) The head of each executive agency and each state attorney and public defender shall develop and implement an affirmative action plan in accordance with rules adopted by the department and approved by a majority vote of the Administration Commission before their adoption.

(b) Each executive agency shall establish annual goals for ensuring full utilization of groups underrepresented in its workforce as compared to the relevant labor market, as defined by the agency. Each state attorney and public defender shall establish annual goals for ensuring full utilization of groups underrepresented in his or her workforce as compared to the relevant labor market, as defined by the state attorney or public defender. Each executive agency and each state attorney and public defender shall design the its affirmative action plan to meet the its established goals.

(c) An affirmative action-equal employment opportunity officer shall be appointed by the head of each executive agency and each state attorney and public defender. The affirmative action-equal employment opportunity officer's responsibilities shall ~~must~~ include determining annual goals, monitoring agency compliance, and providing consultation with to managers regarding progress, deficiencies, and appropriate corrective action.

(d) The department shall report information in its annual workforce report relating to the implementation, continuance, updating, and

results of each executive agency's affirmative action plan for the previous fiscal year.

(e) The department shall provide to all supervisory personnel of the executive agencies training in the principles of equal employment opportunity and affirmative action, the development and implementation of affirmative action plans, and the establishment of annual affirmative action goals. The department may contract for training services, and each participating agency shall reimburse the department for costs incurred through such contract. After the department approves the contents of the training program for the agencies, the department may delegate this training to the executive agencies.

(3) Each state attorney and public defender shall:

~~(a) Develop and implement an affirmative action plan.~~

~~(b) Establish annual goals for ensuring full utilization of groups underrepresented in its workforce as compared to the relevant labor market in this state. The state attorneys' and public defenders' affirmative action plans must be designed to meet the established goals.~~

~~(c) Appoint an affirmative action equal employment opportunity officer.~~

~~(d) report annually to the Justice Administrative Commission on the implementation, continuance, updating, and results of his or her affirmative action program for the previous fiscal year.~~

(4) The state, its agencies and officers shall ensure freedom from discrimination in employment as provided by the Florida Civil Rights Act of 1992, by s. 112.044, and by this chapter.

(5) Any individual claiming to be aggrieved by an unlawful employment practice may file a complaint with the Florida Commission on Human Relations as provided by s. 760.11(1) ~~760.10(10)~~.

(6) The department shall review and monitor executive agency actions in carrying out the rules adopted by the department pursuant to this section.

Section 9. Section 110.1127, Florida Statutes, is renumbered as section 109.1127, Florida Statutes, and subsection (1) of said section is amended to read:

~~109.1127 110.1127~~ Employee security checks.—

(1) Each employing agency shall designate *those employee* ~~such of its positions of state employment~~ which, because of the special trust or responsibility or sensitive location of *those* ~~such~~ positions, require that persons occupying *those* ~~such~~ positions be subject to a security background check, including fingerprinting, as a condition of employment.

Section 10. *Section 110.1128, Florida Statutes, is renumbered as section 109.1128, Florida Statutes.*

Section 11. Section 110.113, Florida Statutes, is renumbered as section 109.113, Florida Statutes, and, effective January 1, 2002, subsection (2) of said section is amended to read:

~~109.113 110.113~~ Pay periods for state officers and employees; salary payments by direct deposit.—

(2) As a condition of employment, a person appointed to a position in state government ~~on or after July 1, 1996~~, is required to participate in the direct deposit program pursuant to s. 17.076. ~~This subsection does not apply to persons who are in the employment of the state on July 1, 1996, and subsequently receive promotion appointments, transfers, or other changes in positions within the same personnel system after July 1, 1996. An employee may request an exemption from the provisions of this subsection when such employee can demonstrate a hardship or when such employee is in an other personal services position.~~

Section 12. *Sections 110.114, 110.115, 110.1155, 110.116, and 110.1165, Florida Statutes, are renumbered as sections 109.114,*

*109.115, 109.1155, 109.116, and 109.1165, Florida Statutes, respectively.*

Section 13. Section 110.117, Florida Statutes, is renumbered as section 109.117, Florida Statutes, and subsection (3) of said section is amended to read:

~~109.117 110.117~~ Paid holidays.—

(3) Each full-time employee is entitled to one personal holiday each year. Each part-time employee is entitled to a personal holiday each year which shall be calculated proportionately to the personal holiday allowed to a full-time employee. Such personal holiday shall be credited to eligible employees on July 1 of each year to be taken prior to June 30 of the following year. Members of the teaching and research faculty of the State University System and administrative and professional positions exempted under s. 109.205(2)(d) ~~110.205(2)(d)~~ are not eligible for this benefit.

Section 14. *Sections 110.118, 110.119, 110.120, 110.121, 110.122, 110.1221, and 110.1225, Florida Statutes, are renumbered as sections 109.118, 109.119, 109.120, 109.121, 109.122, 109.1221, and 109.1225, Florida Statutes, respectively.*

Section 15. Section 110.1227, Florida Statutes, is renumbered as section 109.1227, Florida Statutes, and paragraph (c) of subsection (1) of said section is amended to read:

~~109.1227 110.1227~~ Florida Employee Long-Term-Care Plan Act.—

(1) The Legislature finds that state expenditures for long-term-care services continue to increase at a rapid rate and that the state faces increasing pressure in its efforts to meet the long-term-care needs of the public.

(c) This act in no way affects the Department of Management Services' authority pursuant to s. 109.123 ~~110.123~~.

Section 16. Section 110.123, Florida Statutes, is renumbered as section 109.123, Florida Statutes, and paragraph (g) of subsection (3) of said section is amended to read:

~~109.123 110.123~~ State group insurance program.—

(3) STATE GROUP INSURANCE PROGRAM.—

(g)1. A person eligible to participate in the state group insurance program may be authorized by rules adopted by the department, in lieu of participating in the state group health insurance plan, to exercise an option to elect membership in a health maintenance organization plan which is under contract with the state in accordance with criteria established by this section and by said rules. The offer of optional membership in a health maintenance organization plan permitted by this paragraph may be limited or conditioned by rule as may be necessary to meet the requirements of state and federal laws.

2. The department shall contract with health maintenance organizations seeking to participate in the state group insurance program through a request for proposal or other procurement process, as developed by the Department of Management Services and determined to be appropriate.

a. The department shall establish a schedule of minimum benefits for health maintenance organization coverage, and that schedule shall include: physician services; inpatient and outpatient hospital services; emergency medical services, including out-of-area emergency coverage; diagnostic laboratory and diagnostic and therapeutic radiologic services; mental health, alcohol, and chemical dependency treatment services meeting the minimum requirements of state and federal law; skilled nursing facilities and services; prescription drugs; and other benefits as may be required by the department. Additional services may be provided subject to the contract between the department and the HMO.

b. The department may establish uniform deductibles, copayments, or coinsurance schedules for all participating HMO plans.

c. The department may require detailed information from each health maintenance organization participating in the procurement



process, including information pertaining to organizational status, experience in providing prepaid health benefits, accessibility of services, financial stability of the plan, quality of management services, accreditation status, quality of medical services, network access and adequacy, performance measurement, ability to meet the department's reporting requirements, and the actuarial basis of the proposed rates and other data determined by the director to be necessary for the evaluation and selection of health maintenance organization plans and negotiation of appropriate rates for these plans. Upon receipt of proposals by health maintenance organization plans and the evaluation of those proposals, the department may enter into negotiations with all of the plans or a subset of the plans, as the department determines appropriate. Nothing shall preclude the department from negotiating regional or statewide contracts with health maintenance organization plans when this is cost-effective and when the department determines that the plan offers high value to enrollees.

d. The department may limit the number of HMOs that it contracts with in each service area based on the nature of the bids the department receives, the number of state employees in the service area, or any unique geographical characteristics of the service area. The department shall establish by rule service areas throughout the state.

e. All persons participating in the state group insurance program who are required to contribute towards a total state group health premium shall be subject to the same dollar contribution regardless of whether the enrollee enrolls in the state group health insurance plan or in an HMO plan.

3. The department is authorized to negotiate and to contract with specialty psychiatric hospitals for mental health benefits, on a regional basis, for alcohol, drug abuse, and mental and nervous disorders. The department may establish, subject to the approval of the Legislature pursuant to subsection (5), any such regional plan upon completion of an actuarial study to determine any impact on plan benefits and premiums.

4. In addition to contracting pursuant to subparagraph 2., the department shall enter into contract with any HMO to participate in the state group insurance program which:

a. Serves greater than 5,000 recipients on a prepaid basis under the Medicaid program;

b. Does not currently meet the 25 percent non-Medicare/non-Medicaid enrollment composition requirement established by the Department of Health excluding participants enrolled in the state group insurance program;

c. Meets the minimum benefit package and copayments and deductibles contained in sub-subparagraphs 2.a. and b.;

d. Is willing to participate in the state group insurance program at a cost of premiums that is not greater than 95 percent of the cost of HMO premiums accepted by the department in each service area; and

e. Meets the minimum surplus requirements of s. 641.225.

The department is authorized to contract with HMOs that meet the requirements of sub-subparagraphs a.-d. prior to the open enrollment period for state employees. The department is not required to renew the contract with the HMOs as set forth in this paragraph more than twice. Thereafter, the HMOs shall be eligible to participate in the state group insurance program only through the request for proposal process described in subparagraph 2.

5. All enrollees in the state group health insurance plan or any health maintenance organization plan shall have the option of changing to any other health plan which is offered by the state within any open enrollment period designated by the department. Open enrollment shall be held at least once each calendar year.

6. When a contract between a treating provider and the state-contracted health maintenance organization is terminated for any reason other than for cause, each party shall allow any enrollee for whom treatment was active to continue coverage and care when medically necessary, through completion of treatment of a condition for

which the enrollee was receiving care at the time of the termination, until the enrollee selects another treating provider, or until the next open enrollment period offered, whichever is longer, but no longer than 6 months after termination of the contract. Each party to the terminated contract shall allow an enrollee who has initiated a course of prenatal care, regardless of the trimester in which care was initiated, to continue care and coverage until completion of postpartum care. This does not prevent a provider from refusing to continue to provide care to an enrollee who is abusive, noncompliant, or in arrears in payments for services provided. For care continued under this subparagraph, the program and the provider shall continue to be bound by the terms of the terminated contract. Changes made within 30 days before termination of a contract are effective only if agreed to by both parties.

7. Any HMO participating in the state group insurance program shall submit health care utilization and cost data to the department, in such form and in such manner as the department shall require, as a condition of participating in the program. The department shall enter into negotiations with its contracting HMOs to determine the nature and scope of the data submission and the final requirements, format, penalties associated with noncompliance, and timetables for submission. These determinations shall be adopted by rule.

8. The department may establish and direct, with respect to collective bargaining issues, a comprehensive package of insurance benefits that may include supplemental health and life coverage, dental care, long-term care, vision care, and other benefits it determines necessary to enable state employees to select from among benefit options that best suit their individual and family needs.

a. Based upon a desired benefit package, the department shall issue a request for proposal for health insurance providers interested in participating in the state group insurance program, and the department shall issue a request for proposal for insurance providers interested in participating in the non-health-related components of the state group insurance program. Upon receipt of all proposals, the department may enter into contract negotiations with insurance providers submitting bids or negotiate a specially designed benefit package. Insurance providers offering or providing supplemental coverage as of May 30, 1991, which qualify for pretax benefit treatment pursuant to s. 125 of the Internal Revenue Code of 1986, with 5,500 or more state employees currently enrolled may be included by the department in the supplemental insurance benefit plan established by the department without participating in a request for proposal, submitting bids, negotiating contracts, or negotiating a specially designed benefit package. These contracts shall provide state employees with the most cost-effective and comprehensive coverage available; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such supplemental benefit plans. With respect to dental coverage, the division shall include in any solicitation or contract for any state group dental program made after July 1, 2001, a comprehensive indemnity dental plan option which offers enrollees a completely unrestricted choice of dentists. If a dental plan is endorsed, or in some manner recognized as the preferred product, such plan shall include a comprehensive indemnity dental plan option which provides enrollees with a completely unrestricted choice of dentists.

b. Pursuant to the applicable provisions of s. ~~109.161~~ ~~110.161~~, and s. 125 of the Internal Revenue Code of 1986, the department shall enroll in the pretax benefit program those state employees who voluntarily elect coverage in any of the supplemental insurance benefit plans as provided by sub-subparagraph a.

c. Nothing herein contained shall be construed to prohibit insurance providers from continuing to provide or offer supplemental benefit coverage to state employees as provided under existing agency plans.

Section 17. Section 110.12312, Florida Statutes, is renumbered as section 109.12312, Florida Statutes, and amended to read:

~~109.12312~~ ~~110.12312~~ Open enrollment period for retirees.—On or after July 1, 1997, the Department of Management Services shall provide for an open enrollment period for retired state employees who want to obtain health insurance coverage under ss. ~~109.123~~ ~~110.123~~ and

109.12315 ~~110.12315~~. The options offered during the open enrollment period must provide the same health insurance coverage as the coverage provided to active employees under the same premium payment conditions in effect for covered retirees, including eligibility for health insurance subsidy payments under s. 112.363. A person who separates from employment subsequent to May 1, 1988, but whose date of retirement occurs on or after August 1, 1995, is eligible as of the first open enrollment period occurring after July 1, 1997, with an effective date of January 1, 1998, as long as the retiree's enrollment remains in effect.

Section 18. Section 110.12315, Florida Statutes, is renumbered as section 109.12315, Florida Statutes.

Section 19. Section 110.1232, Florida Statutes, is renumbered as section 109.1232, Florida Statutes, and amended to read:

109.1232 ~~110.1232~~ Health insurance coverage for persons retired under state-administered retirement systems before January 1, 1976, and for spouses.—Notwithstanding any provisions of law to the contrary, the Department of Management Services shall provide health insurance coverage under the state group insurance program for persons who retired before January 1, 1976, under any of the state-administered retirement systems and who are not covered by social security and for the spouses and surviving spouses of such retirees who are also not covered by social security. Such health insurance coverage shall provide the same benefits as provided to other retirees who are entitled to participate under s. 109.123 ~~110.123~~. The claims experience of this group shall be commingled with the claims experience of other members covered under s. 109.123 ~~110.123~~.

Section 20. Sections 110.1234, 110.1238, and 110.1239, Florida Statutes, are renumbered as sections 109.1234, 109.1238, and 109.1239, Florida Statutes, respectively.

Section 21. Section 110.124, Florida Statutes, is renumbered as section 109.124, Florida Statutes, and, effective January 1, 2002, subsections (2) and (4) of said section are amended to read:

109.124 ~~110.124~~ Termination or transfer of employees aged 65 or older.—

(2) Whenever any employee who has attained age 65 is terminated by an agency or department solely because the employee attains age 65, the employee may seek ~~apply for~~ relief from the action *through voluntary binding arbitration pursuant to s. 109.240 to the Public Employees Relations Commission pursuant to s. 447.208*. The employee shall continue in employment pending the outcome of the *voluntary binding arbitration application*. If the employee continues in employment following a ~~the~~ decision of the *voluntary binding arbitration panel commission*, no further action shall be taken by the agency or department to terminate the employee for a period of 1 year following the date of the ~~panel's~~ decision of the ~~commission~~ unless approved by the ~~office commission~~ upon a showing by the agency or department that the employee's capability has changed to a sufficient extent that he or she is no longer able to perform any job within such agency or department. *An employee who does not request voluntary binding arbitration may apply for relief to the circuit court.*

(4) If mutually agreed to by the employee and the agency or department, an employee who has attained age 65 may be reduced to a part-time position for the purpose of phasing the employee out of employment into retirement. Such an arrangement may also be required by the *voluntary binding arbitration panel or the court Public Employees Relations Commission* as part of its decision in any appeal arising out of this section. A reduction to a part-time position may be accompanied by an appropriate reduction in pay.

Section 22. Section 110.1245, Florida Statutes, is renumbered as section 109.1245, Florida Statutes, and amended to read:

*(Substantial rewording of section. See s. 110.1245, F.S., for present text.)*

109.1245 Savings sharing; bonus payments; other awards.—

(1)(a) *The Department of Management Services shall set policy, develop procedures, and promote a savings sharing program for an individual or group of employees who propose procedures or ideas which are adopted and which result in eliminating or reducing state expenditures, if such proposals are placed in effect and can be implemented under current statutory authority.*

(b) *Each agency head shall recommend employees individually or by group to be awarded an amount of money, which amount shall be directly related to the cost savings realized. Each proposed award and amount of money must be approved by the Legislative Budgeting Commission.*

(c) *Each state agency, unless otherwise provided by law, may participate in the program. The Chief Justice shall have the authority to establish a savings sharing program for employees of the judicial branch within the parameters established in this section. The program shall apply to all employees within the Career Service System, the Selected Exempt Service, and comparable employees within the judicial branch.*

(d) *The department and the judicial branch shall submit annually to the President of the Senate and the Speaker of the House of Representatives information that outlines each agency's level of participation in the savings sharing program. The information shall include, but is not limited to:*

1. *The number of proposals made.*
2. *The number of awards made to employees or groups for adopted proposals.*
3. *The actual cost savings realized as a result of implementing employee or group proposals.*
4. *The number of employees or groups recognized for superior accomplishments.*

(2) *In June of each year, bonuses shall be paid to employees from funds authorized by the Legislature in an appropriation specifically for bonuses. Each agency shall develop a plan for awarding lump-sum bonuses, which plan shall be submitted to and approved by the Office of Policy and Budget in the Executive Office of the Governor no later than September 15 of each year. Such plan shall include, at a minimum:*

- (a) *A statement that bonuses shall be awarded from unused salary and expense dollars.*
- (b) *A statement that all bonuses are subject to appropriation by the Legislature.*
- (c) *Eligibility criteria as follows:*

1. *The employee must have been employed prior to July 1 of that fiscal year and have been continuously employed through the date of distribution.*

2. *The employee must not have been on leave without pay consecutively for more than 6 months during the fiscal year.*

3. *The employee must have had no disciplinary action during the period beginning July 1 through the date the bonus checks are distributed. Disciplinary actions include written reprimands, suspensions, dismissals, and involuntary or voluntary demotions that were associated with a disciplinary action.*

4. *The employee must have demonstrated a commitment to the agency mission by reducing the burden on those served, continually improving the way business is conducted, producing results in the form of increased outputs, and working to improve processes.*

5. *The employee must have demonstrated initiative in work and exceeded normal job expectations.*

6. *The employee must have modeled the way for others by displaying agency values of fairness, cooperation, respect, commitment, honesty, excellence, and teamwork.*

(d) *An evaluation process of the employee's performance and eligibility to be performed no less than quarterly.*

(e) Peer input to account for at least 40 percent of the bonus award determination.

(f) A division of the agency by work unit for purposes of peer input and bonus distribution.

(g) A limitation on bonus distributions equal to 35 percent of the agency's total authorized positions. This requirement may be waived by the Office of Policy and Budget in the Executive Office of the Governor upon a showing of exceptional circumstances.

(3) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, and other tokens of recognition to retiring state employees whose service with the state has been satisfactory, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 each plus applicable taxes.

(4) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to state employees who have achieved increments of 5 years of satisfactory service in the agency or to the state, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 each plus applicable taxes.

(5) Each department head is authorized to incur expenditures not to exceed \$100 each plus applicable taxes for suitable framed certificates, plaques, or other tokens of recognition to any appointed member of a state board or commission whose service to the state has been satisfactory, in appreciation and recognition of such service upon the expiration of such board or commission member's final term in such position.

Section 23. Section 110.1246, Florida Statutes, is repealed.

Section 24. Sections 110.125, 110.126, and 110.127, Florida Statutes, are renumbered as sections 109.125, 109.126, and 109.127, Florida Statutes, respectively.

Section 25. Section 110.129, Florida Statutes, is renumbered as section 109.129, Florida Statutes, and amended to read:

~~109.129~~ ~~110.129~~ Services to political subdivisions.—

(1) Upon request, the department may enter into a formal agreement ~~agreements~~ with any municipality or political subdivision of the state to furnish technical assistance to improve the system or methods of personnel administration of ~~that such~~ municipality or political subdivision. The department shall provide such assistance within the limitations of available staff, funds, and other resources. All municipalities and political subdivisions of the state are authorized to enter into such agreements.

(2) Technical assistance ~~includes may include~~, but is ~~shall~~ not be limited to, *providing* technical advice, written reports, ~~or and~~ other information or materials, ~~which and~~ may cover such subjects as management and personnel systems, central administrative and support services, employee training, and employee productivity.

(3) Technical assistance rendered to municipalities or political subdivisions pursuant to this section may be on a nonreimbursable basis or may be partly or wholly reimbursable based upon the extent, nature, and duration of the requested assistance; the extent of resources required; and the degree to which the assistance would be of use to other municipalities or political subdivisions of the state.

Section 26. Section 110.131, Florida Statutes, is renumbered as section 109.131, Florida Statutes, and, effective July 1, 2001, subsections (2) and (3) and paragraph (c) of subsection (6) of said section are amended to read:

~~109.131~~ ~~110.131~~ Other-personal-services temporary employment.—

(2) An agency may employ any *qualified* individual in other-personal-services temporary employment for *100 hours in any calendar month* ~~1,040 hours within any 12-month period~~. An extension beyond a total of *100 hours in any calendar month period* ~~1,040 hours~~ within an agency for any individual or category of individuals requires the approval of the Governor's Office of Policy and Budget for good cause

~~agency head or a designee. Approval of extensions shall be made in accordance with criteria established by the department. Each agency shall maintain employee information as specified by the department regarding each extension of other personal services temporary employment. The time limitation established by this subsection does not apply to board members, consultants, seasonal employees, institutional clients employed as part of their rehabilitation, or bona fide, degree-seeking students in accredited secondary or postsecondary educational programs.~~

(3) The department shall adopt rules providing that other-personal-services temporary employment in an employer-employee relationship shall be used for short-term tasks. Such rules shall specify the employment categories, terms, conditions, rate of pay, and frequency of other-personal-services temporary employment and the duration for which such employment may last; ~~specify criteria for approving extensions beyond the time limitation provided in subsection (2);~~ and prescribe recordkeeping and reporting requirements for other-personal-services employment.

(6)

(c) Notwithstanding the provisions of this section, the agency head or his or her designee may extend the other-personal-services employment of a health care practitioner licensed pursuant to chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, part I of chapter 464, chapter 466, chapter 468, chapter 483, chapter 486, or chapter 490 beyond 2,080 hours *per year* and may employ such practitioner on an hourly or other basis.

Section 27. Section 110.151, Florida Statutes, is renumbered as section 109.151, Florida Statutes.

Section 28. Section 110.152, Florida Statutes, is renumbered as section 109.152, Florida Statutes, and subsection (4) of said section is amended to read:

~~109.152~~ ~~110.152~~ Adoption benefits for state or water management district employees; parental leave.—

(4) Any employee of the state or of a water management district who has a child placed in the custody of the employee for adoption, and who continues to reside in the same household as the child placed for adoption, shall be granted parental leave for a period not to exceed 6 months as provided in s. ~~109.221~~ ~~110.221~~.

Section 29. Section 110.15201, Florida Statutes, is renumbered as section 109.15201, Florida Statutes.

Section 30. Section 110.1521, Florida Statutes, is renumbered as section 109.1521, Florida Statutes, and amended to read:

~~109.1521~~ ~~110.1521~~ Short title.—Sections ~~109.1521-109.1523~~ ~~110.1521-110.1523~~ may be cited as the "Family Support Personnel Policies Act."

Section 31. Section 110.1522, Florida Statutes, is renumbered as section 109.1522, Florida Statutes, and amended to read:

~~109.1522~~ ~~110.1522~~ Model rule establishing family support personnel policies.—The Department of Management Services shall develop a model rule establishing family support personnel policies for all executive branch agencies, excluding the State University System. "Family support personnel policies," for purposes of ss. ~~109.1521-109.1523~~ ~~110.1521-110.1523~~, means personnel policies affecting employees' ability to both work and devote care and attention to their families and includes policies on flexible hour work schedules, compressed time, job sharing, part-time employment, maternity or paternity leave for employees with a newborn or newly adopted child, and paid and unpaid family or administrative leave for family responsibilities.

Section 32. Section 110.1523, Florida Statutes, is renumbered as section 109.1523, Florida Statutes, and amended to read:

~~109.1523~~ ~~110.1523~~ Adoption of model rule.—The model rule shall be effective 20 days after having been filed with the Department of State

and shall become part of the personnel rules of all applicable state agencies 150 days after the effective date of the rule to the extent that each agency does not, subsequent to such effective date, adopt a rule that sets forth the intent to specifically amend all or part of such model rule. Any employee or organization representing employees shall be considered a party for purposes of any rule required by ss. ~~109.1521-109.1523~~ ~~110.1521-110.1523~~, notwithstanding any provision of chapter 120 to the contrary.

Section 33. Section 110.161, Florida Statutes, is renumbered as section 109.161, Florida Statutes, and paragraph (a) of subsection (6) of said section is amended to read:

~~109.161~~ ~~110.161~~ State employees; pretax benefits program.—

(6) The Department of Management Services is authorized to administer the pretax benefits program established for all employees so that employees may receive benefits that are not includable in gross income under the Internal Revenue Code of 1986. The pretax benefits program:

(a) Shall allow employee contributions to premiums for the state group insurance program administered under s. ~~109.123~~ ~~110.123~~ to be paid on a pretax basis unless an employee elects not to participate.

Section 34. Section 110.171, Florida Statutes, is renumbered as section 109.171, Florida Statutes, and paragraph (c) of subsection (2) of said section is amended to read:

~~109.171~~ ~~110.171~~ State employee telecommuting program.—

(2) The department shall:

(c) Identify state employees who are participating in a telecommuting program and their job classifications through the state personnel payroll information subsystem created under s. ~~109.116~~ ~~110.116~~.

Section 35. *Section 110.181, Florida Statutes, is renumbered as section 109.181, Florida Statutes.*

Section 36. Section 110.191, Florida Statutes, is renumbered as section 109.191, Florida Statutes, and amended to read:

~~109.191~~ ~~110.191~~ State employee leasing.—

(1) In situations where the Legislature has expressly authorized the state, an agency, or the judicial branch as defined in s. ~~109.203~~ ~~110.203~~ to lease employees, the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch may authorize any of the following actions related to such state employee leasing activities, provided that the direct cost of such actions is to be paid or reimbursed within 30 days after payment by the entity or person to whom the employees are leased:

(a) Create a separate budget entity from which leased employees shall be paid and transfer the positions authorized to be leased to that budget entity.

(b) Provide increases in the operating budget entity.

(c) Authorized lump-sum salary bonuses to leased employees; however, any lump-sum salary bonus above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(d) Approve increases in salary rate for positions which are leased; however, any salary rate above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(e) Waive any requirement for automatic salary increases which may be contained in the General Appropriations Act.

(2) Positions which are in the Senior Management Service System or the Selected Exempt Service System on the day before the state employee lease agreement takes effect shall remain in the respective system if the duties performed by the position during the assignment of

the state employee lease agreement are comparable as determined by the department. Those Senior Management Service System or Selected Exempt Service System positions which are not determined comparable by the department and positions which are in other pay plans on the day before the lease agreement takes effect shall have the same salaries and benefits provided to employees of the Office of the Governor pursuant to s. ~~109.205(2)(k)2~~ ~~110.205(2)(k)2~~.

Section 37. *Section 110.201, Florida Statutes, is renumbered as section 109.201, Florida Statutes.*

Section 38. Section 110.203, Florida Statutes, is renumbered as section 109.203, Florida Statutes, and subsections (11), (18), (19), (22), and (23) of said section are amended to read:

~~109.203~~ ~~110.203~~ Definitions.—For the purpose of this part and the personnel affairs of the state:

(11) “Pay plan” means a formal description of the philosophy, methods, procedures, and salary ~~schedules~~ ~~schedule~~ for competitively compensating employees at market-based rates for work performed.

(18) “Promotion” means ~~the changing of~~ the classification of an employee to a class having a higher maximum salary; or ~~the changing of~~ the classification of an employee to a class having the same or a lower maximum salary but a higher level of responsibility as determined by the Department of Management Services.

(19) “Demotion” means ~~the changing of~~ the classification of an employee to a class having a lower maximum salary; or ~~the changing of~~ the classification of an employee to a class having the same or a higher maximum salary but a lower level of responsibility as determined by the Department of Management Services.

(22) “Dismissal” means a disciplinary action taken by an agency against an employee resulting in termination of his or her employment for a violation of agency standards or for cause pursuant to s. ~~109.227~~ ~~110.227~~.

(23) “Suspension” means a disciplinary action taken by an agency against an employee to temporarily relieve the employee of his or her duties and place him or her on leave without pay for violation of agency standards or for cause pursuant to s. ~~109.227~~ ~~110.227~~.

Section 39. Effective July 1, 2001, subsections (22), (23), and (24) of section 109.203, Florida Statutes, as renumbered and amended by this act, are amended, and subsections (28) and (29) are added to said section, to read:

~~109.203~~ Definitions.—For the purpose of this part and the personnel affairs of the state:

(22) “Dismissal” means a disciplinary action taken by an agency *pursuant to s. 109.227* against an employee resulting in termination of his or her employment ~~for a violation of agency standards or for cause pursuant to s. 109.227~~.

(23) “Suspension” means a disciplinary action taken by an agency *pursuant to s. 109.227* against an employee to temporarily relieve the employee of his or her duties and place him or her on leave without pay ~~for violation of agency standards or for cause pursuant to s. 109.227~~.

(24) “Layoff” means termination of employment due to abolishment of positions necessitated by a shortage of funds or work, or a material change in the duties or organization of an agency, *including the outsourcing or privatization of an activity or function previously performed by career service employees.*

(28) “Firefighter” means a firefighter certified under chapter 633.

(29) “Law enforcement or correctional officer” means a law enforcement officer, special agent, correctional officer, correctional probationer officer, or institutional security specialist required to be certified under chapter 943.

Section 40. Section 109.2035, Florida Statutes, is created to read:

109.2035 *Civil service classification and compensation program.—*

(1) *The Department of Management Services, in consultation with the Executive Office of the Governor and the Legislature, shall develop a civil service classification and compensation program. This program shall be developed for use by all state agencies and shall address all civil service classes.*

(2) *The program shall consist of the following:*

(a) *A position classification system using no more than 50 occupational groups and up to a six-class series structure for each occupation within an occupational group. Additional occupational groups may be established only by the Executive Office of the Governor after consultation with the Legislature.*

(b) *A pay plan which shall provide broad, market-based salary ranges for each occupational group.*

(3) *The following goals shall be considered in designing and implementing the program:*

(a) *The classification system must significantly reduce the need to reclassify positions due to work assignment and organizational changes by decreasing the number of classification changes required.*

(b) *The classification system must establish broad-based classes allowing flexibility in organizational structure and must reduce the levels of supervisory classes.*

(c) *The classification system and pay plan must emphasize pay administration and job performance evaluation by management rather than use of the classification system to award salary increases.*

(d) *The pay administration system must contain provisions to allow managers the flexibility to move employees through the pay ranges and provide for salary increase additives and lump-sum bonuses.*

(4) *The classification system shall be structured such that each confidential, managerial, and supervisory employee shall be included in the Selected Exempt Service, in accordance with part V of this chapter.*

(5) *The Department of Management Services shall submit the proposed design of the civil service classification and compensation program to the Executive Office of the Governor, the presiding officers of the Legislature, and the appropriate legislative fiscal and substantive standing committees on or before December 1, 2001.*

(6) *The department shall establish, by rule, guidelines with respect to, and shall delegate, where appropriate, to the employing agencies the authority to administer, the following:*

(a) *Shift differentials.*

(b) *On-call fees.*

(c) *Hazardous-duty pay.*

(d) *Advanced appointment rates.*

(e) *Salary increase and decrease corrections.*

(f) *Lead worker pay.*

(g) *Temporary special duties pay.*

(h) *Trainer additive pay.*

(i) *Competitive area differentials.*

(j) *Coordinator pay.*

(k) *Critical market pay.*

*The employing agency must use such pay additives as are appropriate within the guidelines established by the department and shall advise the department in writing of the plan for implementing such pay additives prior to the implementation date. Any action by an employing agency to implement temporary special duties pay, competitive area differentials, or critical market pay may be implemented only after the department has*

*reviewed and recommended such action; however, an employing agency may use temporary special duties pay for up to 3 months without prior review by the department. The department shall annually provide a summary report of the pay additives implemented pursuant to this section.*

Section 41. Section 110.205, Florida Statutes, is renumbered as section 109.205, Florida Statutes, paragraphs (h) and (u) of subsection (2) and subsection (3) of said section are amended and subsections (7) and (8) are added to said section, and, effective July 1, 2001, paragraphs (v) and (w) are added to subsection (2) of said section, to read:

109.205 ~~110.205~~ *Career service; exemptions.—*

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(h) All positions which are established for a limited period of time for the purpose of conducting a special study, project, or investigation and any person paid from an other-personal-services appropriation. Unless otherwise fixed by law, the salaries for such positions and persons shall be set in accordance with rules established by the employing agency for other-personal-services payments pursuant to s. 109.131 ~~110.131~~.

(u) Positions which are leased pursuant to a state employee lease agreement expressly authorized by the Legislature pursuant to s. 109.191 ~~110.191~~.

(v) *Managerial employees, as defined in s. 447.203(4), confidential employees, as defined in s. 447.203(5), and supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors, except employees also designated as special risk or special risk administrative support and except administrative law judges and hearing officers. Unless otherwise fixed by law, the department shall establish the salary range and benefits for these positions in accordance with the rules of the Selected Exempt Service.*

(w) *Any employee exempted and moved to the Selected Exempt Service by way of a collective bargaining agreement.*

(3) PARTIAL EXEMPTION OF DEPARTMENT OF LAW ENFORCEMENT.—Employees of the Department of Law Enforcement shall be subject to the provisions of s. 109.227 ~~110.227~~, except in matters relating to transfer.

(7) *If an employee is transferred or otherwise moves from the Career Service System into the Selected Exempt Service, all of the employee's unused annual leave and unused sick leave shall carry forward with the employee.*

(8) *If an employee is transferred or otherwise moves from the Career Service System into the Selected Exempt Service on July 1, 2001, all of the employee's unused compensatory leave shall carry forward with the employee.*

Section 42. Sections 110.207, 110.209, and 110.21, Florida Statutes, are renumbered as sections 109.207, 109.209, and 109.21, Florida Statutes, respectively.

Section 43. Effective June 30, 2002, sections 109.207 and 109.209, Florida Statutes, are repealed.

Section 44. Section 110.211, Florida Statutes, is renumbered as section 109.211, Florida Statutes, and amended to read:

109.211 ~~110.211~~ *Recruitment.—*

(1) Recruiting shall be planned and carried out in a manner that assures open competition based upon current and projected employing

agency needs, taking into consideration the number and types of positions to be filled and the labor market conditions, with special emphasis placed on recruiting efforts to attract minorities, women, or other groups that are underrepresented in the workforce of the employing agency.

(2) Recruiting efforts to fill current or projected vacancies shall be carried out in the sound discretion of the agency head ~~the responsibility of the employing agency.~~

(3) ~~Recruiting shall provide efficiency in advertising and may be assisted by a contracted vendor responsible for maintenance of the personnel data. The department shall provide for executive level recruitment and a recruitment enhancement program designed to encourage individuals to seek employment with state government and to promote better public understanding of the state as an employer.~~

(4) ~~An application for a publicly announced vacancy must be made directly to the employing agency.~~

(4)(5) All recruitment literature ~~printed after July 1, 1979~~, involving state position vacancies shall contain the phrase "An Equal Opportunity Employer/Affirmative Action Employer."

(6) ~~The department shall develop model recruitment rules which may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt recruitment rules that are inconsistent with the model rules must consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 45. Section 110.213, Florida Statutes, is renumbered as section 109.213, Florida Statutes, and amended to read:

~~109.213 110.213~~ Selection.—

(1) ~~The department shall have the responsibility for determining guidelines for selection procedures to be utilized by the employing agencies.~~

(2) ~~Any selection procedure utilized in state employment shall be designed to provide maximum validity, reliability, and objectivity; shall be based on adequate job analysis to ensure job relatedness; and shall measure the relative ability, knowledge, and skill needed for entry to a job.~~

(1)(3) Selection for appointment from among the most qualified candidates available ~~eligibles~~ shall be the sole responsibility of the employing agency. *Effective July 1, 2001, all new employees must successfully complete at least a 1-year probationary period before attainment of permanent status.*

(2) *Selection shall reflect efficiency and simplicity in hiring procedures. The agency head or his or her designee shall be required to document the qualifications of the selected candidate to ensure that the candidate meets the minimum qualifications and possesses the requisite knowledge, skills, and abilities for the position. No other documentation or justification shall be required prior to selecting a candidate for a position.*

(4) ~~The department shall develop model selection rules that may be used by employing agencies. Such rules must be approved by the Administration Commission before their adoption by the department. Employing agencies electing to adopt selection rules that are inconsistent with the model rules shall consult with and submit such rules to the department for review. Such rules must also be approved by the Administration Commission before their adoption by the employing agencies.~~

Section 46. Sections 110.2135, 110.215, and 110.217, Florida Statutes, are renumbered as sections 109.2135, 109.215, and 109.217, Florida Statutes, respectively.

Section 47. Section 110.219, Florida Statutes, is renumbered as section 109.219, Florida Statutes, and paragraph (c) of subsection (5) of

said section is amended, and, effective July 1, 2001, subsections (6) and (7) are added to said section, to read:

~~109.219 110.219~~ Attendance and leave; general policies.—

(5) Rules shall be adopted by the department in cooperation and consultation with the agencies to implement the provisions of this section; however, such rules must be approved by the Administration Commission prior to their adoption. Such rules must provide for, but need not be limited to:

(c) Holidays as provided in s. 109.117 ~~110.117~~.

(6) *The leave benefits provided to Senior Management Service employees shall not exceed those provided to employees in the Selected Exempt Service.*

(7) *Each December, a career service employee shall be entitled, subject to available funds, to a payout of up to 24 hours of unused annual leave as follows:*

(a) *An employee must have an annual leave balance of no less than 24 hours, after the payout, in order to qualify for this benefit.*

(b) *No employee shall receive a payout of greater than 240 hours over the course of the employee's career with the state, including any leave received at the time of separation.*

Section 48. Section 110.221, Florida Statutes, is renumbered as section 109.221, Florida Statutes.

Section 49. Section 110.224, Florida Statutes, is renumbered as section 109.224, Florida Statutes, and amended to read:

~~109.224 110.224~~ *Public employee Review*—and performance evaluation planning system.—A ~~public employee review~~ and performance evaluation planning system shall be established as a basis to evaluate and improve for improving the performance of the state's workforce, to provide documentation in support of recommendations for salary increases, promotions, demotions, reassignments, or dismissals; to inform employees of strong and weak points in the employee's performance, to identify improvements expected, and current and future training needs, and to award lump-sum bonuses in accordance with s. 109.1245(2); and to assist in determining the order of layoff and reemployment.

(1) Upon original appointment, promotion, demotion, or reassignment, a job description of the position assigned ~~each career service employee~~ must be made available to the career service employee given a statement of the work expectations and performance standards applicable to the position. The job description may be made available in an electronic format. ~~statement may be included in the position description or in a separate document. An employee will not be required to meet work expectations or performance standards that have not been furnished in writing to the employee.~~

(2) Each employee must have a ~~employee's~~ performance evaluation ~~must be reviewed~~ at least annually, and the employee must receive a copy ~~an oral and written assessment~~ of his or her performance evaluation. The performance evaluation ~~assessment~~ may include a plan of corrective action for improvement of the employee's performance based on the work expectations or performance standards applicable to the position as determined by the agency head.

(3) The department may adopt rules to administer the ~~public employee review~~ and performance evaluation planning system which establish procedures for performance evaluation, ~~procedures to be followed in case of failure to meet performance standards~~, review periods, and forms.

Section 50. Section 110.227, Florida Statutes, is renumbered as section 109.227, Florida Statutes, and subsection (2) of said section is amended, and, effective July 1, 2001, subsections (1) and (3) and paragraph (a) of subsection (5) of said section are amended, present subsections (6) and (7) are amended and renumbered, and a new subsection (8) is added to said section, and, effective January 1, 2002,

subsection (4) and paragraph (b) of subsection (5) of said section are amended, to read:

~~109.227~~ 109.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(1) Any employee *other than a law enforcement or correctional officer or a firefighter* who has permanent status in the career service may only be suspended or dismissed for *reasonable* cause. *Reasonable* cause shall be a determination made within the sound discretion of the agency head and includes ~~include~~, but is not be limited to, negligence, inefficiency or inability to perform assigned duties, insubordination, ~~willful~~ violation of the provisions of law or agency rules, conduct unbecoming a public employee, misconduct, habitual drug abuse, or conviction of any crime ~~involving moral turpitude~~. *Suspension or dismissal based upon patronage, discrimination, or arbitrariness or for any conduct that is otherwise protected under state or federal law shall constitute an abuse of sound discretion. A law enforcement or correctional officer or a firefighter who has permanent status in the career service may only be suspended or dismissed for just cause. The* ~~Each~~ agency head shall ensure that all employees of the agency *have reasonable access to the agency's personnel manual* ~~are completely familiar with the agency's established procedures on disciplinary actions and grievances.~~

(2) The department shall establish rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service. *Except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff procedures shall not include any system whereby a career service employee with greater seniority has the option of selecting a different position not being eliminated, but either vacant or already occupied by an employee of less seniority, and taking that position, commonly referred to as "bumping."* Such rules shall be approved by the Administration Commission prior to their adoption by the department. *This subsection does not prohibit collective bargaining units from seeking to incorporate "bumping" in their collective bargaining agreements.*

(3)(a) *With regard to law enforcement or correctional officers or firefighters, when a layoff becomes necessary, such layoff shall be conducted within the competitive area identified by the agency head and approved by the Department of Management Services. Such competitive area shall be established taking into consideration the similarity of work; the organizational unit, which may be by agency, department, division, bureau, or other organizational unit; and the commuting area for the work affected.*

(b) Layoff procedures shall be developed to establish the relative merit and fitness of employees and shall include a formula for uniform application among *potentially adversely affected employees, or, with respect to law enforcement or correctional officers or firefighters, among all employees in the competitive area, taking into consideration the type of appointment, the length of service, and the evaluations of the employee's performance within the last 5 years of employment.*

(4) Any permanent career service employee subject to reduction in pay, transfer, layoff, or demotion from a class in which he or she has permanent status in the Career Service System shall be notified in writing by the agency prior to its taking such action. The notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. *As of January 1, 2002, such actions shall be appealable to the circuit court, or the aggrieved employee may request voluntary binding arbitration as provided in s. 109.240* ~~Public Employees Relations Commission, pursuant to s. 447.208 and rules adopted by the commission. Appeals based on the protections provided by the Whistle-blower's Act, ss. 112.3187-112.31895, must be filed with the Commission on Human Relations as provided for in that act.~~

(5)(a) Any permanent career service employee who is subject to suspension or dismissal shall receive written notice of such action at least 10 days prior to the date such action is to be taken. *Subsequent to such notice, and prior to the date the action is to be taken, an affected employee other than a law enforcement or correctional officer or a firefighter shall be given an opportunity to appear before the agency head or the agency head's designee to rebut the conclusion that reasonable*

*grounds exist for the suspension or dismissal.* Subsequent to such notice, and prior to the date the action is to be taken, ~~an the affected law enforcement or correctional officer or a firefighter~~ ~~employee~~ shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him or her. The notice to the employee required by this paragraph may be delivered to the employee personally or may be sent by certified mail with return receipt requested. An employee who is suspended or dismissed shall be entitled to a hearing before the Public Employees Relations Commission or its designated agent pursuant to s. 447.208 and rules adopted by the commission.

(b) In extraordinary situations such as when the retention of a permanent career service employee would result in damage to state property, would be detrimental to the best interest of the state, or would result in injury to the employee, a fellow employee, or some other person, such employee may be suspended or dismissed without 10 days' prior notice, provided that written or oral notice of such action, evidence of the reasons therefor, and an opportunity to rebut the charges are furnished to the employee prior to such dismissal or suspension. Such notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Agency compliance with the foregoing procedure requiring notice, evidence, and an opportunity for rebuttal must be substantiated. *As of January 1, 2002, any employee who is suspended or dismissed pursuant to the provisions of this paragraph shall be entitled to a hearing before the circuit court, or the aggrieved employee may request voluntary binding arbitration as provided in s. 109.240* ~~Public Employees Relations Commission or its designated agent pursuant to s. 447.208, except that such hearing shall be held no more than 20 days after the filing of the notice of appeal by the employee. Appeals based on the protections provided by the Whistle-blower's Act, ss. 112.3187-112.31895, must be filed with the Commission on Human Relations as provided for in that act.~~

(6) *For any alleged adverse agency action against an employee, other than a law enforcement or correctional officer or a firefighter, occurring on or after July 1, 2001, the adversely affected employee bears the burden of proof to establish by preponderance of the evidence that the agency head abused his or her discretion in suspending, dismissing, reducing the pay of, demoting, laying off, or transferring that employee and that no reasonable cause existed for the alleged adverse action taken by the agency, or that the alleged adverse action was in violation of s. 109.233. For any alleged adverse agency action against a law enforcement or correctional officer or a firefighter occurring on or after July 1, 2001, the agency must prove just cause for suspending, dismissing, reducing the pay of, demoting, laying off, or transferring that employee.*

(7)(6) A grievance process shall be available to career service employees. A grievance is defined as the dissatisfaction that occurs when an employee *believes* ~~thinks or feels~~ that any condition affecting the employee is unjust, inequitable, or a hinderance to effective operation, or creates a problem, except that an employee shall not have the right to file a grievance against performance evaluations unless *the employee alleges* ~~it is alleged~~ that the evaluation is based on factors other than the employee's performance. Claims of discrimination and sexual harassment, suspensions, reductions in pay, transfers, layoffs, demotions, and dismissals are not subject to the career service grievance process.

(8)(7) The department shall adopt rules for administration of the grievance process for career service employees. Such rules shall establish agency grievance procedures, eligibility, filing deadlines, forms, and review and evaluation governing the grievance process.

Section 51. Effective January 1, 2002, paragraph (a) of subsection (5) of section 109.227, Florida Statutes, as renumbered and amended by this act, is amended to read:

109.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(5)(a) Any permanent career service employee who is subject to suspension or dismissal shall receive written notice of such action at least 10 days prior to the date such action is to be taken. Subsequent to

such notice, and prior to the date the action is to be taken, an affected employee other than a law enforcement or correctional officer or a firefighter shall be given an opportunity to appear before the agency head or the agency head's designee to rebut the conclusion that reasonable grounds exist for the suspension or dismissal. Subsequent to such notice, and prior to the date the action is to be taken, an affected law enforcement or correctional officer or a firefighter shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him or her. The notice to the employee required by this paragraph may be delivered to the employee personally or may be sent by certified mail with return receipt requested. ~~As of January 1, 2002, an employee who is suspended or dismissed shall be entitled to a hearing before the circuit court, or the aggrieved employee may request voluntary binding arbitration as provided in s. 109.240 Public Employees Relations Commission or its designated agent pursuant to s. 447.208 and rules adopted by the commission. Appeals based on the protections provided by the Whistleblower's Act, ss. 112.3187-112.31895, must be filed with the Commission on Human Relations as provided for in that act.~~

Section 52. Section 110.233, Florida Statutes, is renumbered as section 109.233, Florida Statutes, and paragraph (a) of subsection (4) of said section is amended to read:

~~109.233 110.233~~ Political activities and unlawful acts prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the Constitution and laws of the United States. However, no employee in the career service shall:

(a) Hold, or be a candidate for, public office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, when authorized by his or her agency head and approved by the department of Management Services as involving no interest which conflicts or activity which interferes with his or her state employment, an employee in the career service may be a candidate for or hold local public office. The department of Management Services shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

Section 53. Section 110.235, Florida Statutes, is renumbered as section 109.235, Florida Statutes, and subsection (1) of said section is amended to read:

~~109.235 110.235~~ Training.—

(1) ~~It is the intent of the Legislature that~~ State agencies shall implement training programs that encompass modern management principles, and that provide the framework to develop human resources through empowerment, training, and rewards for productivity enhancement; to continuously improve the quality of services; and to satisfy the expectations of the public.

Section 54. Section 109.237, Florida Statutes, is created to read:

109.237 Office of Employee Relations.—

(1) *There is created within the Department of Management Services the Office of Employee Relations, hereinafter referred to as the "office." The Governor shall appoint an executive director of the office. The executive director shall serve at the pleasure of and report to the Governor. The executive director must be a member in good standing of The Florida Bar, have a minimum of 5 years of legal experience, and be knowledgeable regarding and have a background in the laws regarding state employees, the Career Service System, employee bargaining units, and collective bargaining. The executive director shall serve on a full-time basis, and shall personally, or through a representative of the office, carry out the purposes and functions of the office in accordance with state and federal law. The executive director shall be responsible for the administrative functions of the office. The executive director shall make all planning, personnel, and budgeting decisions with regard to the*

*office. The executive director shall be solely responsible for administering the voluntary binding arbitration program provided for by s. 109.240. The executive director, or the executive director's designee, shall be responsible for establishing and implementing a training and education program for all the office's employees with regard to their duties and responsibilities, procedural requirements, and applicable law, as appropriate for each employee's position.*

(2) *The executive director shall employ a general counsel and an administrative assistant to meet immediate staffing needs. The executive director, general counsel, and administrative assistant shall be paid annual salaries to be fixed by law. Such salaries shall be paid in equal monthly installments. The executive director, general counsel, and administrative assistant shall be reimbursed for necessary travel expenses, as provided in s. 112.061. Effective December 1, 2001, the executive director shall have the authority to employ such personnel as is necessary to carry out the duties and responsibilities of the office. These personnel shall be paid annual salaries fixed by law, in equal monthly installments, and such personnel shall be reimbursed for necessary travel expenses as provided in s. 112.061.*

(3) *The office, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction of the Department of Management Services. The office shall be a separate budget entity within the department's legislative budget request.*

(4) *The Department of Management Services shall provide the necessary office space, furniture, equipment, and supplies necessary for the startup of the office. The department shall further provide administrative support and service to the office to the extent requested by the executive director within the available resources of the department. The executive director may request the assistance of the Inspector General of the Department of Management Services in providing auditing services, and the Office of General Counsel of the department may provide assistance in rulemaking and other matters as needed to assist the office.*

(5) *The office shall make such expenditures, including expenditures for personal services and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, furniture, equipment, and supplies, and for printing and binding, as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities. All such expenditures by the office shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the executive director.*

(6) *The office may charge for copies of records and documents as provided for in s. 119.07.*

(7) *The office shall maintain and keep open during reasonable business hours an office at which its public records shall be kept. The office may conduct hearings at any place within the state.*

(8) *The office shall have a seal for authentication of its orders and proceedings, upon which shall be inscribed the words "State of Florida—Office of Employee Relations—Seal" and which shall be judicially noticed.*

(9) *The office is expressly authorized to provide by rule for, and to destroy, obsolete records of the office.*

(10) *Any hearing held or oral argument heard by the office pursuant to chapter 120 or this chapter shall be open to the public.*

(11) *Any hearing held by the office under this part shall be conducted in accordance with the provisions of ss. 120.569 and 120.57 by an employee of the office, or a person designated by the executive director, who is a member in good standing of The Florida Bar.*

Section 55. (1) Except as otherwise provided, effective January 1, 2002, section 109.240, Florida Statutes, is created to read:

109.240 Voluntary binding arbitration.—

(1) *Upon receipt of notice of an adverse agency action, any permanent career service employee may request voluntary binding arbitration*



administered by the Office of Employee Relations. As used in this section, "adverse agency action" means the suspension, dismissal, reduction in pay, demotion, layoff, or transfer of an employee. Any eligible employee choosing to participate in voluntary binding arbitration must file a written request for arbitration with the office no later than 14 days after the receipt of notice of the adverse agency action.

(2) The arbitration request must be submitted on a form prescribed by the office by rule. The form must be signed by the employee and must include stipulations that:

(a) The employee is voluntarily participating in binding arbitration pursuant to this section.

(b) The arbitration order is final and may not be set aside except for an error in law that is apparent on the record.

(c) The employee will faithfully abide by the arbitration order unless otherwise determined by a court of competent jurisdiction.

(3) Upon receipt of the arbitration request, the office shall provide written notice to the agency against which a request is made regarding the employee request for binding arbitration. The agency must participate in the requested binding arbitration. Binding arbitration shall not be conducted pursuant to this section unless the employee requests it.

(4)(a) The employee bears the burden of establishing by a preponderance of the evidence that the agency action complained of was adverse, that the agency head abused his or her discretion in taking the adverse agency action, and that no reasonable cause existed for the adverse agency action. This paragraph does not apply to law enforcement or correctional officers or firefighters.

(b) With regard to law enforcement or correctional officers or firefighters, the employer must prove just cause for the adverse agency action.

(5)(a) The voluntary binding arbitration shall be heard and determined by an employee panel that consists of three randomly selected career service employees chosen by the office in a manner to ensure a balanced representation of employees from each pay classification. At least one of the employees selected to serve on an employee panel must be a member of the same pay classification as the employee requesting binding arbitration. This paragraph does not apply to law enforcement or correctional officers or firefighters.

(b) With regard to law enforcement or correctional officers or firefighters, the voluntary binding arbitration shall be heard and determined by an employee panel that consists of three career service employees selected as follows:

1. One panel member who is a member of the same pay classification as the employee requesting the voluntary binding arbitration, selected by that employee.

2. One panel member who is a member of the same pay classification as the employee requesting the voluntary binding arbitration, selected by the employer.

3. One panel member jointly selected by the other two panel members. If the two panel members do not agree on the jointly selected panel member, within 10 working days after the appeal is submitted, the parties shall jointly request the Federal Mediation and Conciliation Service to furnish a panel of seven names from which each party shall have the option, within 5 days of receipt, of striking three names in alternating fashion. The seventh or remaining name shall serve as the third panel member. The parties shall jointly notify the panel member of his or her selection. Either party may object to all names on the list, provided the objection is made prior to the commencement of the striking process. If this occurs, the objecting party may request the Federal Mediation and Conciliation Service to furnish another list of names. No more than two lists may be requested.

(c) The employee panel shall receive procedural direction and legal advice from the arbitrator appointed by the office.

(d) No employee currently employed or employed within the preceding 6 months by the agency participating in the binding arbitration shall be selected for an employee panel. Employees selected to serve on an employee panel shall hear all evidence submitted by the parties in arbitration and their decision shall be governed by the statutory burden of proof. The office shall reimburse agencies for the daily tasks of each agency employee that serves on an employee panel.

(e) The employee panel shall make all findings of fact and determination of claims. The arbitrator shall draft the arbitration decision for submission to the members of the employee panel for their approval and signatures. Unless otherwise provided in the decision, the decision shall become final 10 days after its execution by the panel.

(6) Any party may be represented by counsel or another appointed representative. The arbitrator and employee panel must complete all arbitration of the employee's claims raised in the request within 60 days after receipt of the claim. The arbitrator may extend the 60-day period upon request of the parties or at the request of one party, after a hearing on that party's request for extension.

(7)(a) The arbitrator selected by the office shall not be an employee within the Career Service System, the Select Management Service, or the Selected Exempt Service. Each selected arbitrator must, at a minimum, meet the following requirements:

1. Completion of a Florida Supreme Court certified circuit or county arbitration program, or other arbitration program approved by the office, in addition to a minimum of 1 day of training in the application of this chapter and chapter 447 and any rules adopted thereunder.

2. Compliance with the Code of Ethics for Arbitrators in Employment Disputes published by the American Arbitration Association and the American Bar Association in 1977, as amended.

3. Membership in good standing in The Florida Bar.

(b) The arbitrator shall have authority to commence and adjourn the arbitration hearing. The arbitrator shall not have authority to hold any person in contempt or to in any way impose sanctions against any person. The arbitrator shall provide assistance to the employee panel on questions of law.

(c) The arbitrator shall schedule all arbitration proceedings, including the date, time, and location of such proceedings and provide notice of the arbitration proceeding to the parties at least 5 days in advance of the hearing date, unless otherwise agreed to by the parties. The arbitrator has the discretion to grant a continuance for reasonable cause.

(d) The arbitrator may set a preliminary conference and require all parties to file a statement of position prior to the conference. The statement of position may include stipulations of the parties to uncontested facts and applicable law, citations to all governing statutory or regulatory laws that control the controversy, a list of issues of fact and law that are in dispute, any proposals designed to expedite the arbitration process, a list of documents exchanged by the parties and a schedule for the delivery of any additional relevant documents, identification of witnesses expected to be called during the arbitration proceeding accompanied by a short summary of their expected testimony, and any other matters specified by the arbitrator.

(8) The duties of the office in administering voluntary binding arbitration pursuant to this section include, but are not limited to, the following:

(a) Supporting the arbitration process, including the filing and noticing of all arbitration requests, objections, and other party communications; the selection of the arbitrator; and the design and operation of the employee panel pool.

(b) Providing for the selection of the employee panel and arbitrator, which includes:

1. Providing selection notice to all parties, the arbitrator, and the employee panel participants.

2. Securing a signed disclosure statement from each appointed arbitrator and selected employee describing any circumstances likely to affect impartiality, including any bias or any financial or personal interest with either party or any present or past relationship with the employee seeking binding arbitration, and making these disclosure statements available to the parties. The duty to disclose shall be a continuing obligation throughout the arbitration process.

3. Filling vacancies.

4. Compensating arbitrators, provided that an arbitrator's fees and expenses shall not exceed \$500 per day for case preparation, prehearing conferences, hearings, and preparation of the arbitration order.

5. Making an electronic recording of each arbitration proceeding, including preconference hearings, even when a party chooses to make a stenographic recording of the arbitration proceeding at that party's expense.

(c) Publishing the final arbitration order submitted to the office by both parties and the arbitrator.

(9) The office shall maintain records of each dispute submitted to voluntary binding arbitration, including the recordings of the arbitration hearings. All records maintained by the office under this section shall be public records and shall be available for inspection upon reasonable notice.

(10) The arbitration proceedings shall be governed by the following procedural requirements:

(a) A party may object to the arbitrator or any employee on the panel based on the arbitrator's or employee's past or present, direct or indirect, relationship with either party or either party's attorney, whether that relationship was or is financial, professional, or social. The arbitrator shall consider any objection to a panel employee, determine its validity, and notify the parties of his or her determination. If the objection is determined valid, the office shall assign another employee from the employee panel pool. The office shall consider any objection to the arbitrator, determine its validity, and notify the parties of its determination. If the objection is determined valid, the office shall appoint another arbitrator.

(b) The arbitrator has the power to issue subpoenas, and to effect discovery on the written request of any party by any means available to the courts and in the manner provided in the Florida Rules of Civil Procedure, including the imposition of sanctions, excluding contempt. Fees for attendance of witnesses shall be the same as that provided in civil actions in circuit courts of this state.

(c) At all arbitration proceedings, the parties may present oral and written testimony, present witnesses and evidence relevant to the dispute, cross-examine witnesses, and be represented by counsel. The arbitrator shall record the arbitration hearing and shall have the power to administer oaths.

(d) The arbitrator may continue a hearing on his or her own motion or upon the request of the party for good cause shown. A request for continuance by the employee constitutes a waiver of the 60-day time period for completion of all arbitration proceedings authorized under this section.

(e) The employee panel shall render its decision within 10 days after the closing of the hearing. The decision shall be in writing on a form prescribed or adopted by the office. The arbitrator shall send a copy of the decision to the parties by registered mail.

(f) Unless otherwise provided, the arbitration decision rendered by the employee panel and any appeals thereof are exempt from the provisions of chapter 120.

(11)(a) The office shall establish rules of procedure governing the arbitration process. Such rules shall include, but are not limited to:

1. The exchange and filing of information among the parties.

2. Discovery.

3. Offering evidence.

4. Calling and excluding witnesses.

5. Submitting evidence by affidavit.

6. Attendance of the parties and witnesses.

7. The order of proceedings.

(b) The office may adopt additional rules necessary to implement this section.

(12) Either party may make application to the circuit court for the county in which one of the parties resides or has a place of business, or the county where the arbitration hearing was held, for an order confirming, vacating, or modifying the arbitration decision. Such application must be filed within 30 days after the later of the moving party's receipt of the written decision or the date the decision becomes final. Upon filing such application, the moving party shall mail a copy to the office and, upon entry of any judgment or decree, shall mail a copy of such judgment or decree to the office. A review of such application to circuit court shall be limited to review on the record and not de novo, of:

(a) Any alleged failure of the arbitrator to comply with the applicable rules of procedure or evidence.

(b) Any alleged partiality or misconduct by an arbitrator prejudicing the rights of any party.

(c) Whether the decision reaches a result contrary to the United States Constitution or the Florida Constitution.

If the arbitrator and employee panel fail to state findings or reasons for the stated decision, or the findings and reasons are inadequate, the court shall search the record to determine whether a basis exists to uphold the decision.

(13) The office, the arbitrator, and the employee panel shall have absolute immunity from liability arising from the performance of their duties while acting within the scope of their appointed function in any arbitration conducted under this section.

(2) For purposes of rulemaking by the Office of Employee Relations, subsection (11) of s. 109.240, Florida Statutes, as created by this section, shall take effect July 1, 2001.

Section 56. Section 110.401, Florida Statutes, is renumbered as section 109.401, Florida Statutes, and amended to read:

~~109.401~~ ~~110.401~~ Declaration of policy.—~~It is the intent of~~ This part creates ~~to create~~ a uniform system for attracting, retaining, and developing highly competent senior-level managers at the highest executive-management-level agency positions in order for the highly complex programs and agencies of state government to function effectively, efficiently, and productively. The Legislature recognizes that senior-level management is an established profession and that the public interest is best served by developing and refining the management skills of its Senior Management Service employees. Accordingly ~~To this end,~~ training and management-development programs are regarded as a major administrative function within agencies.

Section 57. Section 110.402, Florida Statutes, is renumbered as section 109.402, Florida Statutes, and subsection (2) of said section is amended to read:

~~109.402~~ ~~110.402~~ Senior Management Service; creation, coverage.—

(2) The Senior Management Service shall be limited to those positions which are exempt from the Career Service System by s. 109.205(2) ~~110.205(2)~~ and for which the salaries and benefits are set by the department in accordance with the rules of the Senior Management Service.

Section 58. Section 110.403, Florida Statutes, is renumbered as section 109.403, Florida Statutes, and amended to read:

~~109.403~~ ~~110.403~~ Powers and duties of the Department of Management Services.—

(1) ~~In order to implement the purposes of this part,~~ The department of ~~Management Services~~, after approval by the Administration Commission, shall adopt and amend rules ~~that provide~~ providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed 0.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

(b) A performance appraisal system which shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

(c) A classification plan and a salary and benefit plan that provides appropriate incentives for the recruitment and retention of outstanding management personnel and provides for salary increases based on performance.

(d) A system of rating duties and responsibilities for positions within the Senior Management Service and the qualifications of candidates for those positions.

(e) A system for documenting actions taken on agency requests for approval of position exemptions and special pay increases.

(f) Requirements regarding recordkeeping by agencies with respect to Senior Management Service positions. Such records shall be audited periodically by the department of ~~Management Services~~ to determine agency compliance with the provisions of this part and ~~with the department's rules of the Department of Management Services.~~

(g) Other procedures relating to personnel administration to carry out the purposes of this part.

(h) A program of affirmative and positive action that will ensure full utilization of ~~the rich diversity of Florida's human resources~~ ~~women and minorities~~ in Senior Management Service positions.

(2) The powers, duties, and functions of the department of ~~Management Services~~ shall include responsibility for the policy administration of the Senior Management Service.

(3) The department of ~~Management Services~~ shall have the following additional responsibilities:

(a) To establish and administer a professional development program which shall provide for the systematic development of managerial, executive, or administrative skills.

(b) To promote public understanding of the purposes, policies, and programs of the Senior Management Service.

(c) To approve contracts of employing agencies with persons engaged in the business of conducting multistate executive searches to identify qualified and available applicants for Senior Management Service positions for which the department of ~~Management Services~~ sets salaries in accordance with the classification and pay plan. Such contracts may be entered by the agency head only after completion of an unsuccessful in-house search. The department of ~~Management Services~~ shall establish, by rule, the minimum qualifications for persons desiring to conduct executive searches, including a requirement for the use of contingency contracts. ~~These~~ Such rules shall ensure that such persons possess the requisite capacities to perform effectively at competitive

industry prices. ~~These~~ The Department of Management Services shall ~~make the rules~~ shall also required pursuant to this paragraph in such a manner as to comply with state and federal laws and regulations governing equal opportunity employment.

(4) All policies and procedures adopted by the department of ~~Management Services~~ regarding the Senior Management Service shall comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

(5) The department of ~~Management Services~~ shall adopt, by rule, procedures for Senior Management Service employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Section 59. Effective July 1, 2001, paragraph (a) of subsection (1) of section 109.403, Florida Statutes, as renumbered and amended by this act, is amended to read:

109.403 Powers and duties of the Department of Management Services.—

(1) The department, after approval by the Administration Commission, shall adopt and amend rules which provide for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed ~~1.5~~ ~~0.5~~ percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

Section 60. ~~Section 110.405, Florida Statutes, is renumbered as section 109.405, Florida Statutes.~~

Section 61. Section 110.406, Florida Statutes, is renumbered as section 109.406, Florida Statutes, and paragraph (a) of subsection (2) and subsection (3) of said section are amended to read:

~~109.406~~ ~~110.406~~ Senior Management Service; data collection.—

(2) The data required by this section shall include:

(a) A detailed description of the specific actions that have been taken by the department to implement the provisions of s. ~~109.403~~ ~~110.403~~.

(3) To assist in the preparation of the data required by this section, the secretary may hire a consultant with expertise in the field of personnel management and may use the services of the advisory committee authorized in s. ~~109.405~~ ~~110.405~~.

Section 62. ~~Section 110.501, Florida Statutes, is renumbered as section 109.501, Florida Statutes.~~

Section 63. Section 110.502, Florida Statutes, is renumbered as section 109.502, Florida Statutes, and subsections (2) and (3) of said section are amended to read:

~~109.502~~ ~~110.502~~ Scope of act; status of volunteers.—

(2) Volunteers recruited, trained, or accepted by any state department or agency shall not be subject to any provisions of law relating to state employment, to any collective bargaining agreement between the state and any employees' association or union, or to any laws relating to hours of work, rates of compensation, leave time, and employee benefits, except those consistent with s. ~~109.504~~ ~~110.504~~.

However, all volunteers shall comply with applicable department or agency rules.

(3) Every department or agency utilizing the services of volunteers is hereby authorized to provide such incidental reimbursement or benefit consistent with the provisions of s. 109.504 ~~110.504~~, including transportation costs, lodging, and subsistence, recognition, and other accommodations as the department or agency deems necessary to assist, recognize, reward, or encourage volunteers in performing their functions. No department or agency shall expend or authorize an expenditure therefor in excess of the amount provided for to the department or agency by appropriation in any fiscal year.

Section 64. Sections 110.503 and 110.504, Florida Statutes, are renumbered as sections 109.503 and 109.504, Florida Statutes, respectively.

Section 65. Section 110.601, Florida Statutes, is renumbered as section 109.601, Florida Statutes, and amended to read:

~~109.601 110.601~~ Declaration of policy.—~~It is the purpose of This part creates to create~~ a system of personnel management ~~the purpose of which is to deliver which ensures to the state the delivery of~~ high-quality performance by those employees in select exempt classifications by facilitating the state's ability to attract and retain qualified personnel in these positions, while also providing sufficient management flexibility to ensure that the workforce is responsive to agency needs. The Legislature recognizes that the public interest is best served by developing and refining the technical and managerial skills of its Selected Exempt Service employees, and, to this end, technical training and management development programs are regarded as a major administrative function within agencies.

Section 66. Section 110.602, Florida Statutes, is renumbered as section 109.602, Florida Statutes, and amended to read:

~~109.602 110.602~~ Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 109.205(2) and (5) ~~110.205(2) and (5)~~ and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. The department shall designate all positions included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking. In no event shall the number of positions included in the Selected Exempt Service, excluding those positions designated as professional or nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.

Section 67. Effective July 1, 2001, section 109.602, Florida Statutes, as renumbered and amended by this act, is amended to read:

109.602 Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 109.205(2) and (5) and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. The department shall designate all positions included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking. ~~In no event shall the number of positions included in the Selected Exempt Service, excluding those positions designated as professional or nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established~~

~~in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.~~

Section 68. Sections 110.603 and 110.604, Florida Statutes, are renumbered as sections 109.603 and 109.604, Florida Statutes, respectively.

Section 69. Section 110.605, Florida Statutes, is renumbered as section 109.605, Florida Statutes, and subsection (1) of said section is amended to read:

109.605 ~~110.605~~ Powers and duties; personnel rules, records, reports, and performance appraisal.—

(1) The department shall adopt and administer uniform personnel rules, records, and reports relating to employees and positions in the Selected Exempt Service, as well as any other rules and procedures relating to personnel administration which are necessary to carry out the purposes of this part.

(a) The department shall develop uniform forms and instructions to be used in reporting transactions which involve changes in an employee's salary, status, performance, leave, fingerprint record, loyalty oath, payroll change, or appointment action or any additional transactions as the department may deem appropriate.

~~(b) It is the responsibility of the employing agency to maintain these records and all other records and reports prescribed in applicable rules on a current basis.~~

~~(b)(e)~~ The department shall develop a uniform performance appraisal system for employees and positions in the Selected Exempt Service covered by a collective bargaining agreement. Each employing agency shall develop a performance appraisal system for all other employees and positions in the Selected Exempt System. Such agency system shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

~~(c)(d)~~ The employing agency must maintain, on a current basis, all records and reports required by applicable rules. The department shall periodically audit employing agency records to determine compliance with the provisions of this part and the rules of the department.

~~(d)(e)~~ The department shall develop a program of affirmative and positive actions that will ensure full utilization of the rich diversity of Florida's human resources ~~women and minorities~~ in Selected Exempt Service positions.

Section 70. Section 110.606, Florida Statutes, is renumbered as section 109.606, Florida Statutes, and paragraph (c) of subsection (2) of said section is amended to read:

109.606 ~~110.606~~ Selected Exempt Service; data collection.—

(2) The data required by this section shall include:

(c) In addition, as needed, ~~the data shall include:~~

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

Section 71. (1) Sections 109.105 through 109.191, Florida Statutes, are designated as part I of chapter 109, Florida Statutes, to be entitled "General State Employment Provisions."

(2) Sections 109.201 through 109.240, Florida Statutes, are designated as part II of chapter 109, Florida Statutes, to be entitled "Career Service System."

(3) Sections 109.401 through 109.406, Florida Statutes, are designated as part III of chapter 109, Florida Statutes, to be entitled "Senior Management Service System."

(4) Sections 109.501 through 109.504, Florida Statutes, are designated as part IV of chapter 109, Florida Statutes, to be entitled "Volunteers."

(5) Sections 109.601 through 109.606, Florida Statutes, are designated as part V of chapter 109, Florida Statutes, to be entitled "Selected Exempt Service System."

Section 72. Paragraph (c) of subsection (2) and paragraph (d) of subsection (3) of section 20.171, Florida Statutes, are amended to read:

20.171 Department of Labor and Employment Security.—There is created a Department of Labor and Employment Security. The department shall operate its programs in a decentralized fashion.

(2)

(c) The managers of all divisions and offices specifically named in this section and the directors of the five field offices are exempt from part II of chapter 109 ~~110~~ and are included in the Senior Management Service in accordance with s. 109.205(2)(i) ~~110.205(2)(i)~~. No other assistant secretaries or senior management positions at or above the division level, except those established in chapter 109 ~~110~~, may be created without specific legislative authority.

(3)

(d)1. The secretary shall appoint a comptroller who shall be responsible to the assistant secretary. This position is exempt from part II of chapter 109 ~~110~~.

2. The comptroller is the chief financial officer of the department and shall be a proven, effective administrator who, by a combination of education and experience, clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller shall hold an active license to practice public accounting in this state pursuant to chapter 473 or in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system which will in a timely manner accurately reflect the revenues and expenditures of the department and which shall include a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and shall be responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies which examine the cost-effectiveness and feasibility of contracting for services and operations performed by the department. The review shall state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data.

3. The comptroller may be required to give bond as provided by s. 20.05(4).

4. The department shall, by rule or internal management memoranda as required by chapter 120, provide for the maintenance by the comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system for the prompt payment of the just obligations of the department, which records must at all times disclose:

a. The several appropriations available for the use of the department.

b. The specific amounts of each such appropriation budgeted by the department for each improvement or purpose.

c. The apportionment or division of all such appropriations among the several counties and field offices, when such apportionment or division is made.

d. The amount or portion of each such apportionment against general contractual and other obligations of the department.

e. The amount expended and still to be expended in connection with each contractual and each other obligation of the department.

f. The expense and operating costs of the various activities of the department.

g. The receipts accruing to the department and the distribution thereof.

h. The assets, investments, and liabilities of the department.

i. The cash requirements of the department for a 36-month period.

5. The comptroller shall maintain a separate account for each fund administered by the department.

6. The comptroller shall perform such other related duties as may be designated by the department.

Section 73. Subsection (3) of section 20.18, Florida Statutes, is amended to read:

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

(3) Unless otherwise provided by law, the Secretary of Community Affairs shall appoint the directors or executive directors of any commission or council assigned to the department, who shall serve at his or her pleasure as provided for division directors in s. 109.205 ~~110.205~~. The appointment or termination by the secretary will be done with the advice and consent of the commission or council; and the director or executive director may employ, subject to departmental rules and procedures, such personnel as may be authorized and necessary.

Section 74. Subsection (6) of section 20.21, Florida Statutes, is amended to read:

20.21 Department of Revenue.—There is created a Department of Revenue.

(6) Notwithstanding the provisions of s. 109.123 ~~110.123~~, relating to the state group insurance program, the department may pay, or participate in the payment of, premiums for health, accident, and life insurance for its full-time out-of-state employees, pursuant to such rules as it may adopt, and such payments shall be in addition to the regular salaries of such full-time out-of-state employees.

Section 75. Paragraph (d) of subsection (1), paragraph (h) of subsection (2), paragraphs (d), (f), (h), and (i) of subsection (3), paragraphs (c) and (d) of subsection (4), and subsection (5) of section 20.23, Florida Statutes, are amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)

(d) Any secretary appointed after July 5, 1989, and the assistant secretaries shall be exempt from the provisions of part III of chapter 109 ~~110~~ and shall receive compensation commensurate with their qualifications and competitive with compensation for comparable responsibility in the private sector. When the salary of any assistant secretary exceeds the limits established in part III of chapter 109 ~~110~~, the Governor shall approve said salary.

(2)

(h) The commission shall appoint an executive director and assistant executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 109 110 and shall serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service; provided, however, that the commission shall have complete authority for fixing the salary of the executive director and assistant executive director.

(3)

(d)1. Policy, program, or operations offices shall be established within the central office for the purposes of:

a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures;

b. Performing statewide activities which it is more cost-effective to perform in a central location;

c. Assessing and ensuring the accuracy of information within the department's financial management information systems; and

d. Performing other activities of a statewide nature.

2. The following offices are established and shall be headed by a manager, each of whom shall be appointed by and serve at the pleasure of the secretary. The positions shall be classified at a level equal to a division director:

a. The Office of Administration;

b. The Office of Policy Planning;

c. The Office of Design;

d. The Office of Highway Operations;

e. The Office of Right-of-Way;

f. The Office of Toll Operations;

g. The Office of Information Systems; and

h. The Office of Motor Carrier Compliance.

3. Other offices may be established in accordance with s. 20.04(7). The heads of such offices are exempt from part II of chapter 109 110. No office or organization shall be created at a level equal to or higher than a division without specific legislative authority.

4. During the construction of a major transportation improvement project or as determined by the district secretary, the department may provide assistance to a business entity significantly impacted by the project if the entity is a for-profit entity that has been in business for 3 years prior to the beginning of construction and has direct or shared access to the transportation project being constructed. The assistance program shall be in the form of additional guarantees to assist the impacted business entity in receiving loans pursuant to Title 13 C.F.R. part 120. However, in no instance shall the combined guarantees be greater than 90 percent of the loan. The department shall adopt rules to implement this subparagraph.

(f)1. Within the central office there is created an Office of Management and Budget. The head of the Office of Management and Budget is responsible to the Assistant Secretary for Finance and Administration and is exempt from part II of chapter 109 110.

2. The functions of the Office of Management and Budget include, but are not limited to:

a. Preparation of the work program;

b. Preparation of the departmental budget; and

c. Coordination of related policies and procedures.

3. The Office of Management and Budget shall also be responsible for developing uniform implementation and monitoring procedures for all activities performed at the district level involving the budget and the work program.

(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. To comply with recommended professional auditing standards related to independence and objectivity, the inspector general shall be appointed to a position within the Career Service System and may be removed by the secretary with the concurrence of the Transportation Commission. In order to attract and retain an individual who has the proven technical and administrative skills necessary to comply with the requirements of this section, the agency head may appoint the inspector general to a classification level within the Career Service System that is equivalent to that provided for in part III of chapter 109 110. The inspector general may be organizationally located within another unit of the department for administrative purposes, but shall function independently and be directly responsible to the secretary pursuant to s. 20.055. The duties of the inspector general shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The inspector general shall give priority to reviewing major parts of the department's accounting system and central office monitoring function to determine whether such systems effectively ensure accountability and compliance with all laws, rules, policies, and procedures applicable to the operation of the department. The inspector general shall also give priority to assessing the department's management information systems as required by s. 282.318. The internal audit function shall use the necessary expertise, in particular, engineering, financial, and property appraising expertise, to independently evaluate the technical aspects of the department's operations. The inspector general shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his or her duties. The inspector general is responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing standards. The inspector general shall annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of contracts executed by the department with private entities and other governmental entities. The inspector general has the sole responsibility for the contents of his or her reports, and a copy of each report containing his or her findings and recommendations shall be furnished directly to the secretary and the commission.

2. In addition to the authority and responsibilities herein provided, the inspector general is required to report to the:

a. Secretary whenever the inspector general makes a preliminary determination that particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the department have occurred. The secretary shall review and assess the correctness of the preliminary determination by the inspector general. If the preliminary determination is substantiated, the secretary shall submit such report to the appropriate committees of the Legislature within 7 calendar days, together with a report by the secretary containing any comments deemed appropriate. Nothing in this section shall be construed to authorize the public disclosure of information which is specifically prohibited from disclosure by any other provision of law.

b. Transportation Commission and the Legislature any actions by the secretary that prohibit the inspector general from initiating, carrying out, or completing any audit after the inspector general has decided to initiate, carry out, or complete such audit. The secretary shall, within 30 days after transmission of the report, set forth in a

statement to the Transportation Commission and the Legislature the reasons for his or her actions.

(i)1. The secretary shall appoint a comptroller who is responsible to the Assistant Secretary for Finance and Administration. This position is exempt from part II of chapter 109 ~~110~~.

2. The comptroller is the chief financial officer of the department and must be a proven, effective administrator who by a combination of education and experience clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller must hold an active license to practice public accounting in Florida pursuant to chapter 473 or an active license to practice public accounting in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system that will in a timely manner accurately reflect the revenues and expenditures of the department and that includes a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and is responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies that examine the cost-effectiveness and feasibility of contracting for services and operations performed by the department. The review must state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data.

3. The department shall by rule or internal management memoranda as required by chapter 120 provide for the maintenance by the comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system for the prompt payment of the just obligations of the department, which records must at all times disclose:

- a. The several appropriations available for the use of the department;
  - b. The specific amounts of each such appropriation budgeted by the department for each improvement or purpose;
  - c. The apportionment or division of all such appropriations among the several counties and districts, when such apportionment or division is made;
  - d. The amount or portion of each such apportionment against general contractual and other liabilities then created;
  - e. The amount expended and still to be expended in connection with each contractual and other obligation of the department;
  - f. The expense and operating costs of the various activities of the department;
  - g. The receipts accruing to the department and the distribution thereof;
  - h. The assets, investments, and liabilities of the department; and
  - i. The cash requirements of the department for a 36-month period.
4. The comptroller shall maintain a separate account for each fund administered by the department.
5. The comptroller shall perform such other related duties as designated by the department.

(4)

(c) Each district secretary may appoint a district director for planning and programming, a district director for production, and a district director for operations. These positions are exempt from part II of chapter 109 ~~110~~.

(d) Within each district, offices shall be established for managing major functional responsibilities of the department. The offices may include planning, design, construction, right-of-way, maintenance, and public transportation. The heads of these offices shall be exempt from part II of chapter 109 ~~110~~.

(5) Notwithstanding the provisions of s. 109.205 ~~110.205~~, the Department of Management Services is authorized to exempt positions within the Department of Transportation which are comparable to positions within the Senior Management Service pursuant to s. 109.205(2)(i) ~~110.205(2)(i)~~ or positions which are comparable to positions in the Selected Exempt Service under s. 109.205(2)(l) ~~110.205(2)(l)~~.

Section 76. Subsection (2) of section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(2)(a) There shall be three deputy secretaries who are to be appointed by and shall serve at the pleasure of the secretary. The secretary may assign any deputy secretary the responsibility to supervise, coordinate, and formulate policy for any division, office, or district. The following special offices are established and headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary:

- 1. Office of Chief of Staff,
- 2. Office of General Counsel,
- 3. Office of Inspector General,
- 4. Office of External Affairs,
- 5. Office of Legislative and Government Affairs, and
- 6. Office of Greenways and Trails.

(b) There shall be six administrative districts involved in regulatory matters of waste management, water resource management, wetlands, and air resources, which shall be headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary. Divisions of the department may have one assistant or two deputy division directors, as required to facilitate effective operation.

The managers of all divisions and offices specifically named in this section and the directors of the six administrative districts are exempt from part II of chapter 109 ~~110~~ and are included in the Senior Management Service in accordance with s. 109.205(2)(i) ~~110.205(2)(i)~~.

Section 77. Paragraph (b) of subsection (3) and paragraph (e) of subsection (6) of section 20.315, Florida Statutes, are amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(3) SECRETARY OF CORRECTIONS.—The head of the Department of Corrections is the Secretary of Corrections. The secretary is appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor. The secretary is responsible for planning, coordinating, and managing the corrections system of the state. The secretary shall ensure that the programs and services of the department are administered in accordance with state and federal laws, rules, and regulations, with established program standards, and consistent with legislative intent. The secretary shall identify the need for and recommend funding for the secure and efficient operation of the state correctional system.

(b) The secretary shall appoint a general counsel and an inspector general, who are exempt from part II of chapter 109 ~~110~~ and are included in the Senior Management Service.

(6) FLORIDA CORRECTIONS COMMISSION.—

(e) The commission shall appoint an executive director and an assistant executive director, who shall serve under the direction,

supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 109 ~~110~~ and serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service rules; however, the commission shall have complete authority for fixing the salaries of the executive director and the assistant executive director. The executive director and staff of the Task Force for Review of the Criminal Justice and Corrections System, created under chapter 93-404, Laws of Florida, shall serve as the staff for the commission until the commission hires an executive director.

Section 78. Paragraph (d) of subsection (20) of section 24.105, Florida Statutes, is amended to read:

24.105 Powers and duties of department.—The department shall:

(20) Employ division directors and other staff as may be necessary to carry out the provisions of this act; however:

(d) The department shall establish and maintain a personnel program for its employees, including a personnel classification and pay plan which may provide any or all of the benefits provided in the Senior Management Service or Selected Exempt Service. Each officer or employee of the department shall be a member of the Florida Retirement System. The retirement class of each officer or employee shall be the same as other persons performing comparable functions for other agencies. Employees of the department shall serve at the pleasure of the secretary and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the secretary. Such personnel actions are exempt from the provisions of chapter 120. All employees of the department are exempt from the Career Service System provided in chapter 109 ~~110~~ and, notwithstanding the provisions of s. 109.205(5) ~~110.205(5)~~, are not included in either the Senior Management Service or the Selected Exempt Service. However, all employees of the department are subject to all standards of conduct adopted by rule for career service and senior management employees pursuant to chapter 109 ~~110~~. In the event of a conflict between standards of conduct applicable to employees of the Department of the Lottery the more restrictive standard shall apply. Interpretations as to the more restrictive standard may be provided by the Commission on Ethics upon request of an advisory opinion pursuant to s. 112.322(3)(a), for purposes of this subsection the opinion shall be considered final action.

Section 79. Paragraph (d) of subsection (4) of section 24.122, Florida Statutes, is amended to read:

24.122 Exemption from taxation; state preemption; inapplicability of other laws.—

(4) Any state or local law providing any penalty, disability, restriction, or prohibition for the possession, manufacture, transportation, distribution, advertising, or sale of any lottery ticket, including chapter 849, shall not apply to the tickets of the state lottery operated pursuant to this act; nor shall any such law apply to the possession of a ticket issued by any other government-operated lottery. In addition, activities of the department under this act are exempt from the provisions of:

(d) Section 109.131 ~~110.131~~, relating to other personal services.

Section 80. Subsection (1) of section 68.087, Florida Statutes, is amended to read:

68.087 Exemptions to civil actions.—

(1) No court shall have jurisdiction over an action brought under this act against a member of the Legislature, a member of the judiciary, or a senior executive branch official if the action is based on evidence or information known to the state government when the action was brought. For purposes of this subsection, the term “senior executive branch official” means any person employed in the executive branch of

government holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~.

Section 81. Subsection (3) of section 104.31, Florida Statutes, is amended to read:

104.31 Political activities of state, county, and municipal officers and employees.—

(3) Nothing contained in this section or in any county or municipal charter shall be deemed to prohibit any public employee from expressing his or her opinions on any candidate or issue or from participating in any political campaign during the employee’s off-duty hours, so long as such activities are not in conflict with the provisions of subsection (1) or s. 109.233 ~~110.233~~.

Section 82. Subsection (3) of section 106.082, Florida Statutes, is amended to read:

106.082 Commissioner of Agriculture candidates; campaign contribution limits.—

(3) No employee of the Department of Agriculture may solicit a campaign contribution for any candidate for the office of Commissioner of Agriculture from any person or business who is licensed, inspected, or otherwise authorized to do business as a food outlet or convenience store pursuant to chapter 500; or any director, officer, lobbyist, or controlling interest of that person; or any political committee or committee of continuous existence that represents that person. For purposes of this section, “employee of the department” means any person employed in the Department of Agriculture holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~; any person holding a position in the Selected Exempt Service as defined in s. 109.602 ~~110.602~~; any person having authority over food outlet or convenience store regulation, or inspection supervision; or any person, hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

Section 83. Subsection (4) of section 106.24, Florida Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers; duties.—

(4) The commission shall appoint an executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations. All employees, except the executive director and attorneys, are subject to part II of chapter 109 ~~110~~. The executive director shall serve at the pleasure of the commission and be subject to part III of chapter 109 ~~110~~, except that the commission shall have complete authority for setting the executive director’s salary. Attorneys employed by the commission shall be subject to part V of chapter 109 ~~110~~.

Section 84. Subsection (4) of section 112.044, Florida Statutes, is amended to read:

112.044 Public employers, employment agencies, labor organizations; discrimination based on age prohibited; exceptions; remedy.—

(4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the state who is within the Career Service System established by chapter 109 ~~110~~ and who is aggrieved by a violation of this act may appeal to the Public Employees Relations Commission under the conditions and following the procedures prescribed in part II of chapter 447. Any person other than an employee who is within the Career Service System established by chapter 109 ~~110~~, or any person employed by the Public Employees Relations Commission, who is aggrieved by a violation of this act may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this act.

Section 85. Section 112.0805, Florida Statutes, is amended to read:



112.0805 Employer notice of insurance eligibility to employees who retire.—Any employer who provides insurance coverage under s. 109.123 ~~110.123~~ or s. 112.0801 shall notify those employees who retire of their eligibility to participate in either the same group insurance plan or self-insurance plan as provided in ss. 109.123 ~~110.123~~ and 112.0801, or the insurance coverage as provided by this law.

Section 86. Paragraph (a) of subsection (9) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. “Employee” means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~ or any person holding a position in the Selected Exempt Service as defined in s. 109.602 ~~110.602~~ or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director of the Legislative Committee on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Regents; and the president, vice presidents, and deans of each state university.

(VI) Any person having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. “Appointed state officer” means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. “State agency” means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

4. No agency employee shall personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989;

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

Section 87. Paragraph (a) of subsection (5) of section 112.3189, Florida Statutes, is amended to read:

112.3189 Investigative procedures upon receipt of whistle-blower information from certain state employees.—

(5)(a) If the Chief Inspector General or agency inspector general under subsection (3) determines that the information disclosed is the type of information described in s. 112.3187(5), that the source of the information is from a person who is an employee or former employee of, or an applicant for employment with, a state agency, as defined in s. 216.011, and that the information disclosed demonstrates reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating a substantial and specific danger to the public’s health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty, the Chief Inspector General or agency inspector general making such determination shall then conduct an investigation, unless the Chief Inspector General or the agency inspector general determines, within 30 days after receiving the allegations from the complainant, that such investigation is unnecessary. For purposes of this subsection, the Chief Inspector General or the agency inspector general shall consider the following factors, but is not limited to only the following factors, when deciding whether the investigation is not necessary:

1. The gravity of the disclosed information compared to the time and expense of an investigation.

2. The potential for an investigation to yield recommendations that will make state government more efficient and effective.

3. The benefit to state government to have a final report on the disclosed information.

4. Whether the alleged whistle-blower information primarily concerns personnel practices that may be investigated under chapter 109 ~~110~~.

5. Whether another agency may be conducting an investigation and whether any investigation under this section could be duplicative.

6. The time that has elapsed between the alleged event and the disclosure of the information.

Section 88. Subsection (2) of section 112.363, Florida Statutes, is amended to read:

**112.363 Retiree health insurance subsidy.—**

(2) **ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.**—A person who is retired under a state-administered retirement system, or a beneficiary who is a spouse or financial dependent entitled to receive benefits under a state-administered retirement system, is eligible for health insurance subsidy payments provided under this section; except that pension recipients under ss. 121.40, 238.07(16)(a), and 250.22, recipients of health insurance coverage under s. ~~109.1232~~ ~~110.1232~~, or any other special pension or relief act shall not be eligible for such payments. Payment of the retiree health insurance subsidy shall be made only after coverage for health insurance for the retiree or beneficiary has been certified in writing to the Department of Management Services. Participation in a former employer's group health insurance program is not a requirement for eligibility under this section. However, participants in the Senior Management Service Optional Annuity Program as provided in s. 121.055(6) and the State University System Optional Retirement Program as provided in s. 121.35 shall not receive the retiree health insurance subsidy provided in this section. The employer of such participant shall pay the contributions required in subsection (8) to the annuity program provided in s. 121.055(6)(d) or s. 121.35(4)(a), as applicable.

Section 89. Effective July 1, 2001, paragraph (a) of subsection (2) of section 112.363, Florida Statutes, as amended by chapter 2000-169, Laws of Florida, is amended to read:

**112.363 Retiree health insurance subsidy.—**

(2) **ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.**—

(a) A person who is retired under a state-administered retirement system, or a beneficiary who is a spouse or financial dependent entitled to receive benefits under a state-administered retirement system, is eligible for health insurance subsidy payments provided under this section; except that pension recipients under ss. 121.40, 238.07(16)(a), and 250.22, recipients of health insurance coverage under s. ~~109.1232~~ ~~110.1232~~, or any other special pension or relief act shall not be eligible for such payments.

Section 90. Subsection (38) of section 121.021, Florida Statutes, is amended to read:

121.021 **Definitions.**—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(38) "Continuous service" means creditable service as a member, beginning with the first day of employment with an employer covered under a state-administered retirement system consolidated herein and continuing for as long as the member remains in an employer-employee relationship with an employer covered under this chapter. An absence of 1 calendar month or more from an employer's payroll shall be considered a break in continuous service, except for periods of absence during which an employer-employee relationship continues to exist and such period of absence is creditable under this chapter or under one of the existing systems consolidated herein. However, a law enforcement officer as defined in s. 121.0515(2)(a) who was a member of a state-administered retirement system under chapter 122 or chapter 321 and who resigned and was subsequently reemployed in a law enforcement position within 12 calendar months of such resignation by an employer under such state-administered retirement system shall be deemed to have not experienced a break in service. Further, with respect to a state-employed law enforcement officer who meets the criteria specified in s. 121.0515(2)(a), if the absence from the employer's payroll is the result of a "layoff" as defined in s. ~~109.203(24)~~ ~~110.203(24)~~ or a resignation to run for an elected office that meets the criteria specified in s. 121.0515(2)(a), no break in continuous service shall be deemed to have occurred if the member is reemployed as a state law enforcement officer or is elected to an office which meets the criteria specified in s.

121.0515(2)(a) within 12 calendar months after the date of the layoff or resignation, notwithstanding the fact that such period of layoff or resignation is not creditable service under this chapter. A withdrawal of contributions will constitute a break in service. Continuous service also includes past service purchased under this chapter, provided such service is continuous within this definition and the rules established by the administrator. The administrator may establish administrative rules and procedures for applying this definition to creditable service authorized under this chapter. Any correctional officer, as defined in s. 943.10, whose participation in the state-administered retirement system is terminated due to the transfer of a county detention facility through a contractual agreement with a private entity pursuant to s. 951.062, shall be deemed an employee with continuous service in the Special Risk Class, provided return to employment with the former employer takes place within 3 years due to contract termination or the officer is employed by a covered employer in a special risk position within 1 year after his or her initial termination of employment by such transfer of its detention facilities to the private entity.

Section 91. Paragraph (b) of subsection (3) of section 121.0515, Florida Statutes, is amended to read:

**121.0515 Special risk membership.—**

(3) **PROCEDURE FOR DESIGNATING.**—

(b1). Applying the criteria set forth in this section, the Department of Management Services shall specify which current and newly created classes of positions under the uniform classification plan established pursuant to chapter ~~109~~ ~~110~~ entitle the incumbents of positions in those classes to membership in the Special Risk Class. Only employees employed in the classes so specified shall be special risk members.

2. When a class is not specified by the department as provided in subparagraph 1., the employing agency may petition the State Retirement Commission for approval in accordance with s. 121.23.

Section 92. Paragraph (a) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 **Senior Management Service Class.**—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)(a) Participation in the Senior Management Service Class shall be limited to and compulsory for any member of the Florida Retirement System who holds a position in the Senior Management Service of the State of Florida, established by part III of chapter ~~109~~ ~~110~~, unless such member elects, within the time specified herein, to participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

Section 93. Paragraph (a) of subsection (2) of section 121.35, Florida Statutes, is amended to read:

**121.35 Optional retirement program for the State University System.—**

(2) **ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.**—

(a) Participation in the optional retirement program provided by this section shall be limited to persons who are otherwise eligible for membership in the Florida Retirement System; who are employed or appointed for no less than one academic year; and who are employed in one of the following State University System positions:

1. Positions classified as instructional and research faculty which are exempt from the career service under the provisions of s. ~~109.205(2)(d)~~ ~~110.205(2)(d)~~.

2. Positions classified as administrative and professional which are exempt from the career service under the provisions of s. ~~109.205(2)(d)~~ ~~110.205(2)(d)~~.

3. The Chancellor and the university presidents.

Section 94. Subsection (5) of section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(5) The Department of Management Services shall be the functional owner of the Cooperative Personnel Employment Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of ss. 109.116 ~~110.116~~ and 215.90-215.96. The subsystem shall include, but shall not be limited to, functions for:

(a) Maintenance of employee and position data, including funding sources and percentages and salary lapse. The employee data shall include, but not be limited to, information to meet the payroll system requirements of the Department of Banking and Finance and to meet the employee benefit system requirements of the Department of Management Services.

(b) Recruitment and examination.

(c) Time reporting.

(d) Collective bargaining.

Section 95. Subsection (2) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(2) For purposes of this chapter, terms related to personnel affairs of the state shall be defined as set forth in s. 109.203 ~~110.203~~.

Section 96. Paragraph (a) of subsection (2) of section 216.251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans provided for in chapter 109 ~~110~~.

2. Within the classification and pay plans established by the Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

3. Within the classification and pay plan approved and administered by the Board of Regents for those positions in the State University System.

4. Within the classification and pay plan approved by the President of the Senate and the Speaker of the House of Representatives, as the case may be, for employees of the Legislature.

5. Within the approved classification and pay plan for the judicial branch.

6. The salary of all positions not specifically included in this subsection shall be set by the commission or by the Chief Justice for the judicial branch.

Section 97. Section 231.381, Florida Statutes, is amended to read:

231.381 Transfer of sick leave and annual leave.—In implementing the provisions of ss. 230.23(4)(n) and 402.22(1)(d), educational personnel in Department of Children and Family Services residential care facilities who are employed by a district school board may request, and the district school board shall accept, a lump-sum transfer of accumulated sick leave for such personnel to the maximum allowed by policies of the district school board, notwithstanding the provisions of s. 109.122 ~~110.122~~. Educational personnel in Department of Children and Family Services residential care facilities who are employed by a district

school board under the provisions of s. 402.22(1)(d) may request, and the district school board shall accept, a lump-sum transfer of accumulated annual leave for each person employed by the district school board in a position in the district eligible to accrue vacation leave under policies of the district school board.

Section 98. Paragraph (c) of subsection (1) of section 235.217, Florida Statutes, is amended to read:

235.217 SMART (Soundly Made, Accountable, Reasonable, and Thrifty) Schools Clearinghouse.—

(1)

(c) The clearinghouse is assigned to the Department of Management Services for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department, except as otherwise provided in chapters 109 ~~110~~, 255, and 287 for agencies of the executive branch.

Section 99. Paragraph (f) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(f) Establish and maintain systemwide personnel programs for all State University System employees, including a systemwide personnel classification and pay plan, notwithstanding provisions of law that grant authority to the Department of Management Services over such programs for state employees. The board shall consult with the legislative appropriations committees regarding any major policy changes related to classification and pay which are in conflict with those policies in effect for career service employees with similar job classifications and responsibilities. The board may adopt rules relating to the appointment, employment, and removal of personnel which delegate its authority to the Chancellor or the universities. The board shall submit, in a manner prescribed by law, any reports concerning State University System personnel programs as shall be required of the Department of Management Services for other state employees. The Department of Management Services shall retain authority over State University System employees for programs established in ss. 109.116, 109.123, 109.1232, 109.1234, and 109.1238 ~~110.116, 110.123, 110.1232, 110.1234, and 110.1238~~ and in chapters 121, 122, and 238. The board shall adopt rules to provide for a coordinated, efficient systemwide program and shall delegate to the universities authority for implementing the program consistent with these coordinating rules so adopted and applicable collective bargaining agreements. The salary rate controls for positions in budgets under the Board of Regents shall separately delineate the general faculty and all other categories.

Section 100. Paragraph (a) of subsection (1) of section 240.2111, Florida Statutes, is amended to read:

240.2111 Employee recognition program.—

(1)(a) Notwithstanding the provisions of s. 109.1245 ~~110.1245~~, the Board of Regents and each university shall promulgate rules for an employee recognition program which provides for the following components:

1. A superior accomplishment component to recognize employees who have contributed outstanding and meritorious service in their fields, including those who have made exceptional contributions to efficiency, economy, or other improvement in State University System operations. No cash award under the superior accomplishment component of the program shall exceed \$1,000, excluding applicable taxes.

2. A satisfactory service component to recognize employees who have achieved increments of 5 continuous years of satisfactory service to the Board of Regents, university, or state in appreciation and recognition of such service. No cash award granted under the satisfactory service component shall exceed \$50, excluding applicable taxes.

Section 101. Section 240.507, Florida Statutes, is amended to read:

240.507 Extension personnel; federal health insurance programs notwithstanding the provisions of s. 109.123 ~~110.123~~.—The Institute of Food and Agricultural Sciences at the University of Florida is authorized to pay the employer's share of premiums to the Federal Health Benefits Insurance Program from its appropriated budget for any cooperative extension employee of the institute having both state and federal appointments and participating in the Federal Civil Service Retirement System.

Section 102. Subsection (9) of section 241.002, Florida Statutes, is amended to read:

241.002 Duties of the Department of Education.—The duties of the Department of Education concerning distance learning include, but are not limited to, the duty to:

(9) Hire appropriate staff which may include a position that shall be exempt from part II of chapter 109 ~~110~~ and is included in the Senior Management Service in accordance with s. 109.205 ~~110.205~~.

Nothing in ss. 241.001-241.004 shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college board of trustees, the State Board of Community Colleges, or the Board of Regents.

Section 103. Paragraph (b) of subsection (6) of section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(6) The board of trustees shall:

(b) Administer and maintain personnel programs for all employees of the board of trustees and the Florida School for the Deaf and the Blind who shall be state employees, including the personnel classification and pay plan established in accordance with ss. 109.205(2)(d) ~~110.205(2)(d)~~ and 216.251(2)(a)2. for academic and academic administrative personnel, the provisions of chapter 109 ~~110~~, and the provisions of law that grant authority to the Department of Management Services over such programs for state employees.

Section 104. Subsection (2) of section 260.0125, Florida Statutes, is amended to read:

260.0125 Limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails.—

(2) Any private landowner who consents to designation of his or her land as part of the statewide system of greenways and trails pursuant to s. 260.016(2)(d) without compensation shall be considered a volunteer, as defined in s. 109.501 ~~110.501~~, and shall be covered by state liability protection pursuant to s. 768.28, including s. 768.28(9).

Section 105. Paragraph (a) of subsection (4) of section 281.02, Florida Statutes, is amended to read:

281.02 Powers and duties of the Department of Management Services, Florida Capitol Police.—The Department of Management Services, Florida Capitol Police, has the following powers and duties:

(4) To employ:

(a) Agents who hold certification as police officers in accordance with the minimum standards and qualifications as set forth in s. 943.13 and the provisions of chapter 109 ~~110~~, who shall have the authority to bear arms, make arrests, and apply for arrest warrants; and

Section 106. Section 287.175, Florida Statutes, is amended to read:

287.175 Penalties.—A violation of this part or a rule adopted hereunder, pursuant to applicable constitutional and statutory procedures, constitutes misuse of public position as defined in s. 112.313(6), and is punishable as provided in s. 112.317. The Comptroller shall report incidents of suspected misuse to the Commission on Ethics,

and the commission shall investigate possible violations of this part or rules adopted hereunder when reported by the Comptroller, notwithstanding the provisions of s. 112.324. Any violation of this part or a rule adopted hereunder shall be presumed to have been committed with wrongful intent, but such presumption is rebuttable. Nothing in this section is intended to deny rights provided to career service employees by s. 109.227 ~~110.227~~.

Section 107. Subsection (2) of section 288.708, Florida Statutes, is amended to read:

288.708 Executive director; employees.—

(2) The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 109 ~~110~~, and the executive director shall be subject to the provisions of part III ~~IV~~ of chapter 109 ~~110~~.

Section 108. Paragraph (a) of subsection (4) of section 295.07, Florida Statutes, is amended to read:

295.07 Preference in appointment and retention.—

(4) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 109.205(2) ~~110.205(2)~~; however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida Community College System and the School for the Deaf and the Blind are included.

Section 109. Subsection (3) and paragraph (b) of subsection (4) of section 296.04, Florida Statutes, are amended to read:

296.04 Administrator; duties and qualifications; responsibilities.—

(3) The administrator shall be a resident of the state at the time of entering into employment in the position. The position shall be assigned to the Selected Exempt Service under part V of chapter 109 ~~110~~. The director shall afford applicants veterans' preference in appointment in accordance with ss. 295.07 and 295.085. In addition, the administrator must have at least a 4-year degree from an accredited university or college and 3 years of administrative experience in a health care facility, or any equivalent combination of experience, training, and education totaling 7 years in work relating to administration of a health care facility.

(4)

(b) All employees who fill authorized and established positions appropriated for the home shall be state employees. The department shall classify such employees in the manner prescribed in chapter 109 ~~110~~.

Section 110. Subsection (1) and paragraph (b) of subsection (4) of section 296.34, Florida Statutes, are amended to read:

296.34 Administrator; qualifications, duties, and responsibilities.—

(1) The director shall appoint an administrator of the home who shall be the chief executive of the home. The position shall be assigned to the Selected Exempt Service under part V of chapter 109 ~~110~~. The director shall give preference in appointment as provided in ss. 295.07 and 295.085 to applicants for the position of administrator.

(4)

(b) All employees who fill authorized and established positions appropriated for the home shall be state employees. The department shall classify such employees in the manner prescribed in chapter 109 ~~110~~.

Section 111. Subsection (5) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(5) Any port which receives funding under the program shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. ~~109.112 110-112~~.

Section 112. Paragraph (c) of subsection (10) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.
2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.
3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.
4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.
5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.
6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.
7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 109 ~~110~~ and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.
8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

Section 113. Subsection (4) of section 343.74, Florida Statutes, is amended to read:

343.74 Powers and duties.—

(4) The authority shall institute procedures to ensure that jobs created as a result of state funding pursuant to this section shall be subject to equal opportunity hiring practices as provided for in s. ~~109.112 110-112~~.

Section 114. Paragraph (e) of subsection (3) of section 381.85, Florida Statutes, is amended to read:

381.85 Biomedical and social research.—

(3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL RESEARCH.—

(e) The council shall be staffed by an executive director and a secretary who shall be appointed by the council and who shall be exempt from the provisions of part II of chapter 109 ~~110~~ relating to the Career Service System.

Section 115. Section 393.0657, Florida Statutes, is amended to read:

393.0657 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. ~~109.1127(3) 110-1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any direct service provider screening or fingerprinting requirements.

Section 116. Subsection (3) of section 400.19, Florida Statutes, is amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. The agency shall verify through subsequent inspection that any deficiency identified during the annual inspection is corrected. However, the agency may verify the correction of a class III deficiency unrelated to resident rights or resident care without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter 109 ~~110~~.

Section 117. Subsection (3) of section 400.953, Florida Statutes, is amended to read:

400.953 Background screening of home medical equipment provider personnel.—The agency shall require employment screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home medical equipment provider personnel.

(3) Proof of compliance with the screening requirements of s. ~~109.1127 110-1127~~, s. 393.0655, s. 394.4572, s. 397.451, s. 402.305, s. 402.313, s. 409.175, s. 464.008, or s. 985.407 or this part must be accepted in lieu of the requirements of this section if the person has been continuously employed in the same type of occupation for which he or she is seeking employment without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened by the Department of Law Enforcement. An employer or contractor shall directly provide proof of compliance to another employer or contractor, and a potential employer or contractor may not accept any proof of compliance directly from the person requiring screening. Proof of compliance with the screening

requirements of this section shall be provided, upon request, to the person screened by the home medical equipment provider.

Section 118. Section 402.3057, Florida Statutes, is amended to read:

402.3057 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers and noninstructional personnel who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 109.1127(3) ~~110.1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 119. Subsection (4) of section 402.55, Florida Statutes, is amended to read:

402.55 Management fellows program.—

(4) Notwithstanding the provisions of chapter 109 ~~110~~, the departments may grant special pay increases to management fellows upon successful completion of the program.

Section 120. Subsection (2) of section 402.731, Florida Statutes, is amended to read:

402.731 Department of Children and Family Services certification programs for employees and service providers; employment provisions for transition to community-based care.—

(2) The department shall develop and implement employment programs to attract and retain competent staff to support and facilitate the transition to privatized community-based care. Such employment programs shall include lump-sum bonuses, salary incentives, relocation allowances, or severance pay. The department shall also contract for the delivery or administration of outplacement services. The department shall establish time-limited exempt positions as provided in s. 109.205(2)(h) ~~110.205(2)(h)~~, in accordance with the authority provided in s. 216.262(1)(c)1. Employees appointed to fill such exempt positions shall have the same salaries and benefits as career service employees.

Section 121. Section 409.1757, Florida Statutes, is amended to read:

409.1757 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and this chapter, and teachers who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 109.1127(3) ~~110.1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 122. Paragraph (o) of subsection (1) of section 440.102, Florida Statutes, is amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(1) DEFINITIONS.—Except where the context otherwise requires, as used in this act:

(o) "Safety-sensitive position" means, with respect to a public employer, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position

that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to s. 109.1127 ~~110.1127~~; or a position in which a momentary lapse in attention could result in injury or death to another person.

Section 123. Paragraph (a) of subsection (3) of section 440.4416, Florida Statutes, is amended to read:

440.4416 Workers' Compensation Oversight Board.—

(3) EXECUTIVE DIRECTOR; EXPENSES.—

(a) The board shall appoint an executive director to direct and supervise the administrative affairs and general management of the board who shall be subject to the provisions of part V ~~IV~~ of chapter 109 ~~110~~. The executive director may employ persons and obtain technical assistance as authorized by the board and shall attend all meetings of the board. Board employees shall be exempt from part II of chapter 109 ~~110~~.

Section 124. Subsection (4) of section 443.171, Florida Statutes, is amended to read:

443.171 Division and commission; powers and duties; rules; advisory council; records and reports; proceedings; state-federal cooperation.—

(4) PERSONNEL.—Subject to chapter 109 ~~110~~ and the other provisions of this chapter, the division is authorized to appoint, fix the compensation of, and prescribe the duties and powers of such employees, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties under this chapter. The division may delegate to any such person such power and authority as it deems reasonable and proper for the effective administration of this chapter and may in its discretion bond any person handling moneys or signing checks hereunder; the cost of such bonds shall be paid from the Employment Security Administration Trust Fund.

Section 125. Paragraph (a) of subsection (9) of section 447.207, Florida Statutes, is amended to read:

447.207 Commission; powers and duties.—

(9) Pursuant to s. 447.208, the commission or its designated agent shall hear appeals, and enter such orders as it deems appropriate, arising out of:

(a) Section 109.124 ~~110.124~~, relating to termination or transfer of State Career Service System employees aged 65 or older.

Section 126. Paragraph (a) of subsection (2) of section 456.048, Florida Statutes, is amended to read:

456.048 Financial responsibility requirements for certain health care practitioners.—

(2) The board or department may grant exemptions upon application by practitioners meeting any of the following criteria:

(a) Any person licensed under chapter 457, chapter 460, chapter 461, s. 464.012, chapter 466, or chapter 467 who practices exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(15) or who is a volunteer under s. 109.501(1) ~~110.501(1)~~.

Section 127. Subsection (3) of section 471.038, Florida Statutes, is amended to read:

471.038 Florida Engineers Management Corporation.—

(3) The Florida Engineers Management Corporation is created to provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455 and this chapter. The management corporation may hire staff as necessary to carry out its

functions. Such staff are not public employees for the purposes of chapter 109 ~~110~~ or chapter 112, except that the board of directors and the staff are subject to the provisions of s. 112.061. The provisions of s. 768.28 apply to the management corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state, but which is not an agency within the meaning of s. 20.03(11). The management corporation shall:

- (a) Be a Florida corporation not for profit, incorporated under the provisions of chapter 617.
- (b) Provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455, this chapter, and the contract required by this section.
- (c) Receive, hold, and administer property and make only prudent expenditures directly related to the responsibilities of the board, and in accordance with the contract required by this section.
- (d) Be approved by the board and the department to operate for the benefit of the board and in the best interest of the state.
- (e) Operate under a fiscal year that begins on July 1 of each year and ends on June 30 of the following year.
- (f) Have a seven-member board of directors, five of whom are to be appointed by the board and must be registrants regulated by the board and two of whom are to be appointed by the secretary and must be laypersons not regulated by the board. All initial appointments shall expire on October 31, 2000. Current members may be appointed to one additional term that complies with the provisions of this paragraph. Two members shall be appointed for 2 years, three members shall be appointed for 3 years, and two members shall be appointed for 4 years. One layperson shall be appointed to a 3-year term and one layperson shall be appointed to a 4-year term. Thereafter, all appointments shall be for 4-year terms. No new member shall serve more than two consecutive terms. Failure to attend three consecutive meetings shall be deemed a resignation from the board, and the vacancy shall be filled by a new appointment.
- (g) Select its officers in accordance with its bylaws. The members of the board of directors may be removed by the board, with the concurrence of the department, for the same reasons that a board member may be removed.
- (h) Use a portion of the interest derived from the management corporation account to offset the costs associated with the use of credit cards for payment of fees by applicants or licensees.
- (i) Operate under an annual written contract with the department which is approved by the board. The contract must provide for, but is not limited to:
  1. Approval of the articles of incorporation and bylaws of the management corporation by the department and the board.
  2. Submission by the management corporation of an annual budget that complies with board rules for approval by the board and the department.
  3. Annual certification by the board and the department that the management corporation is complying with the terms of the contract in a manner consistent with the goals and purposes of the board and in the best interest of the state. This certification must be reported in the board's minutes. The contract must also provide for methods and mechanisms to resolve any situation in which the certification process determines noncompliance.
  4. Employment by the department of a contract administrator to actively supervise the administrative, investigative, and prosecutorial activities of the management corporation to ensure compliance with the contract and the provisions of chapter 455 and this chapter and to act as a liaison for the department, the board, and the management corporation to ensure the effective operation of the management corporation.
5. Funding of the management corporation through appropriations allocated to the regulation of professional engineers from the Professional Regulation Trust Fund.
6. The reversion to the board, or the state if the board ceases to exist, of moneys, records, data, and property held in trust by the management corporation for the benefit of the board, if the management corporation is no longer approved to operate for the board or the board ceases to exist. All records and data in a computerized database shall be returned to the department in a form that is compatible with the computerized database of the department.
7. The securing and maintaining by the management corporation, during the term of the contract and for all acts performed during the term of the contract, of all liability insurance coverages in an amount to be approved by the department to defend, indemnify, and hold harmless the management corporation and its officers and employees, the department and its employees, and the state against all claims arising from state and federal laws. Such insurance coverage must be with insurers qualified and doing business in the state. The management corporation must provide proof of insurance to the department. The department and its employees and the state are exempt from and are not liable for any sum of money which represents a deductible, which sums shall be the sole responsibility of the management corporation. Violation of this subparagraph shall be grounds for terminating the contract.
8. Payment by the management corporation, out of its allocated budget, to the department of all costs of representation by the board counsel, including salary and benefits, travel, and any other compensation traditionally paid by the department to other board counsels.
9. Payment by the management corporation, out of its allocated budget, to the department of all costs incurred by the management corporation or the board for the Division of Administrative Hearings of the Department of Management Services and any other cost for utilization of these state services.
10. Payment by the management corporation, out of its allocated budget, to the department of all costs associated with the contract administrator of the department, including salary and benefits, travel, and other related costs traditionally paid to state employees.
- (j) Provide for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with generally accepted auditing standards. The annual audit report shall include a detailed supplemental schedule of expenditures for each expenditure category and a management letter. The annual audit report must be submitted to the board, the department, and the Auditor General for review. The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the corporation.
- (k) Provide for persons charged with the responsibility of receiving and depositing fee and fine revenues to have a faithful performance bond in such an amount and according to such terms as shall be determined in the contract.
  - (l) Submit to the secretary, the board, and the Legislature, on or before January 1 of each year, a report on the status of the corporation which includes, but is not limited to, information concerning the programs and funds that have been transferred to the corporation. The report must include: the number of license applications received; the number approved and denied and the number of licenses issued; the number of examinations administered and the number of applicants who passed or failed the examination; the number of complaints received; the number determined to be legally sufficient; the number dismissed; the number determined to have probable cause; the number of administrative complaints issued and the status of the complaints; and the number and nature of disciplinary actions taken by the board.
  - (m) Develop, with the department, performance standards and measurable outcomes for the board to adopt by rule in order to facilitate efficient and cost-effective regulation.

Section 128. Subsection (3) of section 509.036, Florida Statutes, is amended to read:

509.036 Public food service inspector standardization.—

(3) The division and its agent shall adopt rules in accordance with the provisions of chapter 120 to provide for disciplinary action in cases of inspector negligence. An inspector may be subject to suspension or dismissal for cause as set forth in s. ~~109.227~~ ~~110.227~~.

Section 129. Effective July 1, 2001, subsection (3) of section 509.036, Florida Statutes, as amended by this act, is amended to read:

509.036 Public food service inspector standardization.—

(3) The division and its agent shall adopt rules in accordance with the provisions of chapter 120 to provide for disciplinary action in cases of inspector negligence. An inspector may be subject to suspension or dismissal for *reasonable* cause as set forth in s. 109.227.

Section 130. Subsection (1) of section 570.073, Florida Statutes, is amended to read:

570.073 Department of Agriculture and Consumer Services, law enforcement officers.—

(1) The commissioner may create an Office of Agricultural Law Enforcement under the supervision of a senior manager exempt under s. ~~109.205~~ ~~110.205~~ in the Senior Management Service. The commissioner may designate law enforcement officers, as necessary, to enforce any criminal law or conduct any criminal investigation relating to any matter over which the department has jurisdiction or which occurs on property owned, managed, or occupied by the department. Those matters include laws relating to:

- (a) Domesticated animals, including livestock, poultry, aquaculture products, and other wild or domesticated animals or animal products.
- (b) Farms, farm equipment, livery tack, citrus or citrus products, or horticultural products.
- (c) Trespass, littering, forests, forest fires, and open burning.
- (d) Damage to or theft of forest products.
- (e) Enforcement of a marketing order.
- (f) Protection of consumers.
- (g) Civil traffic offenses provided for in chapters 316, 320, and 322, subject to the provisions of chapter 318, relating to any matter over which the department has jurisdiction or committed on property owned, managed, or occupied by the department.
- (h) The use of alcohol or drugs which occurs on property owned, managed, or occupied by the department.
- (i) Any emergency situation in which the life, limb, or property of any person is placed in immediate and serious danger.
- (j) Any crime incidental to or related to paragraphs (a)-(i).

Section 131. Section 570.074, Florida Statutes, is amended to read:

570.074 Department of Agriculture and Consumer Services; water policy coordination.—The commissioner may create an Office of Water Coordination under the supervision of a senior manager exempt under s. ~~109.205~~ ~~110.205~~ in the Senior Management Service. The commissioner may designate the bureaus and positions in the various organizational divisions of the department that report to this office relating to any matter over which the department has jurisdiction in matters relating to water policy affecting agriculture, application of such policies, and coordination of such matters with state and federal agencies.

Section 132. Subsection (6) of section 624.307, Florida Statutes, is amended to read:

624.307 General powers; duties.—

(6) The department may employ actuaries who shall be at-will employees and who shall serve at the pleasure of the Insurance Commissioner. Actuaries employed pursuant to this paragraph shall be members of the Society of Actuaries or the Casualty Actuarial Society and shall be exempt from the Career Service System established under chapter ~~109~~ ~~110~~. The salaries of the actuaries employed pursuant to this paragraph by the department shall be set in accordance with s. 216.251(2)(a)5. and shall be set at levels which are commensurate with salary levels paid to actuaries by the insurance industry.

Section 133. Subsection (4) of section 627.0623, Florida Statutes, is amended to read:

627.0623 Restrictions on expenditures and solicitations of insurers and affiliates.—

(4) No employee of the department may solicit a campaign contribution for the Treasurer or any candidate for the office of Treasurer from any insurer, affiliate, or officer of an insurer or affiliate, or any political committee or committee of continuous existence that represents such insurer, affiliate, or officer. For purposes of this section, "employee of the department" means any person employed in the Department of Insurance or the Treasurer's office holding a position in the Senior Management Service as defined in s. ~~109.402~~ ~~110.402~~; any person holding a position in the Selected Exempt Service as defined in s. ~~109.602~~ ~~110.602~~; any person having authority over insurance policy, regulation, or supervision; or any person hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

Section 134. Paragraph (h) of subsection (4) of section 627.6488, Florida Statutes, is amended to read:

627.6488 Florida Comprehensive Health Association.—

(4) The association shall:

(h) Contract with preferred provider organizations and health maintenance organizations giving due consideration to the preferred provider organizations and health maintenance organizations which have contracted with the state group health insurance program pursuant to s. ~~109.123~~ ~~110.123~~. If cost-effective and available in the county where the policyholder resides, the board, upon application or renewal of a policy, shall place a high-risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who shall determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. If cost-effective and available in the county where the policyholder resides, the board, with the consent of the policyholder, may place a low-risk or medium-risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who may determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent, or guardian.

Section 135. Paragraph (a) of subsection (1) of section 627.649, Florida Statutes, is amended to read:

627.649 Administrator.—

(1) The board shall select an administrator, through a competitive bidding process, to administer the plan. The board shall evaluate bids submitted under this subsection based on criteria established by the board, which criteria shall include:

(a) The administrator's proven ability to handle large group accident and health insurance, and due consideration shall be given to any administrator who has acted as a third-party administrator for the state group health insurance program pursuant to s. ~~109.123~~ ~~110.123~~.

Section 136. Paragraph (a) of subsection (2) and subsection (3) of section 627.6498, Florida Statutes, are amended to read:

627.6498 Minimum benefits coverage; exclusions; premiums; deductibles.—



## (2) BENEFITS.—

(a) The plan shall offer major medical expense coverage similar to that provided by the state group health insurance program as defined in s. 109.123 ~~110.123~~ except as specified in subsection (3) to every eligible person who is not eligible for Medicare. Major medical expense coverage offered under the plan shall pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4), up to a lifetime limit of \$500,000 per covered individual. The maximum limit under this paragraph shall not be altered by the board, and no actuarially equivalent benefit may be substituted by the board.

(3) COVERED EXPENSES.—The coverage to be issued by the association shall be patterned after the state group health insurance program as defined in s. 109.123 ~~110.123~~, including its benefits, exclusions, and other limitations, except as otherwise provided in this act. The plan may cover the cost of experimental drugs which have been approved for use by the Food and Drug Administration on an experimental basis if the cost is less than the usual and customary treatment. Such coverage shall only apply to those insureds who are in the case management system upon the approval of the insured, the case manager, and the board.

Section 137. Subsection (4) of section 627.6617, Florida Statutes, is amended to read:

627.6617 Coverage for home health care services.—

(4) The provisions of this section shall not apply to a multiple-employer welfare arrangement as defined in s. 624.437(1) and in the State Health Plan as provided in s. 109.123 ~~110.123~~.

Section 138. Subsection (3) of section 655.019, Florida Statutes, is amended to read:

655.019 Campaign contributions; limitations.—

(3) No employee of the department may solicit a campaign contribution for the Comptroller or any candidate for the office of the Comptroller from any person who is licensed or otherwise authorized to do business by the department or who has an application pending for licensure or other authorization to do business pending with the department, or any director, officer, employee, agent, retained legal counsel, lobbyist, or partner or affiliate of that person or any political committee or committee of continuous existence that represents that person. For purposes of this section, "employee of the department" means any person employed in the department or the Comptroller's office holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~; any person holding a position in the Selected Exempt Service as defined in s. 109.602 ~~110.602~~; any person having authority over institution policy, regulation, or supervision; or any person hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

Section 139. Paragraph (a) of subsection (4) of section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as

a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.059;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 109.1127(3) ~~110.1127(3)~~, s. 393.063(15), s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 985.407, or chapter 400; or
6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity that licenses child care facilities.

Section 140. Paragraph (a) of subsection (4) of section 943.059, Florida Statutes, is amended to read:

943.059 Court-ordered sealing of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to seal the criminal history record of a minor or an adult who complies with the

requirements of this section. The court shall not order a criminal justice agency to seal a criminal history record until the person seeking to seal a criminal history record has applied for and received a certificate of eligibility for sealing pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be sealed, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed or pled guilty or nolo contendere to committing the offense as a delinquent act. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal history record of a minor or an adult which is ordered sealed by a court of competent jurisdiction pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, or to those entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.0585;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 109.1127(3) ~~110.1127(3)~~, s. 393.063(15), s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 415.103, s. 985.407, or chapter 400; or
6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity which licenses child care facilities.

Section 141. Subsection (4) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.—

(4) No individual filling a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~ is eligible to participate in the salary incentive program authorized by this section.

Section 142. Paragraph (c) of subsection (3) of section 944.35, Florida Statutes, is amended to read:

944.35 Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties.—

(3)

(c) Notwithstanding prosecution, any violation of the provisions of this subsection, as determined by the Public Employees Relations Commission, shall constitute sufficient cause under s. 109.227 ~~110.227~~ for dismissal from employment with the department, and such person shall not again be employed in any capacity in connection with the correctional system.

Section 143. Subsection (2) of section 945.043, Florida Statutes, is amended to read:

945.043 Department-operated day care services.—

(2) The department is exempt from the requirements of s. 109.151 ~~110.151~~.

Section 144. Subsection (6) of section 957.03, Florida Statutes, is amended to read:

957.03 Correctional Privatization Commission.—

(6) SUPPORT BY DEPARTMENT OF MANAGEMENT SERVICES.—The commission shall be a separate budget entity, and the executive director shall be its chief administrative officer. The Department of Management Services shall provide administrative support and service to the commission to the extent requested by the executive director. The commission and its staff are not subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, and budgetary matters, except to the extent as provided in chapters 109 ~~110~~, 216, 255, 282, and 287 for agencies of the executive branch. The executive director may designate a maximum of two policymaking or managerial positions as being exempt from the Career Service System. These two positions may be provided for as members of the Senior Management Service.

Section 145. Subsection (2) of section 985.04, Florida Statutes, is amended to read:

985.04 Oaths; records; confidential information.—

(2) Records maintained by the Department of Juvenile Justice, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in ss. 109.1127 ~~110.1127~~, 393.0655, 394.457, 397.451, 402.305(2), 409.175, and 409.176 may not be destroyed pursuant to this section, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or pursuant to departmental rule; however, current criminal history information must be obtained from the Department of Law Enforcement in accordance with s. 943.053. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

Section 146. Paragraph (e) of subsection (4) of section 985.05, Florida Statutes, is amended to read:

985.05 Court records.—

(4) A court record of proceedings under this part is not admissible in evidence in any other civil or criminal proceeding, except that:

(e) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 109.1127 ~~110.1127~~, 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and 985.407.

Section 147. Paragraph (b) of subsection (1) of section 985.4045, Florida Statutes, is amended to read:

985.4045 Sexual misconduct prohibited; reporting required; penalties.—

(1)

(b) Notwithstanding prosecution, any violation of this subsection, as determined by the Public Employees Relations Commission, constitutes sufficient cause under s. 109.227 ~~110.227~~ for dismissal from employment with the department, and such person may not again be employed in any capacity in connection with the juvenile justice system.

Section 148. Paragraph (c) of subsection (1) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(1)

(c)1. The Executive Office of the Governor, under such procedures and qualifications as it deems appropriate, shall, upon agency request, delegate to any state agency authority to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity within the same division, and may approve additions and deletions of authorized positions or transfers of authorized positions within the state agency when such changes would enable the agency to administer more effectively its authorized and approved programs. The additions or deletions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

2. The Chief Justice of the Supreme Court shall have the authority to establish procedures for the judicial branch to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity, and to add and delete authorized positions within the same budget entity, when such changes are consistent with legislative policy and intent and do not conflict with spending policies specified in the General Appropriations Act.

3.a. *A state agency may be eligible for an efficiency award based on changes to authorized positions. To be eligible, the agency must submit an application to the Legislative Budgeting Commission identifying the modification to an approved program resulting in efficiency and cost savings.*

b. *The amount of the efficiency award shall be determined by the Legislative Budgeting Commission but shall not exceed the actual savings of currently appropriated funds. In determining the amount of the award, the Legislative Budgeting Commission shall consider the actual savings for the current year and the annualized savings. The efficiency award may be used for nonrecurring purposes only.*

c. *Each state agency allowed to retain salary appropriations pursuant to this subparagraph shall submit in its next legislative budget request a schedule showing how the agency utilized such funds.*

Section 149. Effective January 1, 2002, section 447.201, Florida Statutes, is amended to read:

447.201 Statement of policy.—~~It is declared that~~ The public policy of this state, and the purpose of this part, is to provide statutory implementation of s. 6, Art. I of the State Constitution, with respect to public employees; to promote harmonious and cooperative relationships between government and its employees, both collectively and individually; and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. ~~It is the intent of the Legislature that~~ Nothing herein shall be construed either to encourage or discourage organization of public employees. *This state's public policy is* ~~These policies are~~ best effectuated by:

(1) Granting to public employees the right of organization and representation;

(2) Requiring the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public employees;

(3) Creating a Public Employees Relations Commission to assist in resolving disputes between public employees and public employers; and

(4) Recognizing the constitutional prohibition against strikes by public employees and providing remedies for violations of such prohibition.

Section 150. Effective January 1, 2002, subsections (1), (3), and (4) of section 447.205, Florida Statutes, are amended to read:

447.205 Public Employees Relations Commission.—

(1) ~~There is hereby created within the Department of Labor and Employment Security~~ The Public Employees Relations Commission, hereinafter referred to as the "commission," ~~The commission~~ shall be composed of a chair and two full-time members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public and known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in such office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The commissioners shall devote full time to commission duties and shall not engage in any other business, vocation, or employment while in such office. Beginning January 1, 1980, the chair shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. Thereafter, every term of office shall be for 4 years; and each term of the office of chair shall commence on January 1 of the second year following each regularly scheduled general election at which a Governor is elected to a full term of office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. The chair shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed to the office of chair, the chair shall serve as chair for the duration of the term of office of chair. Nothing contained herein prohibits a chair or commissioner from serving multiple terms.

(3) The commission, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction by the Department of ~~Management Services~~ ~~Labor and Employment Security~~.

(4) The property, personnel, and appropriations related to the commission's specified authority, powers, duties, and responsibilities shall be provided to the commission by the Department of ~~Management Services~~ ~~Labor and Employment Security~~.

Section 151. *Effective January 1, 2002, subsections (8), (9), (10), and (11) of section 447.207, Florida Statutes, are repealed.*

Section 152. Effective July 1, 2001, section 447.208, Florida Statutes, is amended to read:

447.208 Procedure ~~for with respect to~~ certain appeals under s. 447.207.—

(1) Any person filing an appeal pursuant to subsection (8) or subsection (9) of s. 447.207 shall be entitled to a hearing pursuant to subsections (4) and (5) of s. 447.503 and in accordance with chapter 120; however, the hearing shall be conducted within 30 days of the filing of an appeal with the commission, unless an extension of time is granted by the commission for good cause. Discovery may be granted only upon a showing of extraordinary circumstances. A party requesting discovery shall demonstrate a substantial need for the information requested and

an inability to obtain relevant information by other means. To the extent that chapter 120 is inconsistent with these provisions, the procedures contained in this section shall govern.

(2) This section does not prohibit any person from representing himself or herself in proceedings before the commission or from being represented by legal counsel or by any individual who qualifies as a representative pursuant to rules promulgated and adopted by the commission.

(3) With respect to hearings relating to demotions, suspensions, or dismissals pursuant to the provisions of this section:

(a)1. For an alleged adverse agency action against an employee, except a law enforcement or correctional officer or a firefighter, occurring on or after July 1, 2001, the burden of proof shall be on the employee requesting the appeal to establish by a preponderance of the evidence that the agency head abused his or her discretion in demoting, suspending, or dismissing the employee and that no reasonable cause existed for the alleged adverse action taken by the agency.

2.(a) Upon a finding that the adversely affected employee was unable to establish that the agency head abused his or her discretion and was unable to establish that no reasonable just cause existed for the demotion, suspension, or dismissal, the commission shall affirm the demotion, suspension, or dismissal.

3.(b) Upon a finding that the adversely affected employee established that the agency head abused his or her discretion and that no reasonable just cause existed ~~did not exist~~ for the demotion, suspension, or dismissal, the commission may order the reinstatement of the employee, with or without back pay.

(b) With regard to a law enforcement or correctional officer or a firefighter:

1. Upon a finding that just cause existed for the demotion, suspension, or dismissal, the commission shall affirm the demotion, suspension, or dismissal.

2. Upon a finding that just cause did not exist for the demotion, suspension, or dismissal, the commission may order the reinstatement of the law enforcement or correctional officer or firefighter, with or without back pay.

3.(c) Upon a finding that just cause for disciplinary action existed, but did not justify the severity of the action taken, the commission may, in its limited discretion, reduce the penalty.

(d) The commission is limited in its discretionary reduction of dismissals and suspensions to consider only the following circumstances:

a.1. The seriousness of the conduct as it relates to the employee's duties and responsibilities.

b.2. Action taken with respect to similar conduct by other employees.

c.3. The previous employment record and disciplinary record of the employee.

d.4. Extraordinary circumstances beyond the employee's control which temporarily diminished the employee's capacity to effectively perform his or her duties or which substantially contributed to the violation for which punishment is being considered.

The agency may present evidence to refute the existence of these circumstances.

(c)(e) Any order of the commission issued pursuant to this subsection may include back pay, if applicable, and an amount, to be determined by the commission and paid by the agency, for reasonable attorney's fees, witness fees, and other out-of-pocket expenses incurred during the prosecution of an appeal against an agency in which the commission finds ~~sustains~~ the employee met his or her burden of proof by establishing that the agency head abused his or her discretion and that no reasonable cause existed for the employee's demotion, suspension, or

dismissal. In determining the amount of an attorney's fee, the commission shall consider only the number of hours reasonably spent on the appeal, comparing the number of hours spent on similar Career Service System appeals and the reasonable hourly rate charged in the geographic area for similar appeals, but not including litigation over the amount of the attorney's fee. ~~This paragraph applies to future and pending cases.~~

Section 153. Effective January 1, 2002, sections 447.208 and 447.2085, Florida Statutes, are repealed.

Section 154. Paragraph (i) is added to subsection (4) of section 447.307, Florida Statutes, to read:

447.307 Certification of employee organization.—

(4) In defining a proposed bargaining unit, the commission shall take into consideration:

(i) Notwithstanding any other provision of law, administrative rule, or decision to the contrary, it is in the best interest of the state that all state law enforcement agencies with 1,200 or more officers shall be placed in a separate bargaining unit from officers in other state law enforcement agencies. Should application of this requirement result in the establishment or recomposition of more than one state law enforcement bargaining unit, a question concerning representation shall be deemed to have arisen for each affected bargaining unit and, upon appropriate petition, a representation election to determine the bargaining representative shall be conducted.

However, no unit shall be established or approved for purposes of collective bargaining which includes both professional and nonprofessional employees unless a majority of each group votes for inclusion in such unit.

Section 155. Effective July 1, 2001, paragraph (a) of subsection (6) of section 447.503, Florida Statutes, is amended to read:

447.503 Charges of unfair labor practices.—It is the intent of the Legislature that the commission act as expeditiously as possible to settle disputes regarding alleged unfair labor practices. To this end, violations of the provisions of s. 447.501 shall be remedied by the commission in accordance with the following procedures and in accordance with chapter 120; however, to the extent that chapter 120 is inconsistent with the provisions of this section, the procedures contained in this section shall govern:

(6)(a) If, upon consideration of the record in the case, the commission finds that an unfair labor practice has been committed, it shall issue and cause to be served an order requiring the appropriate party or parties to cease and desist from the unfair labor practice and take such positive action, including reinstatement of employees with or without back pay, as will best implement the general policies expressed in this part. However, no order of the commission shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment of any back pay, if the individual was suspended or discharged *as otherwise provided by law for cause*. The order may further require the party or parties to make periodic reports showing the extent to which it has complied with the order. If, upon consideration of the record in the case, the commission finds that an unfair labor practice has not been or is not being committed, it shall issue an order dismissing the case.

Section 156. Paragraph (a) of subsection (5) of section 447.507, Florida Statutes, is amended to read:

447.507 Violation of strike prohibition; penalties.—

(5) If the commission, after a hearing on notice conducted according to rules promulgated by the commission, determines that an employee has violated s. 447.505, it may order the termination of his or her employment by the public employer. Notwithstanding any other provision of law, a person knowingly violating the provision of said section may, subsequent to such violation, be appointed, reappointed, employed, or reemployed as a public employee, but only upon the following conditions:

(a) Such person shall be on probation for a period of 18 6 months following his or her appointment, reappointment, employment, or reemployment, during which period he or she shall serve without permanent status and at the pleasure of the agency head tenure. During this period, the person may be discharged only upon a showing of just cause.

Section 157. Effective January 1, 2002, paragraph (m) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (4), shall be granted only to the following persons, officials, and agencies:

(m) The Office of Employee Relations within the Department of Management Services ~~Public Employees Relations Commission~~ for the sole purpose of obtaining evidence for voluntary binding arbitration conducted appeals filed pursuant to s. 109.240 447.207. Records may be released only after deletion of all information which specifically identifies persons other than the employee.

Section 158. Effective January 1, 2002, subsection (4) of section 112.044, Florida Statutes, as amended by this act, is amended to read:

112.044 Public employers, employment agencies, labor organizations; discrimination based on age prohibited; exceptions; remedy.—

(4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the state who is within the Career Service System established by chapter 109 and who is aggrieved by a violation of this act may appeal to the Public Employees Relations Commission under the conditions and following the procedures prescribed in part II of chapter 447. Any person other than an employee who is within the Career Service System established by chapter 109, or any person employed by the Public Employees Relations Commission, who is aggrieved by a violation of this act may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this act, unless voluntary binding arbitration is conducted pursuant to s. 109.240.

Section 159. Effective January 1, 2002, paragraph (b) of subsection (6), subsection (14), and paragraph (a) of subsection (15) of section 112.0455, Florida Statutes, are amended to read:

112.0455 Drug-Free Workplace Act.—

(6) NOTICE TO EMPLOYEES.—

(b) Prior to testing, all employees and job applicants for employment shall be given a written policy statement from the employer which contains:

1. A general statement of the employer's policy on employee drug use, which shall identify:

a. The types of testing an employee or job applicant may be required to submit to, including reasonable suspicion or other basis; and

b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.

2. A statement advising the employee or job applicant of the existence of this section.

3. A general statement concerning confidentiality.

4. Procedures for employees and job applicants to confidentially report the use of prescription or nonprescription medications both before and after being tested. Additionally, employees and job applicants shall receive notice of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications shall be developed by the Agency for Health Care Administration.

5. The consequences of refusing to submit to a drug test.

6. Names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs.

7. A statement that an employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the employer within 5 working days after written notification of the positive test result. If an employee or job applicant's explanation or challenge is unsatisfactory to the employer, the person may contest the drug test result as provided by subsections (14) and (15).

8. A statement informing the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil actions brought pursuant to this section.

9. A list of all drugs for which the employer will test, described by brand names or common names, as applicable, as well as by chemical names.

10. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the circuit court or request voluntary binding arbitration, if applicable, as provided for by s. 109.240 Public Employees Relations Commission.

11. A statement notifying employees and job applicants of their right to consult the testing laboratory for technical information regarding prescription and nonprescription medication.

(14) DISCIPLINE REMEDIES.—

(a) An executive branch employee who is disciplined or who is a job applicant for another position and is not hired pursuant to this section, may file an appeal with the circuit court or request voluntary binding arbitration, if applicable, as provided for by s. 109.240 Public Employees Relations Commission. Any appeal must be filed within 30 calendar days of receipt by the employee or job applicant of notice of discipline or refusal to hire. The notice shall inform the employee or job applicant of the right to file an appeal, or if available, the right to file a collective bargaining grievance pursuant to s. 447.401. Such appeals shall be resolved pursuant to the procedures established in ss. 447.207(1)(4), 447.208(2), and 447.503(4) and (5). A hearing on the appeal shall be conducted within 30 days after of the filing of the appeal, unless an extension is requested by the employee or job applicant and granted by the court commission or a collective bargaining grievance an arbitrator.

(b) The commission shall promulgate rules concerning the receipt, processing, and resolution of appeals filed pursuant to this section.

(c) Appeals to the commission shall be the exclusive administrative remedy for any employee who is disciplined or any job applicant who is not hired pursuant to this section, notwithstanding the provisions of chapter 120. However, Nothing in this subsection shall affect the right of an employee or job applicant to file a collective bargaining grievance pursuant to s. 447.401 provided that an employee or job applicant may not file both an appeal and a grievance.

(d) An employee or a job applicant who has been disciplined or who has not been hired pursuant to this section must exhaust either the administrative appeal process or collective bargaining grievance-arbitration process.

(e) Upon resolving an appeal filed pursuant to paragraph (c), and finding a violation of this section, the commission may order the following relief:

1. Revoke the disciplinary action, expunge related records from the personnel file of the employee or job applicant and reinstate the employee.

2. Order compliance with paragraph (10)(g).

3. Award back pay and benefits.

(b)4. The court may award the prevailing employee or job applicant the necessary costs of the appeal, reasonable attorney's fees, and expert witness fees.

## (15) NONDISCIPLINE REMEDIES.—

(a) Any person alleging a violation of the provisions of this section, that is not remediable ~~by the commission or an arbitrator~~ pursuant to subsection (14), must institute a civil action for injunctive relief or damages, or both, in a court of competent jurisdiction within 180 days of the alleged violation, or be barred from obtaining the following relief. Relief is limited to:

1. An order restraining the continued violation of this section.
2. An award of the costs of litigation, expert witness fees, reasonable attorney's fees, and noneconomic damages provided that damages shall be limited to the recovery of damages directly resulting from injury or loss caused by each violation of this section.

Section 160. Effective July 1, 2001, paragraph (a) of subsection (3) and subsection (4) of section 112.31895, Florida Statutes, are amended to read:

112.31895 Investigative procedures in response to prohibited personnel actions.—

## (3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

(a) The Florida Commission on Human Relations, in accordance with this act and for the sole purpose of this act, is empowered to:

1. Receive and investigate complaints from employees alleging retaliation by state agencies, as the term "state agency" is defined in s. 216.011.
2. Protect employees and applicants for employment with such agencies from prohibited personnel practices under s. 112.3187.
3. Petition for stays and petition for corrective actions, including, but not limited to, temporary reinstatement.
4. Recommend disciplinary proceedings pursuant to investigation and appropriate agency rules and procedures.
5. Coordinate with the Chief Inspector General in the Executive Office of the Governor and the Florida Commission on Human Relations to receive, review, and forward to appropriate agencies, legislative entities, or the Department of Law Enforcement disclosures of a violation of any law, rule, or regulation, or disclosures of gross mismanagement, malfeasance, misfeasance, nonfeasance, neglect of duty, or gross waste of public funds.
6. Review rules pertaining to personnel matters issued or proposed by the Department of Management Services, *the Office of Employee Relations*, the Public Employees Relations Commission, and other agencies, and, if the Florida Commission on Human Relations finds that any rule or proposed rule, on its face or as implemented, requires the commission of a prohibited personnel practice, provide a written comment to the appropriate agency.
7. Investigate, request assistance from other governmental entities, and, if appropriate, bring actions concerning, allegations of retaliation by state agencies under subparagraph 1.
8. Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery, pursuant to investigations under subparagraph 1.
9. Intervene or otherwise participate, as a matter of right, in any appeal or other proceeding arising under this section before ~~an the Public Employees Relations Commission or any other appropriate~~ agency, except that the Florida Commission on Human Relations must comply with the rules of ~~that the commission or other~~ agency and may not seek corrective action or intervene in an appeal or other proceeding without the consent of the person protected under ss. 112.3187-112.31895.
10. Conduct an investigation, in the absence of an allegation, to determine whether reasonable grounds exist to believe that a prohibited

action or a pattern of prohibited action has occurred, is occurring, or is to be taken.

## (4) RIGHT TO APPEAL.—

~~(a) Not more than 60 days after receipt of a notice of termination of the investigation from the Florida Commission on Human Relations, the complainant may file for judicial review of the notice of termination as provided for in s. 120.68. The notice of termination of the investigation, which shall contain a statement of facts, analysis, and conclusions, shall be considered final agency action for purposes of s. 120.68., with the Public Employees Relations Commission, a complaint against the hearings regarding the alleged prohibited personnel action. The Public Employees Relations Commission shall have jurisdiction over such complaints under ss. 112.3187 and 447.503(4) and (5).~~

~~(b) Judicial review of any final order of the commission shall be as provided in s. 120.68.~~

Section 161. Effective January 1, 2002, paragraph (a) of subsection (3) of section 112.31895, Florida Statutes, as amended by this act, is amended to read:

112.31895 Investigative procedures in response to prohibited personnel actions.—

## (3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

(a) The Florida Commission on Human Relations, in accordance with this act and for the sole purpose of this act, is empowered to:

1. Receive and investigate complaints from employees alleging retaliation by state agencies, as the term "state agency" is defined in s. 216.011.
2. Protect employees and applicants for employment with such agencies from prohibited personnel practices under s. 112.3187.
3. Petition for stays and petition for corrective actions, including, but not limited to, temporary reinstatement.
4. Recommend disciplinary proceedings pursuant to investigation and appropriate agency rules and procedures.
5. Coordinate with the Chief Inspector General in the Executive Office of the Governor and the Florida Commission on Human Relations to receive, review, and forward to appropriate agencies, legislative entities, or the Department of Law Enforcement disclosures of a violation of any law, rule, or regulation, or disclosures of gross mismanagement, malfeasance, misfeasance, nonfeasance, neglect of duty, or gross waste of public funds.
6. Review rules pertaining to personnel matters issued or proposed by the Department of Management Services, *the Office of Employee Relations*, ~~the Public Employees Relations Commission~~, and other agencies, and, if the Florida Commission on Human Relations finds that any rule or proposed rule, on its face or as implemented, requires the commission of a prohibited personnel practice, provide a written comment to the appropriate agency.
7. Investigate, request assistance from other governmental entities, and, if appropriate, bring actions concerning, allegations of retaliation by state agencies under subparagraph 1.
8. Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery, pursuant to investigations under subparagraph 1.
9. Intervene or otherwise participate, as a matter of right, in any appeal or other proceeding arising under this section before an agency, except that the Florida Commission on Human Relations must comply with the rules of that agency and may not seek corrective action or intervene in an appeal or other proceeding without the consent of the person protected under ss. 112.3187-112.31895.

10. Conduct an investigation, in the absence of an allegation, to determine whether reasonable grounds exist to believe that a prohibited action or a pattern of prohibited action has occurred, is occurring, or is to be taken.

Section 162. Effective July 1, 2001, subsection (12) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(12) *OFFICE OF EMPLOYEE RELATIONS; PUBLIC EMPLOYEES RELATIONS COMMISSION.*—

(a) Notwithstanding s. 120.57(1)(a), hearings within the jurisdiction of the *Office of Employee Relations within the Department of Management Services or the Public Employees Relations Commission* need not be conducted by an administrative law judge assigned by the division.

(b) Section 120.60 does not apply to certification of employee organizations pursuant to s. 447.307.

Section 163. *Paragraph (d) of subsection (2) of section 125.0108, Florida Statutes, is repealed.*

Section 164. Paragraph (b) of subsection (9) of section 376.75, Florida Statutes, is amended to read:

376.75 Tax on production or importation of perchloroethylene.—

(9)

~~(b) The Department of Revenue, under the applicable rules of the Public Employees Relations Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature. The Department of Revenue is empowered to adopt such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section.~~

Section 165. Paragraph (b) of subsection (3) of section 403.718, Florida Statutes, is amended to read:

403.718 Waste tire fees.—

(3)

~~(b) The Department of Revenue, under the applicable rules of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature. The department is empowered to adopt such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section. The department is authorized to establish audit procedures and to assess delinquent fees.~~

Section 166. Section 538.11, Florida Statutes, is amended to read:

538.11 Powers and duties of department; rules.—The same duties and privileges imposed by chapter 212 upon dealers of tangible personal property respecting the keeping of books and records and accounts and compliance with rules of the department shall apply to and be binding upon all persons who are subject to the provisions of this chapter. The department shall administer, collect, and enforce the registration authorized under this chapter pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under chapter 212, except as provided in this section. The provisions of chapter 212 regarding the keeping of records and books shall apply. ~~The department, under the applicable rules of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature. The department is empowered to adopt such rules, and shall prescribe and publish such forms, as may be necessary to effectuate the purposes of this chapter. The Legislature hereby finds that the failure to promptly implement the provisions of this chapter would present an immediate threat to the welfare of the state. Therefore, the executive director of the department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4), for purposes of implementing this chapter. Notwithstanding any other provision of law, such emergency rules shall~~

remain effective for 6 months from the date of adoption. Other rules of the department related to and in furtherance of the orderly implementation of the chapter shall not be subject to a rule challenge under s. 120.56(2) or a drawout proceeding under s. 120.54(3)(c)2. but, once adopted, shall be subject to an invalidity challenge under s. 120.56(3). Such rules shall be adopted by the Governor and Cabinet and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(3)(e)6.

Section 167. Effective July 1, 2001, section 284.30, Florida Statutes, is amended to read:

284.30 State Risk Management Trust Fund; coverages to be provided.—A state self-insurance fund, designated as the “State Risk Management Trust Fund,” is created to be set up by the Department of Insurance and administered with a program of risk management, which fund is to provide insurance, as authorized by s. 284.33, for workers’ compensation, general liability, fleet automotive liability, federal civil rights actions under 42 U.S.C. s. 1983 or similar federal statutes, and court-awarded attorney’s fees in other proceedings against the state except for such awards in eminent domain or for inverse condemnation or for awards by the Public Employees Relations Commission *or by the Office of Employee Relations*. A party to a suit in any court, to be entitled to have his or her attorney’s fees paid by the state or any of its agencies, must serve a copy of the pleading claiming the fees on the Department of Insurance; and thereafter the department shall be entitled to participate with the agency in the defense of the suit and any appeal thereof with respect to such fees.

Section 168. Effective July 1, 2001, section 284.31, Florida Statutes, is amended to read:

284.31 Scope and types of coverages; separate accounts.—The insurance risk management trust fund shall, unless specifically excluded by the Department of Insurance, cover all departments of the State of Florida and their employees, agents, and volunteers and shall provide separate accounts for workers’ compensation, general liability, fleet automotive liability, federal civil rights actions under 42 U.S.C. s. 1983 or similar federal statutes, and court-awarded attorney’s fees in other proceedings against the state except for such awards by the Public Employees Relations Commission *or by the Office of Employee Relations*. Unless specifically excluded by the Department of Insurance, the insurance risk management trust fund shall provide fleet automotive liability coverage to motor vehicles titled to the state, or to any department of the state, when such motor vehicles are used by community transportation coordinators performing, under contract to the appropriate department of the state, services for the transportation disadvantaged under part I of chapter 427. Such fleet automotive liability coverage shall be primary and shall be subject to the provisions of s. 768.28 and parts II and III of chapter 284, and applicable rules adopted thereunder, and the terms and conditions of the certificate of coverage issued by the Department of Insurance.

Section 169. Effective January 1, 2002, paragraph (k) of subsection (3) of section 415.107, Florida Statutes, is amended to read:

415.107 Confidentiality of reports and records.—

(3) Access to all records, excluding the name of the reporter which shall be released only as provided in subsection (6), shall be granted only to the following persons, officials, and agencies:

(k) ~~The Office of Employee Relations Public Employees Relations Commission~~ for the sole purpose of obtaining evidence for *voluntary binding arbitration conducted appeals filed* pursuant to s. 109.240 and *the Public Employees Relations Commission for the purpose of obtaining evidence for appeals filed* pursuant to s. 447.207. Records may be released only after deletion of all information that specifically identifies persons other than the employee.

Section 170. *Effective January 1, 2002, paragraph (c) of subsection (3) of section 944.35, Florida Statutes, and paragraph (b) of subsection (1) of section 985.4045, Florida Statutes, are repealed.*

Section 171. *The Office of Employee Relations within the Department of Management Services shall coordinate the development and implementation of a transition plan that supports the implementation of this act. The Department of Labor and Employment Security, the Public Employees Relations Commission, and all other state agencies identified by the office shall cooperate fully in developing and implementing the plan and shall dedicate the financial and staff resources that are necessary for such implementation.*

Section 172. (1) *Until July 1, 2001, the Public Employees Relations Commission shall continue to exercise its powers, duties, and functions pursuant to the authority granted it under the Florida Statutes 2000.*

(2) *On and after July 1, 2001, the Public Employees Relations Commission shall continue to exercise its powers, duties, and functions pursuant to this act's amendments which take effect July 1, 2001. As to those cases within the Public Employees Relations Commission jurisdiction regarding the suspension, dismissal, reduction in pay, demotion, layoff, or transfer of a career service employee that are pending before the commission on January 1, 2002, the commission shall continue to exercise its authority in order to finalize those existing cases under review.*

(3) *After June 30, 2002, the jurisdiction of the Public Employees Relations Commission to hear appeals arising out of any suspension, dismissal, reduction in pay, demotion, layoff, or transfer of an employee in the Career Service System shall cease to exist.*

Section 173. *There is appropriated to the Department of Management Services for fiscal year 2000-2001, \$26,208 of nonrecurring general revenue for the purpose of establishing an administrative staff to implement the provisions of this act.*

Section 174. *Effective January 1, 2002, the Public Employees Relations Commission is transferred from the Department of Labor and Employment Security to the Department of Management Services. The Public Employees Relations Commission shall have all its statutory powers, duties, and functions, as otherwise provided for in this act, transferred to the Department of Management Services. All the Public Employees Relations Commission's records, personnel, property, and unexpended balances of appropriations, allocations, or other funds are transferred to the Department of Management Services as of January 1, 2002, except that such portion of the personnel, property, and unexpended balances of appropriations, allocations, or other funds shall be transferred to the Office of Employee Relations within the Department of Management Services as is sufficient for that office to accomplish its duties and responsibilities as provided for in this act. Accordingly, the Executive Office of the Governor shall process a budget amendment, or budget amendments, subject to legislative notice and review under s. 216.177, Florida Statutes, to transfer such records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Public Employees Relations Commission to the Office of Employee Relations as is sufficient for that office to perform its statutory duties and responsibilities. The Office of Employee Relations, the Public Employees Relations Commission, and the Department of Management Services shall work cooperatively in preparing and forwarding to the Executive Office of the Governor a recommended budget amendment, or amendments, no later than September 1, 2001.*

Section 175. *The Department of Management Services shall adopt, amend, or repeal rules as necessary to effectuate the provisions of chapter 109, Florida Statutes, as created by this act, and in accordance with the authority granted to the department in chapter 109, Florida Statutes.*

Section 176. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to public employees; renumbering parts I, II, III, IV, and V of ch. 110, F.S., as parts I, II, III, IV, and V of ch. 109, F.S.; amending and renumbering s. 110.107, F.S.; revising definitions; repealing s. 110.108, F.S., relating to pilot projects for agencies seeking managerial flexibility for personnel

programs, s. 110.109, F.S., relating to personnel audits of agencies, and s. 110.1095, F.S., relating to training programs for supervisors and managers; amending and renumbering s. 110.1099, F.S.; specifying duties of agency heads with respect to education and training opportunities for state employees; amending and renumbering s. 110.112, F.S.; providing policy relating to use of human resources; revising provisions relating to implementation of affirmative action plans by agency heads, state attorneys, and public defenders; amending and renumbering s. 110.113, F.S.; requiring all state employees to participate in the direct deposit program; revising conditions for requesting an exemption; amending and renumbering s. 110.124, F.S.; providing that an employee who is terminated solely because of attaining age 65 may request voluntary binding arbitration or apply to the circuit court for relief; amending and renumbering s. 110.1245, F.S.; providing for a savings sharing program of awards for certain state agency and judicial branch employees; requiring a report; providing for annual bonus payments to employees; directing agency heads to develop a plan for awarding bonuses and providing requirements with respect thereto; authorizing department heads to incur expenditures for certain awards; repealing s. 110.1246, F.S., which provides for lump-sum bonus payments to employees; amending and renumbering s. 110.131, F.S.; revising the time limitation on employment of other-personal-services temporary employees; requiring approval of the Governor's Office of Policy and Budget for extensions of such limitations; revising exemptions from such limitation; amending and renumbering s. 110.203, F.S.; revising definitions; revising the definition of "layoff" to include outsourcing or privatization; creating s. 109.2035, F.S.; directing the Department of Management Services, in consultation with specified entities, to develop a civil service classification and compensation program and providing requirements with respect thereto; directing the department to establish guidelines regarding certain types of pay and providing duties of agencies with respect thereto; amending and renumbering s. 110.205, F.S.; providing additional positions that are exempt from the Career Service System and included in the Selected Exempt Service; providing that when an employee transfers from the Career Service System to the Selected Exempt Service, unused annual and sick leave, and, under certain conditions, unused compensatory leave, shall carry forward; repealing ss. 109.207 and 109.209, F.S., as renumbered by the act, relating to establishment and maintenance of a uniform classification plan and an equitable pay plan and related agency duties; amending and renumbering ss. 110.211 and 110.213, F.S.; revising requirements with respect to recruitment and selection; requiring completion of a probationary period before attainment of permanent status for new employees; amending and renumbering s. 110.219, F.S.; providing requirements regarding leave benefits for Senior Management Service employees; providing for an annual payout of unused annual leave for career service employees; amending and renumbering s. 110.224, F.S.; revising requirements relating to a review and performance planning system and designating such system a public employee performance evaluation system; revising requirements relating to certain information furnished to employees and employee evaluation; amending and renumbering s. 110.227, F.S.; providing that a career service employee other than a law enforcement or correctional officer or a firefighter may be suspended or dismissed for reasonable cause; providing that reasonable cause shall be determined by the agency head and specifying actions included thereunder; specifying actions that constitute an abuse of the agency head's sound discretion; revising certain responsibilities of agency heads; providing that, except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff shall not include "bumping"; deleting a requirement that a layoff be conducted within an identified competitive area with regard to employees other than law enforcement or correctional officers or firefighters; providing for appeal of reductions in pay, transfers, layoffs, or demotions to, and hearings regarding suspension or dismissal before, the circuit court, or for voluntary binding arbitration with respect thereto; providing that, for any alleged adverse agency action against an employee other than a law enforcement or correctional officer or a firefighter occurring after a specified date, the employee bears the burden of proof to establish that the agency head abused his or her discretion; creating s. 109.237, F.S.; creating an Office of Employee Relations within the Department of Management Services; providing for an executive director, a general



counsel, and an administrative assistant, and their qualifications and duties; providing for additional personnel; providing duties of the department; providing powers and duties of the office; creating s. 109.240, F.S.; providing that any permanent career service employee may request voluntary binding arbitration administered by the Office of Employee Relations upon notice of an adverse agency action; providing definitions; providing requirements for such requests; providing for notice to the agency; specifying the employee's burden of proof; providing for arbitrators and their qualifications and authority; providing for employee panels and their qualifications and authority; providing duties of the office; providing for records; providing procedural requirements for arbitration proceedings; providing for rules; providing for application to the circuit court for an order confirming, vacating, or modifying the arbitration decision; providing for immunity; amending and renumbering s. 110.403, F.S.; increasing the limit on the number of Senior Management Service positions; amending and renumbering s. 110.602, F.S.; removing the limit on the number of Selected Exempt Service positions; amending and renumbering ss. 110.1091, 110.1127, 110.117, 110.1227, 110.123, 110.12312, 110.1232, 110.129, 110.152, 110.1521, 110.1522, 110.1523, 110.161, 110.171, 110.191, 110.233, 110.235, 110.401, 110.402, 110.406, 110.502, 110.601, 110.605, and 110.606, F.S.; clarifying and conforming language and correcting cross references; amending ss. 20.171, 20.18, 20.21, 20.23, 20.255, 20.315, 24.105, 24.122, 68.087, 104.31, 106.082, 106.24, 112.044, 112.0805, 112.313, 112.3189, 112.363, 121.021, 121.0515, 121.055, 121.35, 215.94, 216.011, 216.251, 231.381, 235.217, 240.209, 240.2111, 240.507, 241.002, 242.331, 260.0125, 281.02, 287.175, 288.708, 295.07, 296.04, 296.34, 311.07, 339.175, 343.74, 381.85, 393.0657, 400.19, 400.953, 402.3057, 402.55, 402.731, 409.1757, 440.102, 440.4416, 443.171, 456.048, 471.038, 509.036, 570.073, 570.074, 624.307, 627.0623, 627.6488, 627.649, 627.6498, 627.6617, 655.019, 943.0585, 943.059, 943.22, 944.35, 945.043, 957.03, 985.04, 985.05, and 985.4045, F.S.; conforming language and correcting cross references; amending s. 216.262, F.S.; authorizing efficiency awards to state agencies based on changes to authorized positions and providing requirements with respect thereto; amending s. 447.201, F.S., relating to the statement of public policy regarding public employees; amending s. 447.205, F.S., relating to creation of the Public Employees Relations Commission; repealing s. 447.207(8), (9), (10), and (11), F.S., which provide for appeals to the commission with regard to adverse agency actions against career service employees; amending s. 447.208, F.S.; providing the employee's burden of proof for alleged adverse agency actions occurring on or after July 1, 2001; repealing s. 447.208, F.S., which provides procedures for appeals to the commission regarding certain adverse agency actions, and s. 447.2085, F.S., which provides for rules with respect thereto, effective January 1, 2002; amending s. 447.307, F.S.; providing requirements with respect to bargaining units for certain law enforcement agencies; amending s. 447.503, F.S.; conforming language; amending s. 447.507, F.S.; revising conditions under which a person who violates the strike prohibition may be employed or appointed; amending s. 39.202, F.S.; providing for access to certain records by the office; amending s. 112.044, F.S., which prohibits age discrimination against public employees; providing for court action by an aggrieved employee if voluntary binding arbitration is not conducted; amending s. 112.0455, F.S., the Drug-Free Workplace Act; providing for appeals with respect to discipline or not being hired under said act to the circuit court rather than the commission, or for voluntary binding arbitration; amending s. 112.31895, F.S.; providing for judicial review of notice of termination of an investigation in connection with the Whistle-blower's Act rather than commission review; conforming language; amending s. 120.80, F.S.; conforming language; repealing s. 125.0108(2)(d), F.S., and amending ss. 376.75, 403.718, and 538.11, F.S.; removing provisions which authorize certain actions by the Department of Revenue pursuant to rules of the commission or the Career Service Commission; amending ss. 284.30 and 284.31, F.S.; conforming language; amending s. 415.107, F.S.; providing for access to certain records by the office; repealing ss. 944.35(3)(c) and 985.4045(1)(b), F.S., which provide that violations by Department of Corrections employees of prohibitions against malicious battery and sexual misconduct, and violations by Department of Juvenile Justice employees of the prohibition against sexual misconduct, as determined by the commission, constitute cause for dismissal; directing the office to coordinate a transition plan; specifying

transitional powers and duties of the commission and providing that it shall cease to hear certain appeals after June 30, 2002; providing an appropriation; transferring the commission to the Department of Management Services and certain of its property and personnel to the office; providing for budget amendments; providing for rules; providing effective dates.

Rep. Diaz-Balart moved the adoption of the substitute amendment.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 622703)

**Amendment 1 to Substitute Amendment 1**—On page 41, line 22 through page 43, line 27, remove from the substitute amendment: all of said lines

and insert in lieu thereof: rebuttal must be substantiated. *Any any* employee who is suspended or dismissed *on or after January 1, 2002*, pursuant to the provisions of this paragraph shall be entitled to a hearing before the *circuit court*, or the aggrieved employee may request voluntary binding arbitration as provided in s. 109.240 ~~Public Employees Relations Commission or its designated agent pursuant to s. 447.208, except that such hearing shall be held no more than 20 days after the filing of the notice of appeal by the employee. Appeals based on the protections provided by the Whistle-blower's Act, ss. 112.3187-112.31895, must be filed with the Commission on Human Relations as provided for in that act.~~

(6) *For any alleged adverse agency action against an employee, other than a law enforcement or correctional officer or a firefighter, occurring on or after July 1, 2001, the adversely affected employee bears the burden of proof to establish by preponderance of the evidence that the agency head abused his or her discretion in suspending, dismissing, reducing the pay of, demoting, laying off, or transferring that employee and that no reasonable cause existed for the alleged adverse action taken by the agency, or that the alleged adverse action was in violation of s. 109.233. For any alleged adverse agency action against a law enforcement or correctional officer or a firefighter occurring on or after July 1, 2001, the agency must prove just cause for suspending, dismissing, reducing the pay of, demoting, laying off, or transferring that employee.*

(7)(6) A grievance process shall be available to career service employees. A grievance is defined as the dissatisfaction that occurs when an employee *believes* ~~thinks or feels~~ that any condition affecting the employee is unjust, inequitable, or a hindrance to effective operation, or creates a problem, except that an employee shall not have the right to file a grievance against performance evaluations unless the *employee alleges* ~~it is alleged~~ that the evaluation is based on factors other than the employee's performance. Claims of discrimination and sexual harassment, suspensions, reductions in pay, transfers, layoffs, demotions, and dismissals are not subject to the career service grievance process.

(8)(7) The department shall adopt rules for administration of the grievance process for career service employees. Such rules shall establish agency grievance procedures, eligibility, filing deadlines, forms, and review and evaluation governing the grievance process.

Section 51. Effective January 1, 2002, paragraph (a) of subsection (5) of section 109.227, Florida Statutes, as renumbered and amended by this act, is amended to read:

109.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(5)(a) Any permanent career service employee who is subject to suspension or dismissal shall receive written notice of such action at least 10 days prior to the date such action is to be taken. Subsequent to such notice, and prior to the date the action is to be taken, an affected employee other than a law enforcement or correctional officer or a firefighter shall be given an opportunity to appear before the agency head or the agency head's designee to rebut the conclusion that reasonable grounds exist for the suspension or dismissal. Subsequent to such notice, and prior to the date the action is to be taken, an affected

law enforcement or correctional officer or a firefighter shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him or her. The notice to the employee required by this paragraph may be delivered to the employee personally or may be sent by certified mail with return receipt requested. *An an* employee who is suspended or dismissed *on or after January 1, 2002*, shall be

Rep. Byrd moved the adoption of the amendment to the substitute amendment, which was adopted.

Representative(s) Diaz-Balart offered the following:

(Amendment Bar Code: 702197)

**Amendment 2 to Substitute Amendment 1 (with directory language and title amendments)**—On page 36, lines 18-26, remove from the substitute amendment: all of said lines

And the directory language is amended as follows:

On page 36, line 4,  
remove: subsections (6) and (7) are

and insert in lieu thereof: subsection (6) is

And the title is amended as follows:

On page 158, lines 28-30, of the amendment  
remove: all of said lines

and insert in lieu thereof: Senior Management Service employees; amending and

Rep. Diaz-Balart moved the adoption of the amendment to the substitute amendment, which was adopted.

Representative(s) Ausley offered the following:

(Amendment Bar Code: 105921)

**Amendment 3 to Substitute Amendment 1 (with title amendment)**—On page 156, line 2,

insert: Section 176. *The Department of Management Services shall conduct a market survey of pay differentials between comparable job classifications in the state personnel system and private sector employment. The department shall report the findings of the survey to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2002. The Governor shall include in his recommended budget for fiscal year 2002-2003, sufficient funding of all positions in the state personnel system at the same level as the survey results for the comparable positions in private employment. For the current fiscal year, there shall be appropriated from General Revenue, an amount sufficient to provide every employee in the career service system a \$1,000 increase in salary.*

And the title is amended as follows:

On page 164, line 3,

insert after "rules,": directing the department to conduct a market survey of pay differentials between state and private employment; providing an appropriation for a salary increase for employees in the career service system:

Rep. Ausley moved the adoption of the amendment to the substitute amendment, which failed of adoption.

Representative(s) Frankel offered the following:

(Amendment Bar Code: 130033)

**Amendment 4 to Substitute Amendment 1**—On page 32, line 28, after the word "officers" insert: *, that the agency head may exempt; provided the employees are determined by the agency head to not be in a position requiring the exercise of independent judgment, where exempt status could hinder the exercise of such independent judgment and put*

*undue pressure on the employee in the execution of his duties, such that exempting the position is not in the public interest.*

Rep. Frankel moved the adoption of the amendment to the substitute amendment. Subsequently, **Amendment 4 to Substitute Amendment 1** was withdrawn.

Representative(s) Ausley offered the following:

(Amendment Bar Code: 393111)

**Amendment 5 to Substitute Amendment 1 (with title amendment)**—On page 38, line 5, through page 137, line 28, remove from the substitute amendment: all of said lines

and insert in lieu thereof:

Section 50. Section 110.227, Florida Statutes, is renumbered as section 109.227, Florida Statutes, and subsection (2) of said section is amended, and, effective July 1, 2001, subsections (1), (3), and (6) of said section are amended, and, effective January 1, 2002, subsection (4) and paragraph (b) of subsection (5) of said section are amended, to read:

~~109.227~~ ~~110.227~~ Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(1) Any employee who has permanent status in the career service may only be suspended or dismissed for *just* cause. *Just* cause shall include, but not be limited to, negligence, inefficiency or inability to perform assigned duties, insubordination, willful violation of the provisions of law or agency rules, conduct unbecoming a public employee, misconduct, habitual drug abuse, or conviction of any crime involving moral turpitude. Each agency head shall ensure that all employees of the agency are completely familiar with the agency's established procedures on disciplinary actions and grievances.

(2) The department shall establish rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service. *Except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff procedures shall not include any system whereby a career service employee with greater seniority has the option of selecting a different position not being eliminated, but either vacant or already occupied by an employee of less seniority, and taking that position, commonly referred to as "bumping."* Such rules shall be approved by the Administration Commission prior to their adoption by the department. *This subsection does not prohibit collective bargaining units from seeking to incorporate "bumping" in their collective bargaining agreements.*

(3)(a) *With regard to law enforcement or correctional officers or firefighters, when a layoff becomes necessary, such layoff shall be conducted within the competitive area identified by the agency head and approved by the Department of Management Services. Such competitive area shall be established taking into consideration the similarity of work; the organizational unit, which may be by agency, department, division, bureau, or other organizational unit; and the commuting area for the work affected.*

(b) Layoff procedures shall be developed to establish the relative merit and fitness of employees and shall include a formula for uniform application among *potentially adversely affected employees, or, with respect to law enforcement or correctional officers or firefighters, among all employees in the competitive area, taking into consideration the type of appointment, the length of service, and the evaluations of the employee's performance within the last 5 years of employment.*

(4) Any permanent career service employee subject to reduction in pay, transfer, layoff, or demotion from a class in which he or she has permanent status in the Career Service System shall be notified in writing by the agency prior to its taking such action. The notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. *As of January 1, 2002, such actions shall be appealable to the circuit court, or the aggrieved employee may request voluntary binding arbitration as provided in s. 109.240 Public Employees Relations Commission, pursuant to s. 447.208 and rules adopted by the commission. Appeals based on the protections provided*

by the Whistle-blower's Act, ss. 112.3187-112.31895, must be filed with the Commission on Human Relations as provided for in that act.

(5)

(b) In extraordinary situations such as when the retention of a permanent career service employee would result in damage to state property, would be detrimental to the best interest of the state, or would result in injury to the employee, a fellow employee, or some other person, such employee may be suspended or dismissed without 10 days' prior notice, provided that written or oral notice of such action, evidence of the reasons therefor, and an opportunity to rebut the charges are furnished to the employee prior to such dismissal or suspension. Such notice may be delivered to the employee personally or may be sent by certified mail with return receipt requested. Agency compliance with the foregoing procedure requiring notice, evidence, and an opportunity for rebuttal must be substantiated. As of January 1, 2002, any employee who is suspended or dismissed pursuant to the provisions of this paragraph shall be entitled to a hearing before the circuit court, or the aggrieved employee may request voluntary binding arbitration as provided in s. 109.240 Public Employees Relations Commission or its designated agent pursuant to s. 447.208, except that such hearing shall be held no more than 20 days after the filing of the notice of appeal by the employee. Appeals based on the protections provided by the Whistle-blower's Act, ss. 112.3187-112.31895, must be filed with the Commission on Human Relations as provided for in that act.

(6) A grievance process shall be available to career service employees. A grievance is defined as the dissatisfaction that occurs when an employee believes thinks or feels that any condition affecting the employee is unjust, inequitable, or a hinderance to effective operation, or creates a problem, except that an employee shall not have the right to file a grievance against performance evaluations unless the employee alleges it is alleged that the evaluation is based on factors other than the employee's performance. Claims of discrimination and sexual harassment, suspensions, reductions in pay, transfers, layoffs, demotions, and dismissals are not subject to the career service grievance process.

(7) The department shall adopt rules for administration of the grievance process for career service employees. Such rules shall establish agency grievance procedures, eligibility, filing deadlines, forms, and review and evaluation governing the grievance process.

Section 51. Effective January 1, 2002, paragraph (a) of subsection (5) of section 109.227, Florida Statutes, as renumbered and amended by this act, is amended to read:

109.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(5)(a) Any permanent career service employee who is subject to suspension or dismissal shall receive written notice of such action at least 10 days prior to the date such action is to be taken. Subsequent to such notice, and prior to the date the action is to be taken, the affected employee shall be given an opportunity to appear before the agency or official taking the action to answer orally and in writing the charges against him or her. The notice to the employee required by this paragraph may be delivered to the employee personally or may be sent by certified mail with return receipt requested. As of January 1, 2002, an employee who is suspended or dismissed shall be entitled to a hearing before the circuit court, or the aggrieved employee may request voluntary binding arbitration as provided in s. 109.240 Public Employees Relations Commission or its designated agent pursuant to s. 447.208 and rules adopted by the commission. Appeals based on the protections provided by the Whistle-blower's Act, ss. 112.3187-112.31895, must be filed with the Commission on Human Relations as provided for in that act.

Section 52. Section 110.233, Florida Statutes, is renumbered as section 109.233, Florida Statutes, and paragraph (a) of subsection (4) of said section is amended to read:

109.233 110.233 Political activities and unlawful acts prohibited.—

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the Constitution and laws of the United States. However, no employee in the career service shall:

(a) Hold, or be a candidate for, public office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, when authorized by his or her agency head and approved by the department of Management Services as involving no interest which conflicts or activity which interferes with his or her state employment, an employee in the career service may be a candidate for or hold local public office. The department of Management Services shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

Section 53. Section 110.235, Florida Statutes, is renumbered as section 109.235, Florida Statutes, and subsection (1) of said section is amended to read:

109.235 110.235 Training.—

(1) It is the intent of the Legislature that State agencies shall implement training programs that encompass modern management principles, and that provide the framework to develop human resources through empowerment, training, and rewards for productivity enhancement; to continuously improve the quality of services; and to satisfy the expectations of the public.

Section 54. Section 109.237, Florida Statutes, is created to read:

109.237 Office of Employee Relations.—

(1) There is created within the Department of Management Services the Office of Employee Relations, hereinafter referred to as the "office." The Governor shall appoint an executive director of the office. The executive director shall serve at the pleasure of and report to the Governor. The executive director must be a member in good standing of The Florida Bar, have a minimum of 5 years of legal experience, and be knowledgeable regarding and have a background in the laws regarding state employees, the Career Service System, employee bargaining units, and collective bargaining. The executive director shall serve on a full-time basis, and shall personally, or through a representative of the office, carry out the purposes and functions of the office in accordance with state and federal law. The executive director shall be responsible for the administrative functions of the office. The executive director shall make all planning, personnel, and budgeting decisions with regard to the office. The executive director shall be solely responsible for administering the voluntary binding arbitration program provided for by s. 109.240. The executive director, or the executive director's designee, shall be responsible for establishing and implementing a training and education program for all the office's employees with regard to their duties and responsibilities, procedural requirements, and applicable law, as appropriate for each employee's position.

(2) The executive director shall employ a general counsel and an administrative assistant to meet immediate staffing needs. The executive director, general counsel, and administrative assistant shall be paid annual salaries to be fixed by law. Such salaries shall be paid in equal monthly installments. The executive director, general counsel, and administrative assistant shall be reimbursed for necessary travel expenses, as provided in s. 112.061. Effective December 1, 2001, the executive director shall have the authority to employ such personnel as is necessary to carry out the duties and responsibilities of the office. These personnel shall be paid annual salaries fixed by law, in equal monthly installments, and such personnel shall be reimbursed for necessary travel expenses as provided in s. 112.061.

(3) The office, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction of the Department of Management Services. The office shall be a separate budget entity within the department's legislative budget request.

(4) The Department of Management Services shall provide the necessary office space, furniture, equipment, and supplies necessary for the startup of the office. The department shall further provide administrative support and service to the office to the extent requested by the executive director within the available resources of the department. The executive director may request the assistance of the Inspector General of the Department of Management Services in providing auditing services, and the Office of General Counsel of the department may provide assistance in rulemaking and other matters as needed to assist the office.

(5) The office shall make such expenditures, including expenditures for personal services and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, furniture, equipment, and supplies, and for printing and binding, as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities. All such expenditures by the office shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the executive director.

(6) The office may charge for copies of records and documents as provided for in s. 119.07.

(7) The office shall maintain and keep open during reasonable business hours an office at which its public records shall be kept. The office may conduct hearings at any place within the state.

(8) The office shall have a seal for authentication of its orders and proceedings, upon which shall be inscribed the words "State of Florida—Office of Employee Relations—Seal" and which shall be judicially noticed.

(9) The office is expressly authorized to provide by rule for, and to destroy, obsolete records of the office.

(10) Any hearing held or oral argument heard by the office pursuant to chapter 120 or this chapter shall be open to the public.

(11) Any hearing held by the office under this part shall be conducted in accordance with the provisions of ss. 120.569 and 120.57 by an employee of the office, or a person designated by the executive director, who is a member in good standing of The Florida Bar.

Section 55. (1) Except as otherwise provided, effective January 1, 2002, section 109.240, Florida Statutes, is created to read:

**109.240 Voluntary binding arbitration.—**

(1) Upon receipt of notice of an adverse agency action, any permanent career service employee may request voluntary binding arbitration administered by the Office of Employee Relations. As used in this section, "adverse agency action" means the suspension, dismissal, reduction in pay, demotion, layoff, or transfer of an employee. Any eligible employee choosing to participate in voluntary binding arbitration must file a written request for arbitration with the office no later than 14 days after the receipt of notice of the adverse agency action.

(2) The arbitration request must be submitted on a form prescribed by the office by rule. The form must be signed by the employee and must include stipulations that:

(a) The employee is voluntarily participating in binding arbitration pursuant to this section.

(b) The arbitration order is final and may not be set aside except for an error in law that is apparent on the record.

(c) The employee will faithfully abide by the arbitration order unless otherwise determined by a court of competent jurisdiction.

(3) Upon receipt of the arbitration request, the office shall provide written notice to the agency against which a request is made regarding the employee request for binding arbitration. The agency must participate in the requested binding arbitration. Binding arbitration shall not be conducted pursuant to this section unless the employee requests it.

(4) The employer must prove just cause for the adverse agency action.

(5)(a) The voluntary binding arbitration shall be heard and determined by an employee panel that consists of three randomly selected career service employees chosen by the office in a manner to ensure a balanced representation of employees from each pay classification. At least one of the employees selected to serve on an employee panel must be a member of the same pay classification as the employee requesting binding arbitration. This paragraph does not apply to law enforcement or correctional officers or firefighters.

(b) With regard to law enforcement or correctional officers or firefighters, the voluntary binding arbitration shall be heard and determined by an employee panel that consists of three career service employees selected as follows:

1. One panel member who is a member of the same pay classification as the employee requesting the voluntary binding arbitration, selected by that employee.

2. One panel member who is a member of the same pay classification as the employee requesting the voluntary binding arbitration, selected by the employer.

3. One panel member jointly selected by the other two panel members. If the two panel members do not agree on the jointly selected panel member, within 10 working days after the appeal is submitted, the parties shall jointly request the Federal Mediation and Conciliation Service to furnish a panel of seven names from which each party shall have the option, within 5 days of receipt, of striking three names in alternating fashion. The seventh or remaining name shall serve as the third panel member. The parties shall jointly notify the panel member of his or her selection. Either party may object to all names on the list, provided the objection is made prior to the commencement of the striking process. If this occurs, the objecting party may request the Federal Mediation and Conciliation Service to furnish another list of names. No more than two lists may be requested.

(c) The employee panel shall receive procedural direction and legal advice from the arbitrator appointed by the office.

(d) No employee currently employed or employed within the preceding 6 months by the agency participating in the binding arbitration shall be selected for an employee panel. Employees selected to serve on an employee panel shall hear all evidence submitted by the parties in arbitration and their decision shall be governed by the statutory burden of proof. The office shall reimburse agencies for the daily tasks of each agency employee that serves on an employee panel.

(e) The employee panel shall make all findings of fact and determination of claims. The arbitrator shall draft the arbitration decision for submission to the members of the employee panel for their approval and signatures. Unless otherwise provided in the decision, the decision shall become final 10 days after its execution by the panel.

(6) Any party may be represented by counsel or another appointed representative. The arbitrator and employee panel must complete all arbitration of the employee's claims raised in the request within 60 days after receipt of the claim. The arbitrator may extend the 60-day period upon request of the parties or at the request of one party, after a hearing on that party's request for extension.

(7)(a) The arbitrator selected by the office shall not be an employee within the Career Service System, the Select Management Service, or the Selected Exempt Service. Each selected arbitrator must, at a minimum, meet the following requirements:

1. Completion of a Florida Supreme Court certified circuit or county arbitration program, or other arbitration program approved by the office, in addition to a minimum of 1 day of training in the application of this chapter and chapter 447 and any rules adopted thereunder.

2. Compliance with the Code of Ethics for Arbitrators in Employment Disputes published by the American Arbitration Association and the American Bar Association in 1977, as amended.

3. *Membership in good standing in The Florida Bar.*

(b) *The arbitrator shall have authority to commence and adjourn the arbitration hearing. The arbitrator shall not have authority to hold any person in contempt or to in any way impose sanctions against any person. The arbitrator shall provide assistance to the employee panel on questions of law.*

(c) *The arbitrator shall schedule all arbitration proceedings, including the date, time, and location of such proceedings and provide notice of the arbitration proceeding to the parties at least 5 days in advance of the hearing date, unless otherwise agreed to by the parties. The arbitrator has the discretion to grant a continuance for reasonable cause.*

(d) *The arbitrator may set a preliminary conference and require all parties to file a statement of position prior to the conference. The statement of position may include stipulations of the parties to uncontested facts and applicable law, citations to all governing statutory or regulatory laws that control the controversy, a list of issues of fact and law that are in dispute, any proposals designed to expedite the arbitration process, a list of documents exchanged by the parties and a schedule for the delivery of any additional relevant documents, identification of witnesses expected to be called during the arbitration proceeding accompanied by a short summary of their expected testimony, and any other matters specified by the arbitrator.*

(8) *The duties of the office in administering voluntary binding arbitration pursuant to this section include, but are not limited to, the following:*

(a) *Supporting the arbitration process, including the filing and noticing of all arbitration requests, objections, and other party communications; the selection of the arbitrator; and the design and operation of the employee panel pool.*

(b) *Providing for the selection of the employee panel and arbitrator, which includes:*

1. *Providing selection notice to all parties, the arbitrator, and the employee panel participants.*

2. *Securing a signed disclosure statement from each appointed arbitrator and selected employee describing any circumstances likely to affect impartiality, including any bias or any financial or personal interest with either party or any present or past relationship with the employee seeking binding arbitration, and making these disclosure statements available to the parties. The duty to disclose shall be a continuing obligation throughout the arbitration process.*

3. *Filling vacancies.*

4. *Compensating arbitrators, provided that an arbitrator's fees and expenses shall not exceed \$500 per day for case preparation, prehearing conferences, hearings, and preparation of the arbitration order.*

5. *Making an electronic recording of each arbitration proceeding, including preconference hearings, even when a party chooses to make a stenographic recording of the arbitration proceeding at that party's expense.*

(c) *Publishing the final arbitration order submitted to the office by both parties and the arbitrator.*

(9) *The office shall maintain records of each dispute submitted to voluntary binding arbitration, including the recordings of the arbitration hearings. All records maintained by the office under this section shall be public records and shall be available for inspection upon reasonable notice.*

(10) *The arbitration proceedings shall be governed by the following procedural requirements:*

(a) *A party may object to the arbitrator or any employee on the panel based on the arbitrator's or employee's past or present, direct or indirect, relationship with either party or either party's attorney, whether that relationship was or is financial, professional, or social. The arbitrator*

*shall consider any objection to a panel employee, determine its validity, and notify the parties of his or her determination. If the objection is determined valid, the office shall assign another employee from the employee panel pool. The office shall consider any objection to the arbitrator, determine its validity, and notify the parties of its determination. If the objection is determined valid, the office shall appoint another arbitrator.*

(b) *The arbitrator has the power to issue subpoenas, and to effect discovery on the written request of any party by any means available to the courts and in the manner provided in the Florida Rules of Civil Procedure, including the imposition of sanctions, excluding contempt. Fees for attendance of witnesses shall be the same as that provided in civil actions in circuit courts of this state.*

(c) *At all arbitration proceedings, the parties may present oral and written testimony, present witnesses and evidence relevant to the dispute, cross-examine witnesses, and be represented by counsel. The arbitrator shall record the arbitration hearing and shall have the power to administer oaths.*

(d) *The arbitrator may continue a hearing on his or her own motion or upon the request of the party for good cause shown. A request for continuance by the employee constitutes a waiver of the 60-day time period for completion of all arbitration proceedings authorized under this section.*

(e) *The employee panel shall render its decision within 10 days after the closing of the hearing. The decision shall be in writing on a form prescribed or adopted by the office. The arbitrator shall send a copy of the decision to the parties by registered mail.*

(f) *Unless otherwise provided, the arbitration decision rendered by the employee panel and any appeals thereof are exempt from the provisions of chapter 120.*

(11)(a) *The office shall establish rules of procedure governing the arbitration process. Such rules shall include, but are not limited to:*

1. *The exchange and filing of information among the parties.*
2. *Discovery.*
3. *Offering evidence.*
4. *Calling and excluding witnesses.*
5. *Submitting evidence by affidavit.*
6. *Attendance of the parties and witnesses.*
7. *The order of proceedings.*

(b) *The office may adopt additional rules necessary to implement this section.*

(12) *Either party may make application to the circuit court for the county in which one of the parties resides or has a place of business, or the county where the arbitration hearing was held, for an order confirming, vacating, or modifying the arbitration decision. Such application must be filed within 30 days after the later of the moving party's receipt of the written decision or the date the decision becomes final. Upon filing such application, the moving party shall mail a copy to the office and, upon entry of any judgment or decree, shall mail a copy of such judgment or decree to the office. A review of such application to circuit court shall be limited to review on the record and not de novo, of:*

(a) *Any alleged failure of the arbitrator to comply with the applicable rules of procedure or evidence.*

(b) *Any alleged partiality or misconduct by an arbitrator prejudicing the rights of any party.*

(c) *Whether the decision reaches a result contrary to the United States Constitution or the Florida Constitution.*

*If the arbitrator and employee panel fail to state findings or reasons for the stated decision, or the findings and reasons are inadequate, the court*

shall search the record to determine whether a basis exists to uphold the decision.

(13) *The office, the arbitrator, and the employee panel shall have absolute immunity from liability arising from the performance of their duties while acting within the scope of their appointed function in any arbitration conducted under this section.*

(2) For purposes of rulemaking by the Office of Employee Relations, subsection (11) of s. 109.240, Florida Statutes, as created by this section, shall take effect July 1, 2001.

Section 56. Section 110.401, Florida Statutes, is renumbered as section 109.401, Florida Statutes, and amended to read:

~~109.401~~ ~~110.401~~ Declaration of policy.—~~It is the intent of This part creates to create~~ a uniform system for attracting, retaining, and developing highly competent senior-level managers at the highest executive-management-level agency positions in order for the highly complex programs and agencies of state government to function effectively, efficiently, and productively. The Legislature recognizes that senior-level management is an established profession and that the public interest is best served by developing and refining the management skills of its Senior Management Service employees. ~~Accordingly To this end,~~ training and management-development programs are regarded as a major administrative function within agencies.

Section 57. Section 110.402, Florida Statutes, is renumbered as section 109.402, Florida Statutes, and subsection (2) of said section is amended to read:

~~109.402~~ ~~110.402~~ Senior Management Service; creation, coverage.—

(2) The Senior Management Service shall be limited to those positions which are exempt from the Career Service System by s. ~~109.205(2)~~ ~~110.205(2)~~ and for which the salaries and benefits are set by the department in accordance with the rules of the Senior Management Service.

Section 58. Section 110.403, Florida Statutes, is renumbered as section 109.403, Florida Statutes, and amended to read:

~~109.403~~ ~~110.403~~ Powers and duties of the Department of Management Services.—

(1) ~~In order to implement the purposes of this part,~~ The department of ~~Management Services,~~ after approval by the Administration Commission, shall adopt and amend rules ~~that provide~~ providing for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed 0.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

(b) A performance appraisal system which shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

(c) A classification plan and a salary and benefit plan that provides appropriate incentives for the recruitment and retention of outstanding management personnel and provides for salary increases based on performance.

(d) A system of rating duties and responsibilities for positions within the Senior Management Service and the qualifications of candidates for those positions.

(e) A system for documenting actions taken on agency requests for approval of position exemptions and special pay increases.

(f) Requirements regarding recordkeeping by agencies with respect to Senior Management Service positions. Such records shall be audited periodically by the department of ~~Management Services~~ to determine agency compliance with the provisions of this part and ~~with the department's rules of the Department of Management Services.~~

(g) Other procedures relating to personnel administration to carry out the purposes of this part.

(h) A program of affirmative and positive action that will ensure full utilization of ~~the rich diversity of Florida's human resources~~ ~~women and minorities~~ in Senior Management Service positions.

(2) The powers, duties, and functions of the department of ~~Management Services~~ shall include responsibility for the policy administration of the Senior Management Service.

(3) The department of ~~Management Services~~ shall have the following additional responsibilities:

(a) To establish and administer a professional development program which shall provide for the systematic development of managerial, executive, or administrative skills.

(b) To promote public understanding of the purposes, policies, and programs of the Senior Management Service.

(c) To approve contracts of employing agencies with persons engaged in the business of conducting multistate executive searches to identify qualified and available applicants for Senior Management Service positions for which the department of ~~Management Services~~ sets salaries in accordance with the classification and pay plan. Such contracts may be entered by the agency head only after completion of an unsuccessful in-house search. The department of ~~Management Services~~ shall establish, by rule, the minimum qualifications for persons desiring to conduct executive searches, including a requirement for the use of contingency contracts. ~~These Such~~ rules shall ensure that such persons possess the requisite capacities to perform effectively at competitive industry prices. ~~These The Department of Management Services shall make the rules shall also required pursuant to this paragraph in such a manner as to~~ comply with state and federal laws and regulations governing equal opportunity employment.

(4) All policies and procedures adopted by the department of ~~Management Services~~ regarding the Senior Management Service shall comply with all federal regulations necessary to permit the state agencies to be eligible to receive federal funds.

(5) The department of ~~Management Services~~ shall adopt, by rule, procedures for Senior Management Service employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

Section 59. Effective July 1, 2001, paragraph (a) of subsection (1) of section 109.403, Florida Statutes, as renumbered and amended by this act, is amended to read:

109.403 Powers and duties of the Department of Management Services.—

(1) The department, after approval by the Administration Commission, shall adopt and amend rules which provide for:

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of positions included in the Senior Management Service exceed ~~1.5~~ ~~0.5~~ percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report

that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs. Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

Section 60. *Section 110.405, Florida Statutes, is renumbered as section 109.405, Florida Statutes.*

Section 61. Section 110.406, Florida Statutes, is renumbered as section 109.406, Florida Statutes, and paragraph (a) of subsection (2) and subsection (3) of said section are amended to read:

*109.406* ~~110.406~~ Senior Management Service; data collection.—

(2) The data required by this section shall include:

(a) A detailed description of the specific actions that have been taken by the department to implement the provisions of s. *109.403* ~~110.403~~.

(3) To assist in the preparation of the data required by this section, the secretary may hire a consultant with expertise in the field of personnel management and may use the services of the advisory committee authorized in s. *109.405* ~~110.405~~.

Section 62. *Section 110.501, Florida Statutes, is renumbered as section 109.501, Florida Statutes.*

Section 63. Section 110.502, Florida Statutes, is renumbered as section 109.502, Florida Statutes, and subsections (2) and (3) of said section are amended to read:

*109.502* ~~110.502~~ Scope of act; status of volunteers.—

(2) Volunteers recruited, trained, or accepted by any state department or agency shall not be subject to any provisions of law relating to state employment, to any collective bargaining agreement between the state and any employees' association or union, or to any laws relating to hours of work, rates of compensation, leave time, and employee benefits, except those consistent with s. *109.504* ~~110.504~~. However, all volunteers shall comply with applicable department or agency rules.

(3) Every department or agency utilizing the services of volunteers is hereby authorized to provide such incidental reimbursement or benefit consistent with the provisions of s. *109.504* ~~110.504~~, including transportation costs, lodging, and subsistence, recognition, and other accommodations as the department or agency deems necessary to assist, recognize, reward, or encourage volunteers in performing their functions. No department or agency shall expend or authorize an expenditure therefor in excess of the amount provided for to the department or agency by appropriation in any fiscal year.

Section 64. *Sections 110.503 and 110.504, Florida Statutes, are renumbered as sections 109.503 and 109.504, Florida Statutes, respectively.*

Section 65. Section 110.601, Florida Statutes, is renumbered as section 109.601, Florida Statutes, and amended to read:

*109.601* ~~110.601~~ Declaration of policy.—~~It is the purpose of~~ This part ~~creates to create~~ a system of personnel management ~~the purpose of which is to deliver which ensures to the state the delivery of~~ high-quality performance ~~by those employees~~ in select exempt classifications by facilitating the state's ability to attract and retain qualified personnel in these positions, while also providing sufficient management flexibility to ensure that the workforce is responsive to agency needs. The Legislature recognizes that the public interest is best served by developing and refining the technical and managerial skills of its Selected Exempt Service employees, and, to this end, technical training and management development programs are regarded as a major administrative function within agencies.

Section 66. Section 110.602, Florida Statutes, is renumbered as section 109.602, Florida Statutes, and amended to read:

*109.602* ~~110.602~~ Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. *109.205(2)* and (5) ~~110.205(2) and (5)~~ and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. The department shall designate all positions included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking. In no event shall the number of positions included in the Selected Exempt Service, excluding those positions designated as professional or nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.

Section 67. Effective July 1, 2001, section 109.602, Florida Statutes, as renumbered and amended by this act, is amended to read:

*109.602* Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. *109.205(2)* and (5) and for which the salaries and benefits are set by the department in accordance with the rules of the Selected Exempt Service. The department shall designate all positions included in the Selected Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking. ~~In no event shall the number of positions included in the Selected Exempt Service, excluding those positions designated as professional or nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total full-time equivalent positions in the career service. The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.~~

Section 68. *Sections 110.603 and 110.604, Florida Statutes, are renumbered as sections 109.603 and 109.604, Florida Statutes, respectively.*

Section 69. Section 110.605, Florida Statutes, is renumbered as section 109.605, Florida Statutes, and subsection (1) of said section is amended to read:

*109.605* ~~110.605~~ Powers and duties; personnel rules, records, reports, and performance appraisal.—

(1) The department shall adopt and administer uniform personnel rules, records, and reports relating to employees and positions in the Selected Exempt Service, as well as any other rules and procedures relating to personnel administration which are necessary to carry out the purposes of this part.

(a) The department shall develop uniform forms and instructions to be used in reporting transactions which involve changes in an employee's salary, status, performance, leave, fingerprint record, loyalty oath, payroll change, or appointment action or any additional transactions as the department may deem appropriate.

~~(b) It is the responsibility of the employing agency to maintain these records and all other records and reports prescribed in applicable rules on a current basis.~~

~~(b)~~(e) The department shall develop a uniform performance appraisal system for employees and positions in the Selected Exempt Service covered by a collective bargaining agreement. Each employing agency shall develop a performance appraisal system for all other employees and positions in the Selected Exempt System. Such agency

system shall take into consideration individual and organizational efficiency, productivity, and effectiveness.

(c)(d) *The employing agency must maintain, on a current basis, all records and reports required by applicable rules.* The department shall periodically audit employing agency records to determine compliance with the provisions of this part and the rules of the department.

(d)(e) The department shall develop a program of affirmative and positive actions that will ensure full utilization of *the rich diversity of Florida's human resources women and minorities* in Selected Exempt Service positions.

Section 70. Section 110.606, Florida Statutes, is renumbered as section 109.606, Florida Statutes, and paragraph (c) of subsection (2) of said section is amended to read:

109.606 ~~110.606~~ Selected Exempt Service; data collection.—

(2) The data required by this section shall include:

(c) In addition, as needed, ~~the data shall include:~~

1. A pricing analysis based on a market survey of positions comparable to those included in the Selected Exempt Service and recommendations with respect to whether, and to what extent, revisions to the salary ranges for the Selected Exempt Service classifications should be implemented.

2. An analysis of actual salary levels for each classification within the Selected Exempt Service, indicating the mean salary for each classification within the Selected Exempt Service and the deviation from such means with respect to each agency's salary practice in each classification; reviewing the duties and responsibilities in relation to the incumbents' salary levels, credentials, skills, knowledge, and abilities; and discussing whether the salary practices reflected thereby indicate interagency salary inequities among positions within the Selected Exempt Service.

Section 71. (1) *Sections 109.105 through 109.191, Florida Statutes, are designated as part I of chapter 109, Florida Statutes, to be entitled "General State Employment Provisions."*

(2) *Sections 109.201 through 109.240, Florida Statutes, are designated as part II of chapter 109, Florida Statutes, to be entitled "Career Service System."*

(3) *Sections 109.401 through 109.406, Florida Statutes, are designated as part III of chapter 109, Florida Statutes, to be entitled "Senior Management Service System."*

(4) *Sections 109.501 through 109.504, Florida Statutes, are designated as part IV of chapter 109, Florida Statutes, to be entitled "Volunteers."*

(5) *Sections 109.601 through 109.606, Florida Statutes, are designated as part V of chapter 109, Florida Statutes, to be entitled "Selected Exempt Service System."*

Section 72. Paragraph (c) of subsection (2) and paragraph (d) of subsection (3) of section 20.171, Florida Statutes, are amended to read:

20.171 Department of Labor and Employment Security.—There is created a Department of Labor and Employment Security. The department shall operate its programs in a decentralized fashion.

(2)

(c) The managers of all divisions and offices specifically named in this section and the directors of the five field offices are exempt from part II of chapter 109 ~~110~~ and are included in the Senior Management Service in accordance with s. 109.205(2)(i) ~~110.205(2)(i)~~. No other assistant secretaries or senior management positions at or above the division level, except those established in chapter 109 ~~110~~, may be created without specific legislative authority.

(3)

(d)1. The secretary shall appoint a comptroller who shall be responsible to the assistant secretary. This position is exempt from part II of chapter 109 ~~110~~.

2. The comptroller is the chief financial officer of the department and shall be a proven, effective administrator who, by a combination of education and experience, clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller shall hold an active license to practice public accounting in this state pursuant to chapter 473 or in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system which will in a timely manner accurately reflect the revenues and expenditures of the department and which shall include a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and shall be responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies which examine the cost-effectiveness and feasibility of contracting for services and operations performed by the department. The review shall state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data.

3. The comptroller may be required to give bond as provided by s. 20.05(4).

4. The department shall, by rule or internal management memoranda as required by chapter 120, provide for the maintenance by the comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system for the prompt payment of the just obligations of the department, which records must at all times disclose:

a. The several appropriations available for the use of the department.

b. The specific amounts of each such appropriation budgeted by the department for each improvement or purpose.

c. The apportionment or division of all such appropriations among the several counties and field offices, when such apportionment or division is made.

d. The amount or portion of each such apportionment against general contractual and other obligations of the department.

e. The amount expended and still to be expended in connection with each contractual and each other obligation of the department.

f. The expense and operating costs of the various activities of the department.

g. The receipts accruing to the department and the distribution thereof.

h. The assets, investments, and liabilities of the department.

i. The cash requirements of the department for a 36-month period.

5. The comptroller shall maintain a separate account for each fund administered by the department.

6. The comptroller shall perform such other related duties as may be designated by the department.

Section 73. Subsection (3) of section 20.18, Florida Statutes, is amended to read:

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

(3) Unless otherwise provided by law, the Secretary of Community Affairs shall appoint the directors or executive directors of any



commission or council assigned to the department, who shall serve at his or her pleasure as provided for division directors in s. ~~109.205~~ ~~110.205~~. The appointment or termination by the secretary will be done with the advice and consent of the commission or council; and the director or executive director may employ, subject to departmental rules and procedures, such personnel as may be authorized and necessary.

Section 74. Subsection (6) of section 20.21, Florida Statutes, is amended to read:

20.21 Department of Revenue.—There is created a Department of Revenue.

(6) Notwithstanding the provisions of s. ~~109.123~~ ~~110.123~~, relating to the state group insurance program, the department may pay, or participate in the payment of, premiums for health, accident, and life insurance for its full-time out-of-state employees, pursuant to such rules as it may adopt, and such payments shall be in addition to the regular salaries of such full-time out-of-state employees.

Section 75. Paragraph (d) of subsection (1), paragraph (h) of subsection (2), paragraphs (d), (f), (h), and (i) of subsection (3), paragraphs (c) and (d) of subsection (4), and subsection (5) of section 20.23, Florida Statutes, are amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)

(d) Any secretary appointed after July 5, 1989, and the assistant secretaries shall be exempt from the provisions of part III of chapter ~~109~~ ~~110~~ and shall receive compensation commensurate with their qualifications and competitive with compensation for comparable responsibility in the private sector. When the salary of any assistant secretary exceeds the limits established in part III of chapter ~~109~~ ~~110~~, the Governor shall approve said salary.

(2)

(h) The commission shall appoint an executive director and assistant executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter ~~109~~ ~~110~~ and shall serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service; provided, however, that the commission shall have complete authority for fixing the salary of the executive director and assistant executive director.

(3)

(d)1. Policy, program, or operations offices shall be established within the central office for the purposes of:

- a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures;
- b. Performing statewide activities which it is more cost-effective to perform in a central location;
- c. Assessing and ensuring the accuracy of information within the department's financial management information systems; and
- d. Performing other activities of a statewide nature.

2. The following offices are established and shall be headed by a manager, each of whom shall be appointed by and serve at the pleasure of the secretary. The positions shall be classified at a level equal to a division director:

- a. The Office of Administration;
- b. The Office of Policy Planning;

- c. The Office of Design;
- d. The Office of Highway Operations;
- e. The Office of Right-of-Way;
- f. The Office of Toll Operations;
- g. The Office of Information Systems; and
- h. The Office of Motor Carrier Compliance.

3. Other offices may be established in accordance with s. 20.04(7). The heads of such offices are exempt from part II of chapter ~~109~~ ~~110~~. No office or organization shall be created at a level equal to or higher than a division without specific legislative authority.

4. During the construction of a major transportation improvement project or as determined by the district secretary, the department may provide assistance to a business entity significantly impacted by the project if the entity is a for-profit entity that has been in business for 3 years prior to the beginning of construction and has direct or shared access to the transportation project being constructed. The assistance program shall be in the form of additional guarantees to assist the impacted business entity in receiving loans pursuant to Title 13 C.F.R. part 120. However, in no instance shall the combined guarantees be greater than 90 percent of the loan. The department shall adopt rules to implement this subparagraph.

(f)1. Within the central office there is created an Office of Management and Budget. The head of the Office of Management and Budget is responsible to the Assistant Secretary for Finance and Administration and is exempt from part II of chapter ~~109~~ ~~110~~.

2. The functions of the Office of Management and Budget include, but are not limited to:

- a. Preparation of the work program;
- b. Preparation of the departmental budget; and
- c. Coordination of related policies and procedures.

3. The Office of Management and Budget shall also be responsible for developing uniform implementation and monitoring procedures for all activities performed at the district level involving the budget and the work program.

(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. To comply with recommended professional auditing standards related to independence and objectivity, the inspector general shall be appointed to a position within the Career Service System and may be removed by the secretary with the concurrence of the Transportation Commission. In order to attract and retain an individual who has the proven technical and administrative skills necessary to comply with the requirements of this section, the agency head may appoint the inspector general to a classification level within the Career Service System that is equivalent to that provided for in part III of chapter ~~109~~ ~~110~~. The inspector general may be organizationally located within another unit of the department for administrative purposes, but shall function independently and be directly responsible to the secretary pursuant to s. 20.055. The duties of the inspector general shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The inspector general shall give priority to reviewing major parts of the department's accounting system and central office monitoring function to determine whether such systems effectively ensure accountability and compliance with all laws, rules, policies, and procedures applicable to the operation of the department. The inspector general shall also give priority to assessing the department's management information systems as required by s. 282.318. The internal audit function shall use the necessary expertise, in particular, engineering, financial, and property appraising expertise, to independently evaluate the technical

aspects of the department's operations. The inspector general shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his or her duties. The inspector general is responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing standards. The inspector general shall annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of contracts executed by the department with private entities and other governmental entities. The inspector general has the sole responsibility for the contents of his or her reports, and a copy of each report containing his or her findings and recommendations shall be furnished directly to the secretary and the commission.

2. In addition to the authority and responsibilities herein provided, the inspector general is required to report to the:

a. Secretary whenever the inspector general makes a preliminary determination that particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the department have occurred. The secretary shall review and assess the correctness of the preliminary determination by the inspector general. If the preliminary determination is substantiated, the secretary shall submit such report to the appropriate committees of the Legislature within 7 calendar days, together with a report by the secretary containing any comments deemed appropriate. Nothing in this section shall be construed to authorize the public disclosure of information which is specifically prohibited from disclosure by any other provision of law.

b. Transportation Commission and the Legislature any actions by the secretary that prohibit the inspector general from initiating, carrying out, or completing any audit after the inspector general has decided to initiate, carry out, or complete such audit. The secretary shall, within 30 days after transmission of the report, set forth in a statement to the Transportation Commission and the Legislature the reasons for his or her actions.

(i)1. The secretary shall appoint a comptroller who is responsible to the Assistant Secretary for Finance and Administration. This position is exempt from part II of chapter 109 ~~110~~.

2. The comptroller is the chief financial officer of the department and must be a proven, effective administrator who by a combination of education and experience clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller must hold an active license to practice public accounting in Florida pursuant to chapter 473 or an active license to practice public accounting in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system that will in a timely manner accurately reflect the revenues and expenditures of the department and that includes a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and is responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies that examine the cost-effectiveness and feasibility of contracting for services and operations performed by the department. The review must state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data.

3. The department shall by rule or internal management memoranda as required by chapter 120 provide for the maintenance by the comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system for the prompt payment of the just obligations of the department, which records must at all times disclose:

a. The several appropriations available for the use of the department;

b. The specific amounts of each such appropriation budgeted by the department for each improvement or purpose;

c. The apportionment or division of all such appropriations among the several counties and districts, when such apportionment or division is made;

d. The amount or portion of each such apportionment against general contractual and other liabilities then created;

e. The amount expended and still to be expended in connection with each contractual and other obligation of the department;

f. The expense and operating costs of the various activities of the department;

g. The receipts accruing to the department and the distribution thereof;

h. The assets, investments, and liabilities of the department; and

i. The cash requirements of the department for a 36-month period.

4. The comptroller shall maintain a separate account for each fund administered by the department.

5. The comptroller shall perform such other related duties as designated by the department.

(4)

(c) Each district secretary may appoint a district director for planning and programming, a district director for production, and a district director for operations. These positions are exempt from part II of chapter 109 ~~110~~.

(d) Within each district, offices shall be established for managing major functional responsibilities of the department. The offices may include planning, design, construction, right-of-way, maintenance, and public transportation. The heads of these offices shall be exempt from part II of chapter 109 ~~110~~.

(5) Notwithstanding the provisions of s. 109.205 ~~110.205~~, the Department of Management Services is authorized to exempt positions within the Department of Transportation which are comparable to positions within the Senior Management Service pursuant to s. 109.205(2)(i) ~~110.205(2)(i)~~ or positions which are comparable to positions in the Selected Exempt Service under s. 109.205(2)(l) ~~110.205(2)(l)~~.

Section 76. Subsection (2) of section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(2)(a) There shall be three deputy secretaries who are to be appointed by and shall serve at the pleasure of the secretary. The secretary may assign any deputy secretary the responsibility to supervise, coordinate, and formulate policy for any division, office, or district. The following special offices are established and headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary:

1. Office of Chief of Staff,
2. Office of General Counsel,
3. Office of Inspector General,
4. Office of External Affairs,
5. Office of Legislative and Government Affairs, and
6. Office of Greenways and Trails.

(b) There shall be six administrative districts involved in regulatory matters of waste management, water resource management, wetlands, and air resources, which shall be headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary. Divisions of the department may have one assistant or two deputy division directors, as required to facilitate effective operation.

The managers of all divisions and offices specifically named in this section and the directors of the six administrative districts are exempt from part II of chapter 109 ~~110~~ and are included in the Senior Management Service in accordance with s. 109.205(2)(i) ~~110.205(2)(i)~~.

Section 77. Paragraph (b) of subsection (3) and paragraph (e) of subsection (6) of section 20.315, Florida Statutes, are amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(3) SECRETARY OF CORRECTIONS.—The head of the Department of Corrections is the Secretary of Corrections. The secretary is appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor. The secretary is responsible for planning, coordinating, and managing the corrections system of the state. The secretary shall ensure that the programs and services of the department are administered in accordance with state and federal laws, rules, and regulations, with established program standards, and consistent with legislative intent. The secretary shall identify the need for and recommend funding for the secure and efficient operation of the state correctional system.

(b) The secretary shall appoint a general counsel and an inspector general, who are exempt from part II of chapter 109 ~~110~~ and are included in the Senior Management Service.

(6) FLORIDA CORRECTIONS COMMISSION.—

(e) The commission shall appoint an executive director and an assistant executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 109 ~~110~~ and serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service rules; however, the commission shall have complete authority for fixing the salaries of the executive director and the assistant executive director. The executive director and staff of the Task Force for Review of the Criminal Justice and Corrections System, created under chapter 93-404, Laws of Florida, shall serve as the staff for the commission until the commission hires an executive director.

Section 78. Paragraph (d) of subsection (20) of section 24.105, Florida Statutes, is amended to read:

24.105 Powers and duties of department.—The department shall:

(20) Employ division directors and other staff as may be necessary to carry out the provisions of this act; however:

(d) The department shall establish and maintain a personnel program for its employees, including a personnel classification and pay plan which may provide any or all of the benefits provided in the Senior Management Service or Selected Exempt Service. Each officer or employee of the department shall be a member of the Florida Retirement System. The retirement class of each officer or employee shall be the same as other persons performing comparable functions for other agencies. Employees of the department shall serve at the pleasure of the secretary and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the secretary. Such personnel actions are exempt from the provisions of chapter 120. All employees of the department are exempt from the Career Service System provided in chapter 109 ~~110~~ and, notwithstanding the provisions of s. 109.205(5) ~~110.205(5)~~, are not included in either the Senior Management Service or the Selected

Exempt Service. However, all employees of the department are subject to all standards of conduct adopted by rule for career service and senior management employees pursuant to chapter 109 ~~110~~. In the event of a conflict between standards of conduct applicable to employees of the Department of the Lottery the more restrictive standard shall apply. Interpretations as to the more restrictive standard may be provided by the Commission on Ethics upon request of an advisory opinion pursuant to s. 112.322(3)(a), for purposes of this subsection the opinion shall be considered final action.

Section 79. Paragraph (d) of subsection (4) of section 24.122, Florida Statutes, is amended to read:

24.122 Exemption from taxation; state preemption; inapplicability of other laws.—

(4) Any state or local law providing any penalty, disability, restriction, or prohibition for the possession, manufacture, transportation, distribution, advertising, or sale of any lottery ticket, including chapter 849, shall not apply to the tickets of the state lottery operated pursuant to this act; nor shall any such law apply to the possession of a ticket issued by any other government-operated lottery. In addition, activities of the department under this act are exempt from the provisions of:

(d) Section 109.131 ~~110.131~~, relating to other personal services.

Section 80. Subsection (1) of section 68.087, Florida Statutes, is amended to read:

68.087 Exemptions to civil actions.—

(1) No court shall have jurisdiction over an action brought under this act against a member of the Legislature, a member of the judiciary, or a senior executive branch official if the action is based on evidence or information known to the state government when the action was brought. For purposes of this subsection, the term “senior executive branch official” means any person employed in the executive branch of government holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~.

Section 81. Subsection (3) of section 104.31, Florida Statutes, is amended to read:

104.31 Political activities of state, county, and municipal officers and employees.—

(3) Nothing contained in this section or in any county or municipal charter shall be deemed to prohibit any public employee from expressing his or her opinions on any candidate or issue or from participating in any political campaign during the employee’s off-duty hours, so long as such activities are not in conflict with the provisions of subsection (1) or s. 109.233 ~~110.233~~.

Section 82. Subsection (3) of section 106.082, Florida Statutes, is amended to read:

106.082 Commissioner of Agriculture candidates; campaign contribution limits.—

(3) No employee of the Department of Agriculture may solicit a campaign contribution for any candidate for the office of Commissioner of Agriculture from any person or business who is licensed, inspected, or otherwise authorized to do business as a food outlet or convenience store pursuant to chapter 500; or any director, officer, lobbyist, or controlling interest of that person; or any political committee or committee of continuous existence that represents that person. For purposes of this section, “employee of the department” means any person employed in the Department of Agriculture holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~; any person holding a position in the Selected Exempt Service as defined in s. 109.602 ~~110.602~~; any person having authority over food outlet or convenience store regulation, or inspection supervision; or any person, hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

Section 83. Subsection (4) of section 106.24, Florida Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers; duties.—

(4) The commission shall appoint an executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations. All employees, except the executive director and attorneys, are subject to part II of chapter 109 ~~110~~. The executive director shall serve at the pleasure of the commission and be subject to part III of chapter 109 ~~110~~, except that the commission shall have complete authority for setting the executive director's salary. Attorneys employed by the commission shall be subject to part V of chapter 109 ~~110~~.

Section 84. Subsection (4) of section 112.044, Florida Statutes, is amended to read:

112.044 Public employers, employment agencies, labor organizations; discrimination based on age prohibited; exceptions; remedy.—

(4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the state who is within the Career Service System established by chapter 109 ~~110~~ and who is aggrieved by a violation of this act may appeal to the Public Employees Relations Commission under the conditions and following the procedures prescribed in part II of chapter 447. Any person other than an employee who is within the Career Service System established by chapter 109 ~~110~~, or any person employed by the Public Employees Relations Commission, who is aggrieved by a violation of this act may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this act.

Section 85. Section 112.0805, Florida Statutes, is amended to read:

112.0805 Employer notice of insurance eligibility to employees who retire.—Any employer who provides insurance coverage under s. 109.123 ~~110.123~~ or s. 112.0801 shall notify those employees who retire of their eligibility to participate in either the same group insurance plan or self-insurance plan as provided in ss. 109.123 ~~110.123~~ and 112.0801, or the insurance coverage as provided by this law.

Section 86. Paragraph (a) of subsection (9) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~ or any person holding a position in the Selected Exempt Service as defined in s. 109.602 ~~110.602~~ or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director of the Legislative Committee on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Regents; and the president, vice presidents, and deans of each state university.

(VI) Any person having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

4. No agency employee shall personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989;

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

Section 87. Paragraph (a) of subsection (5) of section 112.3189, Florida Statutes, is amended to read:

112.3189 Investigative procedures upon receipt of whistle-blower information from certain state employees.—

(5)(a) If the Chief Inspector General or agency inspector general under subsection (3) determines that the information disclosed is the type of information described in s. 112.3187(5), that the source of the

information is from a person who is an employee or former employee of, or an applicant for employment with, a state agency, as defined in s. 216.011, and that the information disclosed demonstrates reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty, the Chief Inspector General or agency inspector general making such determination shall then conduct an investigation, unless the Chief Inspector General or the agency inspector general determines, within 30 days after receiving the allegations from the complainant, that such investigation is unnecessary. For purposes of this subsection, the Chief Inspector General or the agency inspector general shall consider the following factors, but is not limited to only the following factors, when deciding whether the investigation is not necessary:

1. The gravity of the disclosed information compared to the time and expense of an investigation.
2. The potential for an investigation to yield recommendations that will make state government more efficient and effective.
3. The benefit to state government to have a final report on the disclosed information.
4. Whether the alleged whistle-blower information primarily concerns personnel practices that may be investigated under chapter 109 110.
5. Whether another agency may be conducting an investigation and whether any investigation under this section could be duplicative.
6. The time that has elapsed between the alleged event and the disclosure of the information.

Section 88. Subsection (2) of section 112.363, Florida Statutes, is amended to read:

112.363 Retiree health insurance subsidy.—

(2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—A person who is retired under a state-administered retirement system, or a beneficiary who is a spouse or financial dependent entitled to receive benefits under a state-administered retirement system, is eligible for health insurance subsidy payments provided under this section; except that pension recipients under ss. 121.40, 238.07(16)(a), and 250.22, recipients of health insurance coverage under s. 109.1232 ~~110.1232~~, or any other special pension or relief act shall not be eligible for such payments. Payment of the retiree health insurance subsidy shall be made only after coverage for health insurance for the retiree or beneficiary has been certified in writing to the Department of Management Services. Participation in a former employer's group health insurance program is not a requirement for eligibility under this section. However, participants in the Senior Management Service Optional Annuity Program as provided in s. 121.055(6) and the State University System Optional Retirement Program as provided in s. 121.35 shall not receive the retiree health insurance subsidy provided in this section. The employer of such participant shall pay the contributions required in subsection (8) to the annuity program provided in s. 121.055(6)(d) or s. 121.35(4)(a), as applicable.

Section 89. Effective July 1, 2001, paragraph (a) of subsection (2) of section 112.363, Florida Statutes, as amended by chapter 2000-169, Laws of Florida, is amended to read:

112.363 Retiree health insurance subsidy.—

(2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

(a) A person who is retired under a state-administered retirement system, or a beneficiary who is a spouse or financial dependent entitled to receive benefits under a state-administered retirement system, is

eligible for health insurance subsidy payments provided under this section; except that pension recipients under ss. 121.40, 238.07(16)(a), and 250.22, recipients of health insurance coverage under s. 109.1232 ~~110.1232~~, or any other special pension or relief act shall not be eligible for such payments.

Section 90. Subsection (38) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(38) "Continuous service" means creditable service as a member, beginning with the first day of employment with an employer covered under a state-administered retirement system consolidated herein and continuing for as long as the member remains in an employer-employee relationship with an employer covered under this chapter. An absence of 1 calendar month or more from an employer's payroll shall be considered a break in continuous service, except for periods of absence during which an employer-employee relationship continues to exist and such period of absence is creditable under this chapter or under one of the existing systems consolidated herein. However, a law enforcement officer as defined in s. 121.0515(2)(a) who was a member of a state-administered retirement system under chapter 122 or chapter 321 and who resigned and was subsequently reemployed in a law enforcement position within 12 calendar months of such resignation by an employer under such state-administered retirement system shall be deemed to have not experienced a break in service. Further, with respect to a state-employed law enforcement officer who meets the criteria specified in s. 121.0515(2)(a), if the absence from the employer's payroll is the result of a "layoff" as defined in s. 109.203(24) ~~110.203(24)~~ or a resignation to run for an elected office that meets the criteria specified in s. 121.0515(2)(a), no break in continuous service shall be deemed to have occurred if the member is reemployed as a state law enforcement officer or is elected to an office which meets the criteria specified in s. 121.0515(2)(a) within 12 calendar months after the date of the layoff or resignation, notwithstanding the fact that such period of layoff or resignation is not creditable service under this chapter. A withdrawal of contributions will constitute a break in service. Continuous service also includes past service purchased under this chapter, provided such service is continuous within this definition and the rules established by the administrator. The administrator may establish administrative rules and procedures for applying this definition to creditable service authorized under this chapter. Any correctional officer, as defined in s. 943.10, whose participation in the state-administered retirement system is terminated due to the transfer of a county detention facility through a contractual agreement with a private entity pursuant to s. 951.062, shall be deemed an employee with continuous service in the Special Risk Class, provided return to employment with the former employer takes place within 3 years due to contract termination or the officer is employed by a covered employer in a special risk position within 1 year after his or her initial termination of employment by such transfer of its detention facilities to the private entity.

Section 91. Paragraph (b) of subsection (3) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(3) PROCEDURE FOR DESIGNATING.—

(b)1. Applying the criteria set forth in this section, the Department of Management Services shall specify which current and newly created classes of positions under the uniform classification plan established pursuant to chapter 109 ~~110~~ entitle the incumbents of positions in those classes to membership in the Special Risk Class. Only employees employed in the classes so specified shall be special risk members.

2. When a class is not specified by the department as provided in subparagraph 1., the employing agency may petition the State Retirement Commission for approval in accordance with s. 121.23.

Section 92. Paragraph (a) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the “Senior Management Service Class,” which shall become effective February 1, 1987.

(1)(a) Participation in the Senior Management Service Class shall be limited to and compulsory for any member of the Florida Retirement System who holds a position in the Senior Management Service of the State of Florida, established by part III of chapter 109 ~~110~~, unless such member elects, within the time specified herein, to participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

Section 93. Paragraph (a) of subsection (2) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

(a) Participation in the optional retirement program provided by this section shall be limited to persons who are otherwise eligible for membership in the Florida Retirement System; who are employed or appointed for no less than one academic year; and who are employed in one of the following State University System positions:

1. Positions classified as instructional and research faculty which are exempt from the career service under the provisions of s. *109.205(2)(d)* ~~110.205(2)(d)~~.

2. Positions classified as administrative and professional which are exempt from the career service under the provisions of s. *109.205(2)(d)* ~~110.205(2)(d)~~.

3. The Chancellor and the university presidents.

Section 94. Subsection (5) of section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(5) The Department of Management Services shall be the functional owner of the Cooperative Personnel Employment Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of ss. *109.116* ~~110.116~~ and 215.90-215.96. The subsystem shall include, but shall not be limited to, functions for:

(a) Maintenance of employee and position data, including funding sources and percentages and salary lapse. The employee data shall include, but not be limited to, information to meet the payroll system requirements of the Department of Banking and Finance and to meet the employee benefit system requirements of the Department of Management Services.

(b) Recruitment and examination.

(c) Time reporting.

(d) Collective bargaining.

Section 95. Subsection (2) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(2) For purposes of this chapter, terms related to personnel affairs of the state shall be defined as set forth in s. *109.203* ~~110.203~~.

Section 96. Paragraph (a) of subsection (2) of section 216.251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans provided for in chapter *109* ~~110~~.

2. Within the classification and pay plans established by the Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

3. Within the classification and pay plan approved and administered by the Board of Regents for those positions in the State University System.

4. Within the classification and pay plan approved by the President of the Senate and the Speaker of the House of Representatives, as the case may be, for employees of the Legislature.

5. Within the approved classification and pay plan for the judicial branch.

6. The salary of all positions not specifically included in this subsection shall be set by the commission or by the Chief Justice for the judicial branch.

Section 97. Section 231.381, Florida Statutes, is amended to read:

231.381 Transfer of sick leave and annual leave.—In implementing the provisions of ss. 230.23(4)(n) and 402.22(1)(d), educational personnel in Department of Children and Family Services residential care facilities who are employed by a district school board may request, and the district school board shall accept, a lump-sum transfer of accumulated sick leave for such personnel to the maximum allowed by policies of the district school board, notwithstanding the provisions of s. *109.122* ~~110.122~~. Educational personnel in Department of Children and Family Services residential care facilities who are employed by a district school board under the provisions of s. 402.22(1)(d) may request, and the district school board shall accept, a lump-sum transfer of accumulated annual leave for each person employed by the district school board in a position in the district eligible to accrue vacation leave under policies of the district school board.

Section 98. Paragraph (c) of subsection (1) of section 235.217, Florida Statutes, is amended to read:

235.217 SMART (Soundly Made, Accountable, Reasonable, and Thrifty) Schools Clearinghouse.—

(1)

(c) The clearinghouse is assigned to the Department of Management Services for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department, except as otherwise provided in chapters *109* ~~110~~, 255, and 287 for agencies of the executive branch.

Section 99. Paragraph (f) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(f) Establish and maintain systemwide personnel programs for all State University System employees, including a systemwide personnel classification and pay plan, notwithstanding provisions of law that grant authority to the Department of Management Services over such programs for state employees. The board shall consult with the legislative appropriations committees regarding any major policy changes related to classification and pay which are in conflict with those policies in effect for career service employees with similar job classifications and responsibilities. The board may adopt rules relating to the appointment, employment, and removal of personnel which delegate its authority to the Chancellor or the universities. The board shall submit, in a manner prescribed by law, any reports concerning State University System personnel programs as shall be required of the Department of Management Services for other state employees. The Department of Management Services shall retain authority over State University System employees for programs established in ss. *109.116*,

109.123, 109.1232, 109.1234, and 109.1238 ~~110.116, 110.123, 110.1232, 110.1234, and 110.1238~~ and in chapters 121, 122, and 238. The board shall adopt rules to provide for a coordinated, efficient systemwide program and shall delegate to the universities authority for implementing the program consistent with these coordinating rules so adopted and applicable collective bargaining agreements. The salary rate controls for positions in budgets under the Board of Regents shall separately delineate the general faculty and all other categories.

Section 100. Paragraph (a) of subsection (1) of section 240.2111, Florida Statutes, is amended to read:

240.2111 Employee recognition program.—

(1)(a) Notwithstanding the provisions of s. 109.1245 ~~110.1245~~, the Board of Regents and each university shall promulgate rules for an employee recognition program which provides for the following components:

1. A superior accomplishment component to recognize employees who have contributed outstanding and meritorious service in their fields, including those who have made exceptional contributions to efficiency, economy, or other improvement in State University System operations. No cash award under the superior accomplishment component of the program shall exceed \$1,000, excluding applicable taxes.

2. A satisfactory service component to recognize employees who have achieved increments of 5 continuous years of satisfactory service to the Board of Regents, university, or state in appreciation and recognition of such service. No cash award granted under the satisfactory service component shall exceed \$50, excluding applicable taxes.

Section 101. Section 240.507, Florida Statutes, is amended to read:

240.507 Extension personnel; federal health insurance programs notwithstanding the provisions of s. 109.123 ~~110.123~~.—The Institute of Food and Agricultural Sciences at the University of Florida is authorized to pay the employer's share of premiums to the Federal Health Benefits Insurance Program from its appropriated budget for any cooperative extension employee of the institute having both state and federal appointments and participating in the Federal Civil Service Retirement System.

Section 102. Subsection (9) of section 241.002, Florida Statutes, is amended to read:

241.002 Duties of the Department of Education.—The duties of the Department of Education concerning distance learning include, but are not limited to, the duty to:

(9) Hire appropriate staff which may include a position that shall be exempt from part II of chapter 109 ~~110~~ and is included in the Senior Management Service in accordance with s. 109.205 ~~110.205~~.

Nothing in ss. 241.001-241.004 shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college board of trustees, the State Board of Community Colleges, or the Board of Regents.

Section 103. Paragraph (b) of subsection (6) of section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(6) The board of trustees shall:

(b) Administer and maintain personnel programs for all employees of the board of trustees and the Florida School for the Deaf and the Blind who shall be state employees, including the personnel classification and pay plan established in accordance with ss. 109.205(2)(d) ~~110.205(2)(d)~~ and 216.251(2)(a)2. for academic and academic administrative personnel, the provisions of chapter 109 ~~110~~, and the provisions of law that grant authority to the Department of Management Services over such programs for state employees.

Section 104. Subsection (2) of section 260.0125, Florida Statutes, is amended to read:

260.0125 Limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails.—

(2) Any private landowner who consents to designation of his or her land as part of the statewide system of greenways and trails pursuant to s. 260.016(2)(d) without compensation shall be considered a volunteer, as defined in s. 109.501 ~~110.501~~, and shall be covered by state liability protection pursuant to s. 768.28, including s. 768.28(9).

Section 105. Paragraph (a) of subsection (4) of section 281.02, Florida Statutes, is amended to read:

281.02 Powers and duties of the Department of Management Services, Florida Capitol Police.—The Department of Management Services, Florida Capitol Police, has the following powers and duties:

(4) To employ:

(a) Agents who hold certification as police officers in accordance with the minimum standards and qualifications as set forth in s. 943.13 and the provisions of chapter 109 ~~110~~, who shall have the authority to bear arms, make arrests, and apply for arrest warrants; and

Section 106. Section 287.175, Florida Statutes, is amended to read:

287.175 Penalties.—A violation of this part or a rule adopted hereunder, pursuant to applicable constitutional and statutory procedures, constitutes misuse of public position as defined in s. 112.313(6), and is punishable as provided in s. 112.317. The Comptroller shall report incidents of suspected misuse to the Commission on Ethics, and the commission shall investigate possible violations of this part or rules adopted hereunder when reported by the Comptroller, notwithstanding the provisions of s. 112.324. Any violation of this part or a rule adopted hereunder shall be presumed to have been committed with wrongful intent, but such presumption is rebuttable. Nothing in this section is intended to deny rights provided to career service employees by s. 109.227 ~~110.227~~.

Section 107. Subsection (2) of section 288.708, Florida Statutes, is amended to read:

288.708 Executive director; employees.—

(2) The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 109 ~~110~~, and the executive director shall be subject to the provisions of part III ~~IV~~ of chapter 109 ~~110~~.

Section 108. Paragraph (a) of subsection (4) of section 295.07, Florida Statutes, is amended to read:

295.07 Preference in appointment and retention.—

(4) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 109.205(2) ~~110.205(2)~~; however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida Community College System and the School for the Deaf and the Blind are included.

Section 109. Subsection (3) and paragraph (b) of subsection (4) of section 296.04, Florida Statutes, are amended to read:

296.04 Administrator; duties and qualifications; responsibilities.—

(3) The administrator shall be a resident of the state at the time of entering into employment in the position. The position shall be assigned to the Selected Exempt Service under part V of chapter 109 ~~110~~. The director shall afford applicants veterans' preference in appointment in accordance with ss. 295.07 and 295.085. In addition, the administrator must have at least a 4-year degree from an accredited university or college and 3 years of administrative experience in a health care facility,

or any equivalent combination of experience, training, and education totaling 7 years in work relating to administration of a health care facility.

(4)

(b) All employees who fill authorized and established positions appropriated for the home shall be state employees. The department shall classify such employees in the manner prescribed in chapter 109 ~~110~~.

Section 110. Subsection (1) and paragraph (b) of subsection (4) of section 296.34, Florida Statutes, are amended to read:

296.34 Administrator; qualifications, duties, and responsibilities.—

(1) The director shall appoint an administrator of the home who shall be the chief executive of the home. The position shall be assigned to the Selected Exempt Service under part V of chapter 109 ~~110~~. The director shall give preference in appointment as provided in ss. 295.07 and 295.085 to applicants for the position of administrator.

(4)

(b) All employees who fill authorized and established positions appropriated for the home shall be state employees. The department shall classify such employees in the manner prescribed in chapter 109 ~~110~~.

Section 111. Subsection (5) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.—

(5) Any port which receives funding under the program shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. 109.112 ~~110-112~~.

Section 112. Paragraph (c) of subsection (10) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.

4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.

5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 109 ~~110~~ and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

Section 113. Subsection (4) of section 343.74, Florida Statutes, is amended to read:

343.74 Powers and duties.—

(4) The authority shall institute procedures to ensure that jobs created as a result of state funding pursuant to this section shall be subject to equal opportunity hiring practices as provided for in s. 109.112 ~~110-112~~.

Section 114. Paragraph (e) of subsection (3) of section 381.85, Florida Statutes, is amended to read:

381.85 Biomedical and social research.—

(3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL RESEARCH.—

(e) The council shall be staffed by an executive director and a secretary who shall be appointed by the council and who shall be exempt from the provisions of part II of chapter 109 ~~110~~ relating to the Career Service System.

Section 115. Section 393.0657, Florida Statutes, is amended to read:

393.0657 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 109.1127(3) ~~110-1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any direct service provider screening or fingerprinting requirements.

Section 116. Subsection (3) of section 400.19, Florida Statutes, is amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. The agency shall verify



through subsequent inspection that any deficiency identified during the annual inspection is corrected. However, the agency may verify the correction of a class III deficiency unrelated to resident rights or resident care without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter *109 110*.

Section 117. Subsection (3) of section 400.953, Florida Statutes, is amended to read:

400.953 Background screening of home medical equipment provider personnel.—The agency shall require employment screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home medical equipment provider personnel.

(3) Proof of compliance with the screening requirements of s. *109.1127 110.1127*, s. 393.0655, s. 394.4572, s. 397.451, s. 402.305, s. 402.313, s. 409.175, s. 464.008, or s. 985.407 or this part must be accepted in lieu of the requirements of this section if the person has been continuously employed in the same type of occupation for which he or she is seeking employment without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened by the Department of Law Enforcement. An employer or contractor shall directly provide proof of compliance to another employer or contractor, and a potential employer or contractor may not accept any proof of compliance directly from the person requiring screening. Proof of compliance with the screening requirements of this section shall be provided, upon request, to the person screened by the home medical equipment provider.

Section 118. Section 402.3057, Florida Statutes, is amended to read:

402.3057 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers and noninstructional personnel who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. *109.1127(3) 110.1127(3)*, 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 119. Subsection (4) of section 402.55, Florida Statutes, is amended to read:

402.55 Management fellows program.—

(4) Notwithstanding the provisions of chapter *109 110*, the departments may grant special pay increases to management fellows upon successful completion of the program.

Section 120. Subsection (2) of section 402.731, Florida Statutes, is amended to read:

402.731 Department of Children and Family Services certification programs for employees and service providers; employment provisions for transition to community-based care.—

(2) The department shall develop and implement employment programs to attract and retain competent staff to support and facilitate the transition to privatized community-based care. Such employment programs shall include lump-sum bonuses, salary incentives, relocation allowances, or severance pay. The department shall also contract for the delivery or administration of outplacement services. The department shall establish time-limited exempt positions as provided in s. *109.205(2)(h) 110.205(2)(h)*, in accordance with the authority provided in s. 216.262(1)(c)1. Employees appointed to fill such exempt positions shall have the same salaries and benefits as career exempt employees.

Section 121. Section 409.1757, Florida Statutes, is amended to read:

409.1757 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and this chapter, and teachers who have been fingerprinted pursuant to chapter 231, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. *109.1127(3) 110.1127(3)*, 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 122. Paragraph (o) of subsection (1) of section 440.102, Florida Statutes, is amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(1) DEFINITIONS.—Except where the context otherwise requires, as used in this act:

(o) “Safety-sensitive position” means, with respect to a public employer, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to s. *109.1127 110.1127*; or a position in which a momentary lapse in attention could result in injury or death to another person.

Section 123. Paragraph (a) of subsection (3) of section 440.4416, Florida Statutes, is amended to read:

440.4416 Workers’ Compensation Oversight Board.—

(3) EXECUTIVE DIRECTOR; EXPENSES.—

(a) The board shall appoint an executive director to direct and supervise the administrative affairs and general management of the board who shall be subject to the provisions of part V IV of chapter *109 110*. The executive director may employ persons and obtain technical assistance as authorized by the board and shall attend all meetings of the board. Board employees shall be exempt from part II of chapter *109 110*.

Section 124. Subsection (4) of section 443.171, Florida Statutes, is amended to read:

443.171 Division and commission; powers and duties; rules; advisory council; records and reports; proceedings; state-federal cooperation.—

(4) PERSONNEL.—Subject to chapter *109 110* and the other provisions of this chapter, the division is authorized to appoint, fix the compensation of, and prescribe the duties and powers of such employees, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties under this chapter. The division may delegate to any such person such power and authority as it deems reasonable and proper for the effective administration of this chapter and may in its discretion bond any person handling moneys or signing checks hereunder; the cost of such bonds shall be paid from the Employment Security Administration Trust Fund.

Section 125. Paragraph (a) of subsection (9) of section 447.207, Florida Statutes, is amended to read:

447.207 Commission; powers and duties.—

(9) Pursuant to s. 447.208, the commission or its designated agent shall hear appeals, and enter such orders as it deems appropriate, arising out of:

(a) Section 109.124 ~~110.124~~, relating to termination or transfer of State Career Service System employees aged 65 or older.

Section 126. Paragraph (a) of subsection (2) of section 456.048, Florida Statutes, is amended to read:

456.048 Financial responsibility requirements for certain health care practitioners.—

(2) The board or department may grant exemptions upon application by practitioners meeting any of the following criteria:

(a) Any person licensed under chapter 457, chapter 460, chapter 461, s. 464.012, chapter 466, or chapter 467 who practices exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(15) or who is a volunteer under s. 109.501(1) ~~110.501(1)~~.

Section 127. Subsection (3) of section 471.038, Florida Statutes, is amended to read:

471.038 Florida Engineers Management Corporation.—

(3) The Florida Engineers Management Corporation is created to provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455 and this chapter. The management corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 109 ~~110~~ or chapter 112, except that the board of directors and the staff are subject to the provisions of s. 112.061. The provisions of s. 768.28 apply to the management corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state, but which is not an agency within the meaning of s. 20.03(11). The management corporation shall:

(a) Be a Florida corporation not for profit, incorporated under the provisions of chapter 617.

(b) Provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455, this chapter, and the contract required by this section.

(c) Receive, hold, and administer property and make only prudent expenditures directly related to the responsibilities of the board, and in accordance with the contract required by this section.

(d) Be approved by the board and the department to operate for the benefit of the board and in the best interest of the state.

(e) Operate under a fiscal year that begins on July 1 of each year and ends on June 30 of the following year.

(f) Have a seven-member board of directors, five of whom are to be appointed by the board and must be registrants regulated by the board and two of whom are to be appointed by the secretary and must be laypersons not regulated by the board. All initial appointments shall expire on October 31, 2000. Current members may be appointed to one additional term that complies with the provisions of this paragraph. Two members shall be appointed for 2 years, three members shall be appointed for 3 years, and two members shall be appointed for 4 years. One layperson shall be appointed to a 3-year term and one layperson shall be appointed to a 4-year term. Thereafter, all appointments shall be for 4-year terms. No new member shall serve more than two consecutive terms. Failure to attend three consecutive meetings shall be deemed a resignation from the board, and the vacancy shall be filled by a new appointment.

(g) Select its officers in accordance with its bylaws. The members of the board of directors may be removed by the board, with the concurrence of the department, for the same reasons that a board member may be removed.

(h) Use a portion of the interest derived from the management corporation account to offset the costs associated with the use of credit cards for payment of fees by applicants or licensees.

(i) Operate under an annual written contract with the department which is approved by the board. The contract must provide for, but is not limited to:

1. Approval of the articles of incorporation and bylaws of the management corporation by the department and the board.

2. Submission by the management corporation of an annual budget that complies with board rules for approval by the board and the department.

3. Annual certification by the board and the department that the management corporation is complying with the terms of the contract in a manner consistent with the goals and purposes of the board and in the best interest of the state. This certification must be reported in the board's minutes. The contract must also provide for methods and mechanisms to resolve any situation in which the certification process determines noncompliance.

4. Employment by the department of a contract administrator to actively supervise the administrative, investigative, and prosecutorial activities of the management corporation to ensure compliance with the contract and the provisions of chapter 455 and this chapter and to act as a liaison for the department, the board, and the management corporation to ensure the effective operation of the management corporation.

5. Funding of the management corporation through appropriations allocated to the regulation of professional engineers from the Professional Regulation Trust Fund.

6. The reversion to the board, or the state if the board ceases to exist, of moneys, records, data, and property held in trust by the management corporation for the benefit of the board, if the management corporation is no longer approved to operate for the board or the board ceases to exist. All records and data in a computerized database shall be returned to the department in a form that is compatible with the computerized database of the department.

7. The securing and maintaining by the management corporation, during the term of the contract and for all acts performed during the term of the contract, of all liability insurance coverages in an amount to be approved by the department to defend, indemnify, and hold harmless the management corporation and its officers and employees, the department and its employees, and the state against all claims arising from state and federal laws. Such insurance coverage must be with insurers qualified and doing business in the state. The management corporation must provide proof of insurance to the department. The department and its employees and the state are exempt from and are not liable for any sum of money which represents a deductible, which sums shall be the sole responsibility of the management corporation. Violation of this subparagraph shall be grounds for terminating the contract.

8. Payment by the management corporation, out of its allocated budget, to the department of all costs of representation by the board counsel, including salary and benefits, travel, and any other compensation traditionally paid by the department to other board counsels.

9. Payment by the management corporation, out of its allocated budget, to the department of all costs incurred by the management corporation or the board for the Division of Administrative Hearings of the Department of Management Services and any other cost for utilization of these state services.

10. Payment by the management corporation, out of its allocated budget, to the department of all costs associated with the contract administrator of the department, including salary and benefits, travel, and other related costs traditionally paid to state employees.

(j) Provide for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with generally accepted auditing standards. The annual audit report shall include a detailed supplemental schedule

of expenditures for each expenditure category and a management letter. The annual audit report must be submitted to the board, the department, and the Auditor General for review. The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the corporation.

(k) Provide for persons charged with the responsibility of receiving and depositing fee and fine revenues to have a faithful performance bond in such an amount and according to such terms as shall be determined in the contract.

(l) Submit to the secretary, the board, and the Legislature, on or before January 1 of each year, a report on the status of the corporation which includes, but is not limited to, information concerning the programs and funds that have been transferred to the corporation. The report must include: the number of license applications received; the number approved and denied and the number of licenses issued; the number of examinations administered and the number of applicants who passed or failed the examination; the number of complaints received; the number determined to be legally sufficient; the number dismissed; the number determined to have probable cause; the number of administrative complaints issued and the status of the complaints; and the number and nature of disciplinary actions taken by the board.

(m) Develop, with the department, performance standards and measurable outcomes for the board to adopt by rule in order to facilitate efficient and cost-effective regulation.

Section 128. Subsection (3) of section 509.036, Florida Statutes, is amended to read:

509.036 Public food service inspector standardization.—

(3) The division and its agent shall adopt rules in accordance with the provisions of chapter 120 to provide for disciplinary action in cases of inspector negligence. An inspector may be subject to suspension or dismissal for cause as set forth in s. 109.227 ~~110.227~~.

Section 129. Effective July 1, 2001, subsection (3) of section 509.036, Florida Statutes, as amended by this act, is amended to read:

509.036 Public food service inspector standardization.—

(3) The division and its agent shall adopt rules in accordance with the provisions of chapter 120 to provide for disciplinary action in cases of inspector negligence. An inspector may be subject to suspension or dismissal for *reasonable* cause as set forth in s. 109.227.

Section 130. Subsection (1) of section 570.073, Florida Statutes, is amended to read:

570.073 Department of Agriculture and Consumer Services, law enforcement officers.—

(1) The commissioner may create an Office of Agricultural Law Enforcement under the supervision of a senior manager exempt under s. 109.205 ~~110.205~~ in the Senior Management Service. The commissioner may designate law enforcement officers, as necessary, to enforce any criminal law or conduct any criminal investigation relating to any matter over which the department has jurisdiction or which occurs on property owned, managed, or occupied by the department. Those matters include laws relating to:

(a) Domesticated animals, including livestock, poultry, aquaculture products, and other wild or domesticated animals or animal products.

(b) Farms, farm equipment, livery tack, citrus or citrus products, or horticultural products.

(c) Trespass, littering, forests, forest fires, and open burning.

(d) Damage to or theft of forest products.

(e) Enforcement of a marketing order.

(f) Protection of consumers.

(g) Civil traffic offenses provided for in chapters 316, 320, and 322, subject to the provisions of chapter 318, relating to any matter over

which the department has jurisdiction or committed on property owned, managed, or occupied by the department.

(h) The use of alcohol or drugs which occurs on property owned, managed, or occupied by the department.

(i) Any emergency situation in which the life, limb, or property of any person is placed in immediate and serious danger.

(j) Any crime incidental to or related to paragraphs (a)-(i).

Section 131. Section 570.074, Florida Statutes, is amended to read:

570.074 Department of Agriculture and Consumer Services; water policy coordination.—The commissioner may create an Office of Water Coordination under the supervision of a senior manager exempt under s. 109.205 ~~110.205~~ in the Senior Management Service. The commissioner may designate the bureaus and positions in the various organizational divisions of the department that report to this office relating to any matter over which the department has jurisdiction in matters relating to water policy affecting agriculture, application of such policies, and coordination of such matters with state and federal agencies.

Section 132. Subsection (6) of section 624.307, Florida Statutes, is amended to read:

624.307 General powers; duties.—

(6) The department may employ actuaries who shall be at-will employees and who shall serve at the pleasure of the Insurance Commissioner. Actuaries employed pursuant to this paragraph shall be members of the Society of Actuaries or the Casualty Actuarial Society and shall be exempt from the Career Service System established under chapter 109 ~~110~~. The salaries of the actuaries employed pursuant to this paragraph by the department shall be set in accordance with s. 216.251(2)(a)5. and shall be set at levels which are commensurate with salary levels paid to actuaries by the insurance industry.

Section 133. Subsection (4) of section 627.0623, Florida Statutes, is amended to read:

627.0623 Restrictions on expenditures and solicitations of insurers and affiliates.—

(4) No employee of the department may solicit a campaign contribution for the Treasurer or any candidate for the office of Treasurer from any insurer, affiliate, or officer of an insurer or affiliate, or any political committee or committee of continuous existence that represents such insurer, affiliate, or officer. For purposes of this section, "employee of the department" means any person employed in the Department of Insurance or the Treasurer's office holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~; any person holding a position in the Selected Exempt Service as defined in s. 109.602 ~~110.602~~; any person having authority over insurance policy, regulation, or supervision; or any person hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

Section 134. Paragraph (h) of subsection (4) of section 627.6488, Florida Statutes, is amended to read:

627.6488 Florida Comprehensive Health Association.—

(4) The association shall:

(h) Contract with preferred provider organizations and health maintenance organizations giving due consideration to the preferred provider organizations and health maintenance organizations which have contracted with the state group health insurance program pursuant to s. 109.123 ~~110.123~~. If cost-effective and available in the county where the policyholder resides, the board, upon application or renewal of a policy, shall place a high-risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who shall determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. If cost-effective and available in the county where

the policyholder resides, the board, with the consent of the policyholder, may place a low-risk or medium-risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who may determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent, or guardian.

Section 135. Paragraph (a) of subsection (1) of section 627.649, Florida Statutes, is amended to read:

**627.649 Administrator.—**

(1) The board shall select an administrator, through a competitive bidding process, to administer the plan. The board shall evaluate bids submitted under this subsection based on criteria established by the board, which criteria shall include:

(a) The administrator's proven ability to handle large group accident and health insurance, and due consideration shall be given to any administrator who has acted as a third-party administrator for the state group health insurance program pursuant to s. 109.123 ~~110.123~~.

Section 136. Paragraph (a) of subsection (2) and subsection (3) of section 627.6498, Florida Statutes, are amended to read:

**627.6498 Minimum benefits coverage; exclusions; premiums; deductibles.—**

**(2) BENEFITS.—**

(a) The plan shall offer major medical expense coverage similar to that provided by the state group health insurance program as defined in s. 109.123 ~~110.123~~ except as specified in subsection (3) to every eligible person who is not eligible for Medicare. Major medical expense coverage offered under the plan shall pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4), up to a lifetime limit of \$500,000 per covered individual. The maximum limit under this paragraph shall not be altered by the board, and no actuarially equivalent benefit may be substituted by the board.

(3) **COVERED EXPENSES.**—The coverage to be issued by the association shall be patterned after the state group health insurance program as defined in s. 109.123 ~~110.123~~, including its benefits, exclusions, and other limitations, except as otherwise provided in this act. The plan may cover the cost of experimental drugs which have been approved for use by the Food and Drug Administration on an experimental basis if the cost is less than the usual and customary treatment. Such coverage shall only apply to those insureds who are in the case management system upon the approval of the insured, the case manager, and the board.

Section 137. Subsection (4) of section 627.6617, Florida Statutes, is amended to read:

**627.6617 Coverage for home health care services.—**

(4) The provisions of this section shall not apply to a multiple-employer welfare arrangement as defined in s. 624.437(1) and in the State Health Plan as provided in s. 109.123 ~~110.123~~.

Section 138. Subsection (3) of section 655.019, Florida Statutes, is amended to read:

**655.019 Campaign contributions; limitations.—**

(3) No employee of the department may solicit a campaign contribution for the Comptroller or any candidate for the office of the Comptroller from any person who is licensed or otherwise authorized to do business by the department or who has an application pending for licensure or other authorization to do business pending with the department, or any director, officer, employee, agent, retained legal counsel, lobbyist, or partner or affiliate of that person or any political committee or committee of continuous existence that represents that person. For purposes of this section, "employee of the department"

means any person employed in the department or the Comptroller's office holding a position in the Senior Management Service as defined in s. 109.402 ~~110.402~~; any person holding a position in the Selected Exempt Service as defined in s. 109.602 ~~110.602~~; any person having authority over institution policy, regulation, or supervision; or any person hired on a contractual basis, having the power normally conferred upon such person, by whatever title.

Section 139. Paragraph (a) of subsection (4) of section 943.0585, Florida Statutes, is amended to read:

**943.0585 Court-ordered expunction of criminal history records.—**The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(4) **EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—**Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.059;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. ~~109.1127(3)~~ ~~110.1127(3)~~, s. 393.063(15), s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 985.407, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity that licenses child care facilities.

Section 140. Paragraph (a) of subsection (4) of section 943.059, Florida Statutes, is amended to read:

943.059 Court-ordered sealing of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to seal the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to seal a criminal history record until the person seeking to seal a criminal history record has applied for and received a certificate of eligibility for sealing pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be sealed, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed or pled guilty or nolo contendere to committing the offense as a delinquent act. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal history record of a minor or an adult which is ordered sealed by a court of competent jurisdiction pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, or to those entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.0585;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. ~~109.1127(3)~~ ~~110.1127(3)~~, s. 393.063(15), s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 415.103, s. 985.407, or chapter 400; or

6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity which licenses child care facilities.

Section 141. Subsection (4) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.—

(4) No individual filling a position in the Senior Management Service as defined in s. ~~109.402~~ ~~110.402~~ is eligible to participate in the salary incentive program authorized by this section.

Section 142. Paragraph (c) of subsection (3) of section 944.35, Florida Statutes, is amended to read:

944.35 Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties.—

(3)

(c) Notwithstanding prosecution, any violation of the provisions of this subsection, as determined by the Public Employees Relations Commission, shall constitute sufficient cause under s. ~~109.227~~ ~~110.227~~ for dismissal from employment with the department, and such person shall not again be employed in any capacity in connection with the correctional system.

Section 143. Subsection (2) of section 945.043, Florida Statutes, is amended to read:

945.043 Department-operated day care services.—

(2) The department is exempt from the requirements of s. ~~109.151~~ ~~110.151~~.

Section 144. Subsection (6) of section 957.03, Florida Statutes, is amended to read:

957.03 Correctional Privatization Commission.—

(6) SUPPORT BY DEPARTMENT OF MANAGEMENT SERVICES.—The commission shall be a separate budget entity, and the executive director shall be its chief administrative officer. The Department of Management Services shall provide administrative support and service to the commission to the extent requested by the executive director. The commission and its staff are not subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, and budgetary matters, except to the extent as provided in chapters ~~109~~ ~~110~~, 216, 255, 282, and 287 for agencies of the executive branch. The executive director may designate a maximum of two policymaking or managerial positions as being exempt from the Career Service System. These two positions may be provided for as members of the Senior Management Service.

Section 145. Subsection (2) of section 985.04, Florida Statutes, is amended to read:

## 985.04 Oaths; records; confidential information.—

(2) Records maintained by the Department of Juvenile Justice, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in ss. 109.1127 ~~110.1127~~, 393.0655, 394.457, 397.451, 402.305(2), 409.175, and 409.176 may not be destroyed pursuant to this section, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or pursuant to departmental rule; however, current criminal history information must be obtained from the Department of Law Enforcement in accordance with s. 943.053. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

Section 146. Paragraph (e) of subsection (4) of section 985.05, Florida Statutes, is amended to read:

## 985.05 Court records.—

(4) A court record of proceedings under this part is not admissible in evidence in any other civil or criminal proceeding, except that:

(e) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 109.1127 ~~110.1127~~, 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and 985.407.

Section 147. Paragraph (b) of subsection (1) of section 985.4045, Florida Statutes, is amended to read:

985.4045 Sexual misconduct prohibited; reporting required; penalties.—

(1)

(b) Notwithstanding prosecution, any violation of this subsection, as determined by the Public Employees Relations Commission, constitutes sufficient cause under s. 109.227 ~~110.227~~ for dismissal from employment with the department, and such person may not again be employed in any capacity in connection with the juvenile justice system.

Section 148. Paragraph (c) of subsection (1) of section 216.262, Florida Statutes, is amended to read:

## 216.262 Authorized positions.—

(1)

(c)1. The Executive Office of the Governor, under such procedures and qualifications as it deems appropriate, shall, upon agency request, delegate to any state agency authority to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity within the same division, and may approve additions and deletions of authorized positions or transfers of authorized positions within the state agency when such changes would enable the agency to administer more effectively its authorized and approved programs. The additions or deletions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

2. The Chief Justice of the Supreme Court shall have the authority to establish procedures for the judicial branch to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity, and to add and delete authorized positions within the same budget entity, when such changes are consistent with legislative policy and intent and do not conflict with spending policies specified in the General Appropriations Act.

3.a. A state agency may be eligible for an efficiency award based on changes to authorized positions. To be eligible, the agency must submit an application to the Legislative Budgeting Commission identifying the modification to an approved program resulting in efficiency and cost savings.

b. The amount of the efficiency award shall be determined by the Legislative Budgeting Commission but shall not exceed the actual savings of currently appropriated funds. In determining the amount of the award, the Legislative Budgeting Commission shall consider the actual savings for the current year and the annualized savings. The efficiency award may be used for nonrecurring purposes only.

c. Each state agency allowed to retain salary appropriations pursuant to this subparagraph shall submit in its next legislative budget request a schedule showing how the agency utilized such funds.

Section 149. Effective January 1, 2002, section 447.201, Florida Statutes, is amended to read:

447.201 Statement of policy.—~~It is declared that~~ The public policy of this the state, and the purpose of this part, is to provide statutory implementation of s. 6, Art. I of the State Constitution, with respect to public employees; to promote harmonious and cooperative relationships between government and its employees, both collectively and individually; and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. ~~It is the intent of the Legislature that~~ Nothing herein shall be construed either to encourage or discourage organization of public employees. ~~These policies are~~ *This state's public policy is* best effectuated by:

(1) Granting to public employees the right of organization and representation;

(2) Requiring the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public employees;

(3) Creating a Public Employees Relations Commission to assist in resolving disputes between public employees and public employers; and

(4) Recognizing the constitutional prohibition against strikes by public employees and providing remedies for violations of such prohibition.

Section 150. Effective January 1, 2002, subsections (1), (3), and (4) of section 447.205, Florida Statutes, are amended to read:

## 447.205 Public Employees Relations Commission.—

(1) ~~There is hereby created within the Department of Labor and Employment Security~~ The Public Employees Relations Commission, hereinafter referred to as the "commission," ~~The commission~~ shall be composed of a chair and two full-time members to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public and known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in such office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The commissioners shall devote full time to commission duties and shall not engage in any other business, vocation, or employment while in such office. Beginning January 1, 1980, the chair shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. Thereafter, every term of office shall be for 4 years; and each term of the office of chair shall commence on January 1 of the second year following each regularly scheduled general election at which a Governor is elected to a full term of office. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. The chair shall be responsible for the administrative functions of the commission and shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed to the office of chair, the chair shall serve as chair for the duration of the term of office of chair. Nothing contained herein prohibits a chair or commissioner from serving multiple terms.

(3) The commission, in the performance of its powers and duties under this part, shall not be subject to control, supervision, or direction by the Department of *Management Services Labor and Employment Security*.

(4) The property, personnel, and appropriations related to the commission's specified authority, powers, duties, and responsibilities shall be provided to the commission by the Department of *Management Services Labor and Employment Security*.

Section 151. *Effective January 1, 2002, subsections (8), (9), (10), and (11) of section 447.207, Florida Statutes, are repealed.*

And the title is amended as follows:

On page 159, line 7, through page 162, line 11, of the amendment remove: all of said lines

and insert in lieu thereof: renumbering s. 110.227, F.S.; revising certain responsibilities of agency heads; providing that, except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff shall not include "bumping"; deleting a requirement that a layoff be conducted within an identified competitive area with regard to employees other than law enforcement or correctional officers or firefighters; providing for appeal of reductions in pay, transfers, layoffs, or demotions to, and hearings regarding suspension or dismissal before, the circuit court, or for voluntary binding arbitration with respect thereto; creating s. 109.237, F.S.; creating an Office of Employee Relations within the Department of Management Services; providing for an executive director, a general counsel, and an administrative assistant, and their qualifications and duties; providing for additional personnel; providing duties of the department; providing powers and duties of the office; creating s. 109.240, F.S.; providing that any permanent career service employee may request voluntary binding arbitration administered by the Office of Employee Relations upon notice of an adverse agency action; providing definitions; providing requirements for such requests; providing for notice to the agency; specifying the employer's burden of proof; providing for arbitrators and their qualifications and authority; providing for employee panels and their qualifications and authority; providing duties of the office; providing for records; providing procedural requirements for arbitration proceedings; providing for rules; providing for application to the circuit court for an order confirming, vacating, or modifying the arbitration decision; providing for immunity; amending and renumbering s. 110.403, F.S.; increasing the limit on the number of Senior Management Service positions; amending and renumbering s. 110.602, F.S.; removing the limit on the number of Selected Exempt Service positions; amending and renumbering ss. 110.1091, 110.1127, 110.117, 110.1227, 110.123, 110.12312, 110.1232, 110.129, 110.152, 110.1521, 110.1522, 110.1523, 110.161, 110.171, 110.191, 110.233, 110.235, 110.401, 110.402, 110.406, 110.502, 110.601, 110.605, and 110.606, F.S.; clarifying and conforming language and correcting cross references; amending ss. 20.171, 20.18, 20.21, 20.23, 20.255, 20.315, 24.105, 24.122, 68.087, 104.31, 106.082, 106.24, 112.044, 112.0805, 112.313, 112.3189, 112.363, 121.021, 121.0515, 121.055, 121.35, 215.94, 216.011, 216.251, 231.381, 235.217, 240.209, 240.2111, 240.507, 241.002, 242.331, 260.0125, 281.02, 287.175, 288.708, 295.07, 296.04, 296.34, 311.07, 339.175, 343.74, 381.85, 393.0657, 400.19, 400.953, 402.3057, 402.55, 402.731, 409.1757, 440.102, 440.4416, 443.171, 456.048, 471.038, 509.036, 570.073, 570.074, 624.307, 627.0623, 627.6488, 627.649, 627.6498, 627.6617, 655.019, 943.0585, 943.059, 943.22, 944.35, 945.043, 957.03, 985.04, 985.05, and 985.4045, F.S.; conforming language and correcting cross references; amending s. 216.262, F.S.; authorizing efficiency awards to state agencies based on changes to authorized positions and providing requirements with respect thereto; amending s. 447.201, F.S., relating to the statement of public policy regarding public employees; amending s. 447.205, F.S., relating to creation of the Public Employees Relations Commission; repealing s. 447.207(8), (9), (10), and (11), F.S., which provide for appeals to the commission with regard to adverse agency actions against career service employees; repealing s. 447.208, F.S., which

Rep. Ausley moved the adoption of the amendment to the substitute amendment, which failed of adoption. The vote was:

Session Vote Sequence: 53

Yeas—43

Ausley	Gottlieb	Lee	Seiler
Bendross-Mindingall	Greenstein	Lerner	Siplin
Betancourt	Harper	Machek	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wilson
Gannon	Kendrick	Romeo	Wishner
Gelber	Kosmas	Ryan	

Nays—75

The Chair	Brummer	Green	Maygarden
Allen	Byrd	Haridopolos	Mealor
Andrews	Cantens	Harrell	Melvin
Argenziano	Carassas	Harrington	Miller
Arza	Clarke	Hart	Murman
Attkisson	Crow	Hogan	Needelman
Atwater	Davis	Johnson	Negron
Baker	Detert	Jordan	Paul
Ball	Diaz de la Portilla	Kallinger	Pickens
Barreiro	Diaz-Balart	Kilmer	Prieguez
Baxley	Dockery	Kottkamp	Ross
Bean	Farkas	Kravitz	Rubio
Bennett	Fasano	Kyle	Russell
Bense	Fiorentino	Lacasa	Simmons
Benson	Flanagan	Littlefield	Sorensen
Berfield	Garcia	Lynn	Spratt
Bilirakis	Gardiner	Mack	Trovillion
Bowen	Gibson	Mahon	Wallace
Brown	Goodlette	Mayfield	

Votes after roll call:

Nays—Alexander, Waters

THE SPEAKER PRO TEMPORE IN THE CHAIR

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Substitute Amendment 1**, as amended, which was adopted. The vote was:

Session Vote Sequence: 54

Yeas—76

The Chair	Brummer	Green	Maygarden
Allen	Byrd	Haridopolos	Mealor
Andrews	Cantens	Harrell	Melvin
Argenziano	Carassas	Harrington	Miller
Arza	Clarke	Hart	Murman
Attkisson	Crow	Hogan	Needelman
Atwater	Davis	Johnson	Negron
Baker	Detert	Jordan	Paul
Ball	Diaz de la Portilla	Kallinger	Pickens
Barreiro	Diaz-Balart	Kilmer	Prieguez
Baxley	Dockery	Kottkamp	Ross
Bean	Farkas	Kravitz	Rubio
Bennett	Fasano	Kyle	Russell
Bense	Fiorentino	Lacasa	Simmons
Benson	Flanagan	Littlefield	Sorensen
Berfield	Garcia	Lynn	Spratt
Bilirakis	Gardiner	Mack	Trovillion
Bowen	Gibson	Mahon	Wallace
Brown	Goodlette	Mayfield	Waters

Nays—43

Ausley	Gottlieb	Lee	Seiler
Bendross-Mindingall	Greenstein	Lerner	Siplin
Betancourt	Harper	Machek	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wilson
Gannon	Kendrick	Romeo	Wishner
Gelber	Kosmas	Ryan	

Votes after roll call:

Yeas—Alexander

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 409**—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending educator professional liability insurance coverage at cost to all part-time instructional personnel and administrative personnel; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**CS/HB 501**—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of “commission,” to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 258.155, F.S., to abolish the Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council and delete provisions relating to its duties; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners’ permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete

reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 580.151, F.S., to abolish the Commercial Feed Technical Council; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver’s Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

—was read the second time by title.

On motion by Rep. Flanagan, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Flanagan and Bennett offered the following:

(Amendment Bar Code: 524831)

**Amendment 1 (with title amendment)**—On page 31, lines 16-17, remove from the bill: all of said lines

And the title is amended as follows:

On page 2, lines 8-12, remove from the title of the bill: all of said lines

and insert in lieu thereof: Team, to conform; repealing s. 272.12(2)-(6), F.S., to

Rep. Flanagan moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.



**Resolutions**

By Representative Flanagan—

**HR 9005**—A resolution commemorating the celebration of Saint Patrick’s Day on March 17, 2001.

WHEREAS, Saint Patrick is responsible for bringing literacy to the people of Ireland, which led to Ireland’s status as one of the most literary nations in the world, and

WHEREAS, Americans of Irish birth and Irish descent have played a significant role in the building of America, especially in military and governmental service, business, politics, and the arts, and

WHEREAS, Florida’s Capital City has established a Sister City Program with Sligo, Ireland, and

WHEREAS, a significant number of the members of the Florida Legislature are of Irish ancestry, and

WHEREAS, there are over forty million Americans of Irish ancestry and over three million Floridians of Irish ancestry, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives joins with the Irish American Caucus and all Floridians of good heart on Saint Patrick’s Day, March 17, 2001, in celebrating the continuing contribution of Irish Americans, their spirit, and their dreams for peace and brotherhood.

—was read the first time by title and the second time by title. On motion by Rep. Flanagan, the resolution was adopted.

The board was opened [Session Vote Sequence: 55] and the following Members were recorded as cosponsors of the resolution, along with Rep. Flanagan: Reps. Alexander, Allen, Andrews, Argenziano, Arza, Attkisson, Atwater, Ausley, Baker, Ball, Barreiro, Baxley, Bean, Bendross-Mindingall, Bennett, Bense, Benson, Berfield, Betancourt, Bilirakis, Bowen, Brown, Brummer, Brutus, Bucher, Bullard, Byrd, Cantens, Carassas, Clarke, Crow, Cusack, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Dockery, Farkas, Fasano, Feeney, Fields, Fiorentino, Frankel, Gannon, Garcia, Gardiner, Gelber, Gibson, Goodlette, Gottlieb, Green, Greenstein, Haridopolos, Harper, Harrell, Harrington, Hart, Henriquez, Heyman, Hogan, Holloway, Jennings, Johnson, Jordan, Joyner, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kottkamp, Kravitz, Kyle, Lacasa, Lee, Lerner, Littlefield, Lynn, Machek, Mack, Mahon, Mayfield, Maygarden, McGriff, Meadows, Mealor, Melvin, Murman, Needelman, Negron, Paul, Peterman, Pickens, Prieguez, Rich, Richardson, Ritter, Romeo, Ross, Rubio, Russell, Ryan, Seiler, Simmons, Siplin, Slosberg, Smith, Sobel, Sorensen, Spratt, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, and Wishner.

**Motion to Adjourn**

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 1:30 p.m., Thursday, March 22. The motion was agreed to.

**Prime Sponsors**

- HB 285—Weissman
- CS/HB 367—Cantens
- HB 457—Waters
- CS/HB 501—Cantens
- HB 985—Wiles
- HB 1389—Alexander
- HB 1525—Brutus, Lerner, Weissman

**Cosponsors**

- HB 23—Kendrick, Melvin, Ritter
- HB 25—Littlefield
- HB 35—Atwater, Ausley

- HM 37—Dockery
- HB 43—Bennett, Cantens, Gelber, Meadows
- HB 45—Dockery, Melvin, Paul
- HJR 49—Gottlieb, Greenstein, Lee
- HB 65—Baker, Barreiro, Bullard, Gelber, Kallinger, Melvin, Peterman, Wallace
- HB 95—Dockery
- HB 131—Dockery
- HB 159—Diaz de la Portilla
- HB 169—Diaz de la Portilla
- HB 183—Bilirakis, Justice, Meadows, Richardson
- HB 185—Bilirakis, Justice, Meadows, Richardson
- HB 189—Dockery
- HB 239—Mayfield
- HB 265—Diaz de la Portilla
- HB 281—Lynn
- HB 285—Meadows
- HJR 295—Diaz de la Portilla
- HB 299—Green
- HB 307—Melvin
- HB 315—Greenstein
- HB 381—Betancourt, Heyman, Kosmas, Wilson
- HB 427—Henriquez
- HB 441—Russell
- HB 443—McGriff
- HB 449—Hogan, Spratt
- HB 487—Alexander, Heyman
- HB 491—Garcia, Kottkamp, Melvin, Pickens
- HB 507—Bean, Harper, Sobel, Weissman
- HB 523—Heyman
- HB 545—Diaz de la Portilla
- HB 549—Rich
- HB 621—Henriquez
- HB 653—Diaz de la Portilla
- HB 691—Mayfield
- HB 701—Bucher
- HB 705—Littlefield
- HB 723—Pickens
- HB 727—Harrell, Jennings
- HB 733—Kosmas
- HB 809—Diaz de la Portilla, Joyner
- HB 959—Bean, Brutus, Cantens, Rich, Romeo, Rubio
- HB 971—Diaz de la Portilla
- HB 973—Wiles
- HB 981—Hogan, Romeo
- HB 985—Ausley, Bean, Cusack, Davis, Farkas, Gannon, Gelber, Gibson, Henriquez, Joyner, Littlefield, Machek, McGriff, Needelman, Sobel, Weissman
- HB 991—Gottlieb, Murman, Romeo
- HB 1035—Mayfield
- HB 1039—Davis, Sorensen
- HB 1059—Holloway, Mayfield, Slosberg
- HB 1089—Paul
- HB 1095—Atwater, Bean, Bense, Betancourt, Davis, Diaz de la Portilla, Gannon, Henriquez, Heyman, Kendrick, Mahon, McGriff, Rich, Romeo, Wiles
- HB 1169—Littlefield
- HB 1175—Bucher
- HB 1193—Alexander, Baxley, Diaz de la Portilla, Melvin, Paul, Pickens
- HB 1203—Bense, Pickens
- HB 1263—Spratt, Stansel
- HB 1361—Fiorentino
- HB 1389—Gannon, Harrington, Machek, Pickens, Spratt, Stansel
- HB 1495—Needelman
- HB 1521—Siplin
- HB 1525—Henriquez, Meadows, Richardson, Smith, Wilson

**Withdrawals as Cosponsor**

- HB 553—Littlefield

## Introduction and Reference

By the Committee on Health Regulation; Representatives Farkas, Sobel, Ritter, Alexander, Fiorentino, Siplin, and Johnson—

**HB 1543**—A bill to be entitled An act relating to health care practitioner credentialing; amending s. 456.047, F.S.; providing intent; revising and providing definitions; revising duties of the Department of Health relating to file maintenance; providing that primary source data verified by the department or its designee may be relied upon to meet accreditation purposes; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Education Appropriations; Representatives Lynn, Lacasa, Flanagan, Jordan, and Arza—

**HB 1545**—A bill to be entitled An act relating to school district performance; providing a short title; amending s. 229.57, F.S.; requiring the designation and publication of district performance grades; amending s. 236.02, F.S.; revising minimum requirements of the Florida Education Finance Program to include minimum classroom expenditure requirements and associated reporting; creating s. 236.08102, F.S.; authorizing the Legislature to require a school district that fails to meet minimum academic performance standards to meet district minimum classroom expenditure requirements; providing for monitoring; requiring reports; amending s. 237.041, F.S.; requiring a district's annual budget to include provision for required minimum classroom expenditure requirements; amending s. 237.081, F.S.; requiring the advertisement of the tentative school district budget to include notice of minimum classroom expenditure requirements; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kottkamp—

**HB 1547**—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; authorizing the purchase of advance payment contracts for scholarships by not-for-profit organizations; revising the definition of the term "purchaser" and information required to be included in an advance payment contract, to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Kilmer, Lynn, Maygarden, Goodlette, Fiorentino, Melvin, Mealor, Harrington, Miller, and Bense—

**HB 1549**—A bill to be entitled An act relating to outsourcing; amending s. 14.203, F.S.; changing the membership of the State Council on Competitive Government; providing definitions; providing for appointments; providing qualifications for membership; providing for terms and limitation on terms; providing additional powers and duties of the council; providing that certain business entities shall be given preference when bidding to provide services previously provided by state agencies; authorizing each state agency to bid on any contract for the provision of services previously provided by any state agency; providing that all outsourcing contracts, other than certain contracts subject to the Correctional Privatization Commission, must be awarded by the council; creating s. 14.2031, F.S.; prohibiting the council from awarding contracts unless it determines a certain cost savings; creating s. 14.2032, F.S.; requiring the Auditor General to develop and implement a costs and benefits analysis; requiring regular evaluation of contractors for state services by the Auditor General; creating s. 14.2033, F.S.; prohibiting certain contacts with council members and employees; providing for applicability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Jennings, McGriff, and Kendrick—

**HB 1551**—A bill to be entitled An act relating to enterprise zones; amending s. 290.0065, F.S.; providing for a change in the boundaries of an enterprise zone; providing limitations; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Rich—

**HB 1553**—A bill to be entitled An act relating to subsidized child care; amending s. 402.3015, F.S.; providing for families who may receive child care if funds appropriated are not projected to be spent on families with priority for receiving such care; providing a timeframe for distribution of funds; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Peterman—

**HB 1555**—A bill to be entitled An act relating to the South Florida Water Management District; directing the district to develop an Everglades restoration information outreach program targeting minority communities located near the Everglades; providing for certain dissemination of information; providing for assistance from an African-American or Hispanic environmentalist or scientist; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bucher—

**HB 1557**—A bill to be entitled An act relating to sexual violence; providing requirements for law enforcement agencies in investigating sexual battery or attempted sexual battery; requiring that an agency actively pursue investigations of sexual violence; providing requirements for communications personnel with respect to responding to a report of sexual violence; requiring law enforcement agencies to provide the Sexual Violence Reference Card to officers; providing requirements for the investigating officer; providing requirements for the written police report; prohibiting an officer from disregarding a complaint of sexual violence under specified circumstances; prohibiting an officer from reporting a personal opinion as to the credibility of the victim; providing requirements for a followup investigation; providing requirements for interviews; requiring documentation of the investigation; requiring a review of any case in which an arrest is not made; providing requirements for designating an officer as a sexual violence investigator; providing requirements when a law enforcement officer is alleged to be a sexual violence offender; providing requirements for training and competency; requiring the dissemination of a law enforcement agency's policies; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Mahon—

**HB 1559**—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; increasing the recovery limits under the limited waiver of sovereign immunity in tort actions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Harrell—

**HB 1561**—A bill to be entitled An act relating to public records; providing an exemption from the public records law for individual records of children enrolled in Learning Gateway programs; providing for the release of such records for specified purposes; exempting from the public records law those records held by a Learning Gateway program which would be confidential if held by a state agency; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Harrington—

**HB 1563**—A bill to be entitled An act relating to the Community-Based Development Organization Assistance Act; providing appropriations; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Hogan—

**HB 1565**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological and cultural sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Lacasa—

**HB 1567**—A bill to be entitled An act relating to medical practice; creating s. 458.35, F.S.; limiting to certain medical licensees the ownership or operation of medical practice settings or diagnostic facilities; providing exemptions; requiring certain medical practice settings or diagnostic facilities not owned by such licensees to employ a medical director; requiring registration of medical practice settings or diagnostic facilities; providing for fees; providing for the adoption of rules; providing responsibilities for medical directors of such facilities; providing penalties; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Lacasa—

**HB 1569**—A bill to be entitled An act relating to rehabilitation of contaminated sites; amending s. 199.1055, F.S.; clarifying who may apply for contaminated site tax credits; clarifying time period for use of tax credits; amending s. 220.1845, F.S.; clarifying who may apply for contaminated site tax credits; clarifying time period for use of tax credits; allowing taxpayers to claim credit on a consolidated return up to the amount of the consolidated group's tax liability; creating s. 376.30701, F.S.; extending application of risk-based corrective action principles to all contaminated sites resulting from a discharge of pollutants or hazardous substances; providing for contamination cleanup criteria that incorporate risk-based corrective action principles to be adopted by rule; providing clarification that cleanup criteria do not apply to offsite relocation or treatment; providing the conditions under which further rehabilitation may be required; amending s. 376.30781, F.S.; clarifying who may apply for contaminated site tax credits; converting tax credit application time period to calendar year; revising the application deadline; providing that incomplete placeholder applications shall not be accepted; providing for transferability of tax credits; deleting obsolete language; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Lee and Mahon—

**HB 1571**—A bill to be entitled An act relating to property and casualty insurance risk apportionment; amending s. 627.351, F.S.; providing that nursing homes and assisted living facilities are immediately eligible for coverage in the Florida Property and Casualty Joint Underwriting Association; providing that rates used by the association are subject to s. 627.062, F.S.; eliminating provisions tying the initial rates of the association to rates contained in the Insurance Services Office filing with the Department of Insurance; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ausley—

**HB 1573**—A bill to be entitled An act relating to the State Council on Competitive Government; amending s. 14.203, F.S.; providing definitions; requiring the council to direct the Office of Program Policy Analysis and Government Accountability and the Director of Efficiency and Enterprise Development of the office of planning and budgeting in the Executive Office of the Governor to review and report on all requests for proposals, invitations to bid, invitations to negotiate, or contracts issued by state agencies that propose the privatization of funded government; requiring state agencies to submit certain privatization proposals to the council; providing considerations and criteria for review

and report; providing circumstances for competition with private sources or other state agency service providers; requiring a contract entered into by an executive branch agency to include a statement of contingent effect; providing for open meetings and records; providing that a vendor must be a domiciled state corporation or have a significant business presence in the state; providing a definition; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Rubio—

**HB 1575**—A bill to be entitled An act for the relief of the Estate of Alice Berdat, deceased; providing an appropriation to compensate the Estate of Alice Berdat for the death of Alice Berdat due to the negligence of the Department of Corrections; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Machek—

**HB 1577**—A bill to be entitled An act relating to water management district fiscal matters; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts' tentative budget must be sent for review; specifying the contents of the tentative budget; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts' tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Flanagan—

**HB 1579**—A bill to be entitled An act relating to health care practitioners; amending s. 456.072, F.S.; providing that failure to disclose medical training in advertisements or to patients in informed consent forms constitutes a ground for discipline of a health care practitioner; providing penalties; amending s. 458.309, F.S.; providing requirements for approval of boards granting medical specialty certification; amending s. 458.331, F.S.; including failure to disclose medical training in advertisements and informed consent forms within the disciplinary ground of false, deceptive, or misleading advertising applicable to physicians; providing penalties; amending s. 459.005, F.S.; providing requirements for approval of boards granting osteopathic medical specialty certification; amending s. 459.015, F.S.; including failure to disclose medical training in advertisements and informed consent forms within the disciplinary ground of false, deceptive, or misleading advertising applicable to osteopathic physicians; providing penalties; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Frankel—

**HB 1581**—A bill to be entitled An act relating to nursing homes and related facilities; amending s. 400.071, F.S.; requiring a plan for quality assurance and risk management as a condition for licensure; amending s. 400.102, F.S.; providing additional grounds for certain actions by the Agency for Health Care Administration against a nursing home; creating s. 400.117, F.S.; requiring each nursing home to maintain a quality assessment and assurance committee; providing membership and duties; providing for a quality improvement program; providing for monitoring of the provision of care and review of the staff education

plan; amending s. 400.121, F.S.; increasing penalties; requiring, rather than authorizing, license suspension or revocation, or moratorium on admissions, under certain conditions; providing an additional condition for imposition of a moratorium; reducing timeframes for certain license suspensions and revocation hearings; reenacting s. 400.125, F.S., relating to authorization for injunction; amending s. 400.126, F.S.; providing for petition to the court for appointment of a receiver for a nursing home that fails to maintain required minimum staffing levels; requiring such petition to the court under certain circumstances; providing conditions for operation and termination of receivership; authorizing the agency to adopt rules; creating s. 400.1411, F.S.; providing requirements for a facility's physical environment; creating s. 400.1412, F.S.; specifying quality of care requirements; requiring certain daily charting; creating s. 400.14125, F.S.; specifying requirements for resident assessment and plan of care; creating s. 400.1413, F.S.; specifying minimum staffing requirements; creating s. 400.1414, F.S.; requiring each facility to implement a staff education plan; specifying education requirements; amending s. 400.1415, F.S.; increasing penalty for alteration of records; creating s. 400.1416, F.S.; requiring designation of a full-time employee to be responsible for a facility's medical records; providing requirements for maintenance of medical records; creating s. 400.1417, F.S.; providing requirements for maintenance of fiscal records; amending s. 400.19, F.S.; deleting requirement for permission prior to certain entry and inspection of a facility; creating s. 400.201, F.S.; providing requirements for physician services; requiring a medical director for certain facilities; creating s. 400.203, F.S.; providing requirements for dietary services; requiring designation of a full-time employee as a dietary services supervisor; amending s. 400.23, F.S.; providing for rules relating to resident assessment and plan of care; increasing penalties for deficient practices; amending s. 400.241, F.S.; increasing a penalty for violation of minimum standards; providing penalties for failure of a nursing home to maintain required minimum staffing levels; creating s. 400.351, F.S.; establishing a nursing home internal risk management program; requiring employment of a facility internal risk manager; providing for rules; providing responsibilities; providing for certain immunity from liability; providing reporting requirements; providing penalties, including a penalty for false allegations; providing for agency review of internal risk management programs; creating s. 400.353, F.S.; providing for private utilization review of nursing home services; providing for registration of agents; providing a fee; providing for background screening; providing penalties; providing for rules; creating s. 400.354, F.S.; providing agency procedures for investigation of complaints against a nursing home; creating s. 400.355, F.S.; providing purpose relating to minimum standards for nursing home risk managers; creating s. 400.356, F.S.; providing for appointment of a Nursing Home Risk Manager Advisory Council; creating s. 400.357, F.S.; providing powers and duties of the agency relating to standards, licensing, and disciplining of nursing home risk managers; creating s. 400.358, F.S.; providing for issuance of licenses; creating s. 400.359, F.S.; providing grounds for denial, suspension, or revocation of a license; providing administrative fines; amending s. 408.040, F.S.; providing additional grounds for denial of certificate of need for a nursing home or related facility; amending ss. 458.331 and 459.015, F.S.; providing for agency investigation of adverse incident occurrences that may constitute grounds for disciplinary action against a physician; amending s. 400.063, F.S.; correcting a cross reference; prohibiting a nursing home or assisted living facility from taking retaliatory action against any person who discloses unlawful acts of the entity or its employees; providing a cause of action for aggrieved persons; authorizing specified court actions; requiring health care entities to provide notice on their premises that such retaliatory action is not permitted; providing definitions; requiring reports; providing for use of certain funds for wage and benefit increases for certain nursing home staff; requiring the Auditor General to develop and submit to the agency a standard chart of accounts for Medicaid long-term care provider cost reports; requiring the agency to implement the chart of accounts by a specified date; repealing s. 400.118, F.S., relating to the quality assurance early warning system, monitoring, and rapid response teams; providing an appropriation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Frankel, Smith, and Gelber—

**HB 1583**—A bill to be entitled An act relating to elections; amending s. 98.097, F.S.; requiring that the central voter file administered by the Division of Elections of the Department of State immediately reflect changes to information in the file and that such changes be immediately available statewide to users of the file; amending s. 98.255, F.S.; requiring the division to adopt rules establishing standards for voter education and training programs to be provided by the supervisor of elections in each county; providing annual appropriations therefor and requiring annual reports thereon; amending s. 100.011, F.S.; placing the opening and closing of the polls on Eastern Standard Time throughout the state; extending the time the polls are open; amending ss. 101.45, 101.65, and 101.67, F.S., relating to duties of the election board prior to opening the polls in precincts where voting machines are used, to instructions to absent electors, and to the deadline for receiving absentee ballots, respectively, to conform; amending s. 101.111, F.S.; authorizing election officials to challenge the right of any person to vote; providing for issuance of provisional ballots to challenged voters under certain circumstances; providing requirements for such ballots; providing for review and canvassing of such ballots; amending ss. 98.481 and 101.657, F.S., to conform; creating s. 101.005, F.S.; providing for a uniform statewide voting system and ballots; providing rulemaking authority to the department to implement and adopt standards for the system, including ballot requirements; providing an appropriation for the counties to purchase the new system; amending s. 101.015, F.S.; prohibiting the certification for use in this state of certain voting systems; amending ss. 97.021, 101.5603, 101.5606, and 101.5614, F.S., to conform; creating s. 101.6575, F.S.; requiring the office of the supervisor of elections and any branch office to be open on the Saturday prior to any statewide election or other election held in conjunction therewith, for the purpose of allowing early in-person absentee voting for that election; creating s. 101.725, F.S.; providing for a Voter's Bill of Rights; providing responsibilities of supervisors of elections; amending s. 102.012, F.S.; requiring the division to adopt rules establishing standards for poll worker training; amending s. 102.141, F.S.; specifying what constitutes active participation in a campaign or candidacy in an election being canvassed for purposes of disqualification of a canvassing board member; amending ss. 233.061 and 233.0612, F.S.; making voting instruction in the public schools a required rather than an optional element of the curriculum; creating a task force to study the establishment of an independent State Board of Elections; providing for appointment of members and authorizing reimbursement for per diem and travel expenses incurred in official duties; providing for staffing and funding by the Executive Office of the Governor; providing for a report and termination of the task force upon submission of the report; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Detert, Lerner, and Brutus—

**HB 1585**—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for information relating to abandoned property which is contained in reports to the Department of Banking and Finance under s. 717.117, F.S.; providing for future review and repeal; providing findings of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Baxley—

**HB 1587**—A bill to be entitled An act relating to obtaining personal property or equipment illegally; amending s. 812.155, F.S.; revising provision relating to applicability of said section to include rental stores that retain title to the property throughout the rental-purchase agreement period; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ross—

**HB 1589**—A bill to be entitled An act relating to instant bingo games; amending s. 849.0931, F.S.; redefining the term "bingo game";

authorizing the conduct of instant bingo games by certain organizations; providing a definition, prize limitations, and rules for operation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Romeo—

**HB 1591**—A bill to be entitled An act relating to health insurance; providing legislative intent to provide expanded access to health insurance for adults living in families whose income is at or below the federal poverty level and to access federal funds for this coverage; requiring the Agency for Health Care Administration to file amendments to the state plan and waiver requests with the U.S. Department of Health and Human Services; creating the Health Care Coverage Workgroup; providing membership and purpose; amending s. 409.901, F.S.; defining the term “family”; amending s. 409.904, F.S.; authorizing the agency to make payments for medical assistance for families and individuals whose income is at or below 133 percent of the federal poverty level; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Negron and Lerner—

**HB 1593**—A bill to be entitled An act relating to animal fighting or baiting; amending s. 828.122, F.S.; defining the term “equipment”; revising the elements of the crime of animal baiting or fighting; prohibiting additional acts associated with animal fighting or baiting; providing for the seizure, impoundment, and euthanasia of animals under certain conditions; providing penalties; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Peterman—

**HB 1595**—A bill to be entitled An act relating to farm labor contractors; amending s. 450.34, F.S.; prohibiting the charging of certain fees to farm laborers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Peterman—

**HB 1597**—A bill to be entitled An act relating to insurance; creating s. 627.4553, F.S.; requiring life insurers having certain types of policies in force to annually notify policyholders of certain information concerning their policies; providing exceptions; amending s. 627.4555, F.S.; limiting an exception from specified notice requirements with respect to lapse of life insurance coverage for nonpayment of premium; creating s. 627.4587, F.S.; requiring benefit enhancement of certain types of policies if the premium payment reaches certain levels; creating s. 627.5015, F.S.; prohibiting delivery or issuance of industrial life insurance policies after a specified date; requiring notice to policyholders of existing policies; providing an exception; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Simmons—

**HB 1599**—A bill to be entitled An act relating to motor vehicle financial responsibility; amending s. 324.021, F.S.; revising the definition of the term “motor vehicle”; increasing financial responsibility limits with respect to bodily injury or death in a single accident; creating s. 324.023, F.S.; requiring proof of financial responsibility for bodily injury or death; amending s. 324.031, F.S.; increasing limits for proof of financial responsibility for for-hire transportation vehicle certificates of self-insurance; amending s. 324.161, F.S.; increasing the amount required for a surety bond or deposit for proof of financial responsibility; amending s. 324.171, F.S.; revising the required threshold limit for self-insurers; amending ss. 316.646 and 627.733, F.S., to conform to the act; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Jennings, Greenstein, Meadows, Weissman, Richardson, McGriff, Peterman, Kendrick, and Diaz de la Portilla—

**HB 1601**—A bill to be entitled An act relating to workforce development; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Mayfield—

**HB 1603**—A bill to be entitled An act relating to the comprehensive Everglades restoration plan; amending s. 373.026, F.S.; requiring the South Florida Water Management District to submit certain information to the Joint Legislative Committee on Everglades Oversight; requiring the committee to provide certain review of appropriation requests and make recommendations to the Legislature; providing that state funds for land purchases are authorized if contained within the district’s Florida Forever 5-year work plan; creating s. 373.1502, F.S.; creating the Comprehensive Everglades Restoration Plan Regulation Act; providing for regulation of comprehensive plan project components; providing intent; providing an expedited permit process; providing a fee; providing for renewal; amending s. 373.4149, F.S.; clarifying boundaries of the Miami-Dade County Lake Belt Area; amending s. 373.470, F.S.; revising due date of the annual report on implementation of the comprehensive plan; amending s. 403.088, F.S.; providing application of water pollution operation permitting procedures to facilities constructed, operated, or maintained in the South Florida ecosystem, including the components of the comprehensive Everglades restoration plan; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Jennings, Richardson, McGriff, Peterman, Greenstein, Ausley, Kendrick, and Diaz de la Portilla—

**HB 1605**—A bill to be entitled An act relating to state government; creating s. 14.204, F.S.; creating the State Council on Competitive Government; providing for appointment of members, powers, and duties; providing for review of government services and functions in relation to the performance of those services and functions by nongovernment providers; providing criteria for review; providing for contract recommendations; providing limitations on contracts for services under certain circumstances; repealing s. 14.203, F.S., which provides for a State Council on Competitive Government; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bennett—

**HB 1607**—A bill to be entitled An act relating to rulemaking authority of the Department of Insurance; codifying department rules and granting the department additional rulemaking authority; amending s. 112.215, F.S.; providing for self-funding of administrative costs of deferred compensation; amending ss. 624.3161 and 626.171, F.S.; authorizing the department to adopt certain rules; amending s. 626.748, F.S.; specifying additional recordkeeping requirements for agents; amending s. 626.9541, F.S.; providing additional criteria for an unfair discrimination prohibition; creating s. 626.9552, F.S.; specifying requirements for single interest insurance; amending s. 627.062, F.S.; clarifying certain information reporting requirements; amending s. 627.0625, F.S.; providing an additional requirement for commercial motor vehicle insurance policies; authorizing the department to adopt rules; creating s. 627.385, F.S.; specifying conduct prohibitions for residual market board members; creating s. 627.4065, F.S.; requiring certain notice provisions in health insurance policies; providing for an insured’s right to return a policy; amending s. 627.7276, F.S.; revising a limited coverage notice requirement; creating s. 627.795, F.S.; providing title insurance requirements for real estate closings;

amending s. 627.918, F.S.; requiring the department to adopt certain reporting format standards; amending s. 627.9408, F.S.; authorizing the department to adopt long-term care insurance regulation rules; amending s. 641.2342, F.S.; providing for financial examination of contract providers by the department; amending s. 641.31, F.S.; revising a reimbursement for covered services and supplies provision; amending s. 641.3108, F.S.; prohibiting health maintenance organization cancellation of certain contracts during a contract period; providing exceptions; providing requirements for nonrenewal of subscriber group contracts; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Richardson—

**HB 1609**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing eligibility of certain treatment and rehabilitation personnel at correctional or forensic facilities for membership in the Special Risk Class; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Arza—

**HB 1611**—A bill to be entitled An act for the relief of Mary Beth Wiggers; providing an appropriation to compensate Mary Beth Wiggers for injuries she sustained due to the negligence of the Department of Corrections; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Claims; and Procedural & Redistricting Council.

By Representative Bilirakis—

**HB 1613**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for textbooks and other books required or recommended in connection with a course of study at a public or private nonprofit postsecondary educational institution; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Brummer—

**HB 1615**—A bill to be entitled An act relating to school district finance; creating s. 236.255, F.S.; creating the School District Guarantee Program; allowing district school boards to request the financial backing of the state or county in the issuance of certificates of participation; providing that such financial backing by the state or county is optional and contingent on funds set aside for that purpose; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Dockery—

**HB 1617**—A bill to be entitled An act relating to growth management; amending s. 163.3177, F.S.; providing legislative intent and findings; requiring that a local government comprehensive plan include a public educational facilities element; providing that the state land planning agency shall establish a schedule for adoption of such elements; exempting certain municipalities from adopting such elements; requiring local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; specifying the effect of a local government's failure to transmit such element according to the adopted schedule; requiring that local governments consider the adequacy of public school facilities when considering certain comprehensive plan amendment and rezoning applications; providing duties of the school board; requiring denial of such applications under certain conditions; amending s. 163.3180, F.S.;

providing requirements with respect to the public educational facilities element when school concurrency is imposed by local option; amending ss. 163.3187 and 163.3191, F.S.; conforming language; creating s. 163.3198, F.S.; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of proposed development; creating a commission to oversee such development; providing for field tests of the models developed; providing for approval of a uniform model by the commission and submission of a report and recommendations to the Governor and Legislature; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be submitted as part of the district's educational facilities plan; providing that such surveys are deemed to meet state constitutional requirements, subject to State Board of Education approval; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for long-range planning; providing requirements for the district's facilities work program; providing for submittal of the tentative plan to local governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S.; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; requiring the school board to provide a local government certain information when it is considering certain comprehensive plan amendment or rezoning applications; revising requirements relating to school board responsibilities in planning with local governments; revising a notice requirement regarding proposed use of property for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending ss. 235.218, 235.321, and 236.25, F.S.; conforming language; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Frankel—

**HB 1619**—A bill to be entitled An act relating to public meetings and public records; amending s. 400.351, F.S.; providing an exemption from public meetings and public records requirements for nursing home governing board or committee meetings held solely for the purpose of achieving internal risk management objectives; providing for future review and repeal; providing a finding of public necessity; creating s. 400.351, F.S., and creating s. 400.352, F.S.; providing an exemption from public records requirements for information contained in a notification of an adverse incident provided to the Agency for Health Care Administration by a nursing home facility, and information and reports obtained by the agency related to such adverse incidents; providing that such information is not discoverable or admissible in a civil action or administrative proceeding unless such action or proceeding is a disciplinary proceeding conducted by the agency or a regulatory board; providing for future review and repeal; providing a finding of public necessity; amending s. 400.354, F.S.; providing exemptions from public records requirements for any complaint against a nursing home for violation of pt. II of ch. 400, F.S., and for information obtained by the Agency for Health Care Administration during an investigation related thereto; providing conditions for disclosure; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ritter—

**HB 1621**—A bill to be entitled An act relating to corporations; amending s. 607.01401, F.S.; redefining the term "electronic

transmission” to include telegrams, cablegrams, telephone transmissions, and transmissions through the Internet; amending s. 607.0721, F.S.; providing requirements for the voting of shares held by partnerships, limited liability companies, and other similar entities; amending s. 607.0722, F.S.; specifying those persons who may vote on behalf of a shareholder; authorizing the appointment of a proxy by electronic transmission; deleting provisions limiting the period during which an appointment of proxy is irrevocable; authorizing the use of certain copies or reproductions in lieu of the original writing or electronic transmission; authorizing a corporation to adopt bylaws authorizing additional procedures for shareholders to use in exercising certain rights; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Mahon—

**HB 1623**—A bill to be entitled An act relating to wetland mitigation; creating s. 373.4139, F.S.; providing definitions; authorizing the mitigation of wetland and surface water impacts resulting from the Better Jacksonville Plan through the acquisition of lands for preservation and through wetland restoration, enhancement, and creation projects of regional environmental benefit; providing legislative intent with respect to such mitigation; specifying areas to be afforded preference as mitigation areas; authorizing the City of Jacksonville and the St. Johns River Water Management District to jointly determine other areas to be afforded preference as mitigation lands; providing sources of funds for wetland and surface water mitigation; providing procedure with respect to land acquisition; requiring the preparation of an inventory of wetland and surface water resources to be impacted; providing for annual updating of the inventory; specifying inventory contents; requiring the district to develop a mitigation plan annually; requiring annual approval of a conceptual plan for mitigating impacts contained in the inventory by the governing board of the district; providing that approval of the conceptual plan creates a presumption that the mitigation contained therein satisfies the mitigation permitting requirements of ch. 373, F.S.; requiring the district to forward copies of the conceptual plan to, and seek to obtain formal concurrence of, specified federal agencies; providing procedure and requirements with respect to wetland and surface water mitigation; specifying powers of the district with regard to permitting; providing funding requirements; requiring specified deposits by permittees; authorizing the district and the City of Jacksonville to enter into certain agreements; authorizing the district to enter into certain contracts; providing specified powers of the district; providing procedure in the event that conceptual mitigation plans are not approved or adopted; authorizing exclusion of certain projects from the conceptual plan; providing construction; amending s. 373.4135, F.S.; providing nonapplicability to the provisions of s. 373.4139 with respect to the required establishment of specified environmental creation, preservation, enhancement, and restoration projects; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Hart—

**HB 1625**—A bill to be entitled An act relating to elections; creating s. 101.56061, F.S.; providing for a uniform statewide voting system; restricting approval to a precinct tabulation marksense-type voting system after a specified date; providing for development of a statewide direct reporting equipment voting system for future use if funded; authorizing the Department of State to hold the copyright to the direct reporting system’s software as provided by law; amending ss. 100.061 and 100.091, F.S.; revising the dates on which the primary elections are held; creating s. 101.122, F.S.; authorizing and providing requirements for provisional ballots; amending s. 97.021, F.S.; providing definitions; amending s. 102.166, F.S.; revising election protest procedures; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; revising election contest procedures; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s.

102.112, F.S.; revising deadlines for submission of county returns to the Department of State; eliminating provisions establishing fines for late reporting; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; authorizing the Department of State to hold the copyright to the database software as provided by law; providing for update of information in the database; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 106.0705, F.S.; requiring electronic filing of campaign treasurer’s reports under certain circumstances; providing reporting dates; providing penalties; providing rulemaking authority; amending s. 101.6103, F.S.; revising the voter’s certificate for mail ballot elections to include a date requirement; providing for contingent effect of certain provisions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ryan—

**HB 1627**—A bill to be entitled An act relating to environmental control; titling the act the “Florida Performance-Based Environmental Permitting Act”; providing legislative findings and public purpose; amending s. 403.087, F.S.; removing provisions relating to renewal of operation permits for specified domestic wastewater facilities, requirements for such renewal, and Department of Environmental Protection recordkeeping requirements with respect to such permits; revising conditions under which the department shall issue a permit to construct, operate, maintain, expand, or modify an installation which may reasonably be expected to be a source of pollution; creating s. 403.0874, F.S.; establishing the Performance-Based Environmental Permit Program; providing definitions; requiring applicants under the Florida Air and Water Pollution Control Act to submit specified information to the department; requiring the department to consider the compliance history of applicants; requiring the department to review the compliance history of applicants seeking review or modification of a permit and applicants seeking a permit for a new facility; creating a point schedule for violations, and incidents leading to violations, of environmental regulation for the purpose of assessing applicants; requiring the department to compute points based on the schedule; providing basis for assignment of points; providing period of time during which points assessed against an applicant remain in effect; providing for burden of proof in proceedings challenging proposed agency action; providing a point threshold upon which the department is required to conduct a supplemental review and the applicant is required to submit an increased permit fee; providing actions which may be taken by the department subsequent to a supplemental review; providing actions which may be taken by the department and the applicant subsequent to a denial by the department; providing factors to be considered by the department prior to acting pursuant to a supplemental review; providing criteria to be considered in evaluating an applicant’s compliance program; providing construction; providing that applicants meeting certain criteria are eligible for specified compliance incentives; providing procedure, requirements, and eligibility criteria with respect to such incentives; providing for voluntary submission of prescribed compliance forms; providing for application of the act; amending s. 403.707, F.S.; removing provisions relating to departmental refusal to issue a permit under pt. IV of ch. 403, F.S., relating to resource recovery and management, to conform; amending ss. 403.703, 403.0871, and 403.0872, F.S.; correcting cross references; reenacting ss. 366.825(3), 378.901(9), 403.0881, 403.707(3), and 403.927(2), F.S., to incorporate the amendments to s. 403.087, F.S., in references thereto; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Arza—

**HB 1629**—A bill to be entitled An act relating to aviation fuel taxation; amending s. 206.9825, F.S.; rescinding the repeal of the alternative tax rate; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Diaz de la Portilla—

**HJR 1631**—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution, relating to local government, to provide for the nonpartisan election of supervisors of elections.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Attkisson—

**HB 1633**—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), and 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Goodlette—

**HB 1635**—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; clarifying enforcement powers of the Department of Environmental Protection with respect to pt. I of ch. 369, F.S., relating to aquatic plant control; amending s. 373.129, F.S.; revising a reference with respect to enforcement of pt. IV of ch. 373, F.S., relating to management and storage of surface waters; creating s. 373.437, F.S.; authorizing the governing board of a water management district to assess administrative penalties for purposes of pt. IV of ch. 373, F.S., relating to management and storage of surface waters; amending s. 377.37, F.S.; providing that the Department of Environmental Protection shall assess administrative penalties for energy resource violations in accordance with provisions for administrative remedies in s. 403.121, F.S.; providing for deposit of such penalties in the Minerals Trust Fund; specifying uses of funds; amending s. 378.211, F.S.; authorizing the department to institute an administrative action with respect to a violation of pt. III of ch. 378, F.S., relating to phosphate land reclamation; removing penalty limitations; amending s. 403.121, F.S.; revising provisions relating to judicial remedies available to the department under the Florida Air and Water Pollution Control Act; providing criteria for cases in which the department shall proceed with administrative action; providing exceptions; providing specified limits on administrative penalties and notice of violation seeking administrative penalties; revising provisions relating to notice and service of notice of violation; providing procedure and requirements with respect to administrative hearings; providing that a respondent may request mediation if the department imposes an administrative penalty; providing mediation procedure and requirements; providing for award of costs and attorney's fees in administrative proceedings; providing construction with respect to injunctive relief, damages, and settlements; authorizing the department to pursue penalties in excess of \$10,000 for specified violations; providing an administrative penalty schedule for drinking water contamination violations, domestic or industrial wastewater violations, dredge and fill stormwater violations, first-time mangrove trimming or altering violations, solid waste violations, air emission violations, and storage tank system and petroleum discharge or release violations; providing exceptions to the schedule; providing a schedule of additional administrative penalties; providing for consideration of a violator's history of noncompliance with respect to specified violations; providing penalty limits and reductions; providing for deposit and use of funds derived from administrative penalties; providing construction; amending s. 403.131, F.S.; providing that judicial and administrative remedies to recover damages and penalties in ss. 403.131 and 403.121, F.S., are alternative and mutually exclusive; amending s. 403.727, F.S.;

removing provisions relating to assessment by the department of noncompliance fees for Class II violations of pt. IV of ch. 403, relating to resource recovery and management, and the deposit of such fees; amending s. 403.860, F.S.; providing for assessment of administrative penalties by the department or a county health department for violations of pt. V of ch. 403, F.S., relating to environmental regulation, in accordance with s. 403.121, F.S.; eliminating provisions relating to noncompliance fees and administrative penalties to conform; requiring the department to submit a report; reenacting ss. 373.129(7), 373.303(1)(j), 376.322(4), 403.4135(2), 403.7045(3)(d), 403.708(12), 403.726(2) and (3), 403.727(2), 403.758(1), 403.811, and 403.9419, F.S., to incorporate the amendments to ss. 403.121 and 403.131, F.S., in references thereto; reenacting s. 627.756(2), F.S., to incorporate the amendment to s. 403.727, F.S., in a reference thereto; reenacting ss. 381.0063, 403.854(7), and 403.862(7), F.S., to incorporate the amendment to s. 403.860, F.S., in references thereto; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Berfield—

**HB 1637**—A bill to be entitled An act relating to recreational activities at facilities for elderly or disabled adults; authorizing bingo games for residents or clients of certain facilities for the elderly or disabled, and their guests; providing conditions; providing for use of proceeds; providing exemption from local regulation and fees; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Berfield—

**HB 1639**—A bill to be entitled An act relating to elevators; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar equipment; providing for permits for construction or alteration; providing for fees; creating s. 399.046, F.S.; providing for licenses for elevator contractors and certificates of competency for elevator mechanics and elevator inspectors; creating s. 399.106, F.S.; creating the Elevator Safety Review Board; providing for its membership and authority; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing s. 399.05, F.S., which provides for construction permits; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bennett—

**HB 1641**—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term care facilities; amending s. 400.021, F.S.; defining the terms "controlling interest" and "voluntary board member" and revising the definition of "resident care plan" for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; creating s. 400.0223, F.S.; requiring a nursing home facility to permit electronic monitoring devices in a resident's room; specifying conditions under which monitoring may occur; providing that electronic monitoring tapes are admissible in civil or criminal actions; providing penalties; creating s. 400.0247, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk management plans; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility's license or



impose a fine; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; requiring that the Agency for Health Care Administration review a facility's internal risk management and quality assurance program; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer's disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; increasing the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.237, F.S.; providing legislative intent regarding improvements in quality in nursing home facilities; requiring the Agency for Health Care Administration to develop and implement a system for grading nursing homes; specifying areas that must be evaluated by the grading system; requiring ranking of nursing homes according to their grading score; requiring the agency to identify improvement in nursing home performance; requiring the agency to reevaluate standards periodically and raise the standards to reflect improvements in nursing home grading scores; requiring the agency to convene a workgroup; specifying the membership of the workgroup; requiring nursing homes to post their rankings and improvement ratings; requiring the agency to publish the rankings and improvement ratings; authorizing the agency to adopt rules; creating s. 400.275, F.S.; providing for training of nursing home survey teams; providing requirements for participants in the agency's informal dispute resolution process; amending s. 400.402, F.S.; revising definitions applicable to part III of ch. 400, F.S., relating to the regulation of assisted living facilities; amending s. 400.407, F.S.; revising certain licensing requirements; providing a bed fee for licensed facilities in lieu of the biennial license fee; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.417, F.S.; revising requirements for license renewal; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; requiring that the Agency for Health Care Administration review a facility's internal risk management and quality assurance program; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.428, F.S.; revising requirements for the survey

conducted of licensed facilities by the agency; creating s. 400.4303, F.S.; requiring that copies of certain documents be forwarded to the state attorney if punitive damages are awarded; amending s. 400.435, F.S., relating to maintenance of records; conforming provisions to changes made by the act; amending s. 400.441, F.S.; clarifying facility inspection requirements; amending s. 400.442, F.S., relating to pharmacy and dietary services; conforming provisions to changes made by the act; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 464.201, F.S.; authorizing an additional training program for certified nursing assistants; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; requiring wage and benefit increases; requiring a report; providing appropriations; providing for severability; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Goodlette—

**HB 1643**—A bill to be entitled An act relating to insurance risk apportionment plans; amending s. 627.351, F.S.; creating the Citizens Property Insurance Corporation; revising and applying provisions relating to the Residential Property and Casualty Joint Underwriting Association and the association's member insurers to the corporation and the corporation's participating insurers; requiring certain insurers to participate in the corporation; providing for application to commercial property as well as residential; requiring a plan of operation; providing for division of revenues, assets, liabilities, losses, and expenses of the corporation into three accounts, to be maintained for certain purposes; amending ss. 215.555, 624.4071, 624.4072, 626.752, 627.0628, 627.3511, 627.3513, 627.3515, 627.3516, 627.7013, and 627.7014, F.S., to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Romeo and Spratt—

**HB 1645**—A bill to be entitled An act relating to rural development; creating the Florida Rural Heritage Act; providing legislative findings; providing definitions; providing for the designation of a Rural Heritage Area; providing for a community-based planning process; specifying guidelines for Rural Heritage Area plans; providing procedure for adoption of a plan; providing for economic incentives, reports, and technical assistance; creating the Rural Heritage Grant Program to assist local governments in adopting Rural Heritage Areas, to be administered by the Department of Community Affairs; providing for priority of funding; requiring the Department of Community Affairs to adopt rules; providing for development of a nature-and-heritage-based tourism business micro-loan program; providing for establishment of a revolving loan fund; providing for educational technology pilot programs to be established by the Department of Management Services; providing for agricultural diversification pilot projects to be administered by the Department of Agriculture and Consumer Services; providing for review and evaluation by the Office of Program Policy Analysis and Government Accountability; amending s. 163.3187, F.S.; providing conditions for adoption of local comprehensive plan amendments for rural activity centers and rural heritage areas; amending s. 187.201, F.S.; modifying goals of the State Comprehensive Plan to include housing for specified persons in rural areas and development of nature-based tourism; providing a policy of fostering integrated and coordinated community planning efforts; providing support for rural communities in developing nature-and-heritage-based tourism enterprises; providing support for landowners who wish their lands to remain in agricultural use; amending s. 212.096, F.S.; providing a credit against sales tax for businesses located in an enterprise zone within a rural county or city as defined; amending s. 220.181, F.S.; providing enterprise-zone jobs credits for businesses within jurisdiction of a rural local government; amending s. 290.0055, F.S.; providing a condition for designating communities within the jurisdiction of a rural local

government as an enterprise zone; amending s. 420.507, F.S.; modifying powers of the Florida Housing Finance Corporation; providing an appropriation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bense—

**HB 1647**—A bill to be entitled An act relating to motor vehicles dealers; providing definitions; prohibiting certain unfair or deceptive acts by such dealers; providing for the award of attorney's fees and court costs; repealing s. 320.27(9)(n), F.S.; relating to licensure sanctions for dealers who fail to disclose certain new vehicle damages to a purchaser; providing application; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bense—

**HB 1649**—A bill to be entitled An act relating to condominiums; amending s. 718.111, F.S.; providing that each individual owner, not the association, must bring any action for fraud or misrepresentation against a developer, sales agent, or broker; amending s. 718.116, F.S.; limiting the portion of an assessment that has been made but not collected which may be used as collateral for financing litigation or efforts to remedy construction defects; amending s. 718.203, F.S.; relieving the developer of liability for certain defects if the developer has met prescribed conditions; creating s. 718.3027, F.S.; requiring prelitigation disclosure to and approval by owners; amending s. 718.303, F.S.; placing limitations on certain legal actions that may be brought by the association or by a unit owner; amending s. 718.503, F.S.; providing requirements for developer disclosure in certain contracts for the sale or lease of a residential unit; amending s. 718.506, F.S.; abrogating the right to a cause of action against a developer for an oral representation or information that is not in the developer's promotional materials; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bense—

**HB 1651**—A bill to be entitled An act relating to restoring confidence in the judicial system; creating s. 43.291, F.S.; specifying membership composition and requirements of judicial nominating commissions; providing limitations; providing for terms; abolishing prior offices; providing for suspension or removal; requiring racial, ethnic, gender, and geographical diversity of commission memberships; repealing s. 43.29, F.S., relating to judicial nominating commissions; reenacting ss. 3, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 of ch. 99-225, Laws of Florida, which amend ss. 44.104, 95.031, 90.407, 768.095, 768.075, 768.72, 768.73, 768.81, 324.021, 400.023, 400.029, and 400.629, F.S., and create ss. 47.025, 768.1257, 768.1256, 768.096, 768.0705, 768.36, 768.725, 768.735, 768.736, 768.737, and 768.098, F.S.; providing for voluntary trial resolution upon the agreement of parties to a civil dispute; providing for the appointment and compensation of a trial resolution judge; providing guidelines for conducting a voluntary trial resolution; providing for enforcement and appeal; providing for expedited trials; providing that certain venue provisions in a contract for improvement to real property are void; specifying appropriate venue for actions against resident contractors, subcontractors, sub-subcontractors, and materialmen; requiring the clerk of courts to report certain information on negligence cases to the Office of the State Courts Administrator; imposing a 12-year statute of repose on actions brought to recover for harm caused by products with a specified expected useful life; exempting certain categories of products from the statute of repose; imposing variable repose periods based on specific warranties by the manufacturer; providing an exception for certain injuries; providing for tolling under particular circumstances; specifying the date by which certain actions must be brought or be otherwise barred by the statute of repose; providing limitations on the admissibility of subsequent remedial measures; providing exceptions; requiring the finder of fact, in certain product defect actions, to consider circumstances that existed at

the time of manufacture; providing a government rules defense with respect to certain products liability actions; providing for rebuttable presumptions; providing an exception; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; providing a presumption against liability for criminal acts for convenience business under specified conditions; delineating the duty owed to trespassers by a person or organization owning or controlling an interest in real property; providing definitions; providing for the avoidance of liability to discovered and undiscovered trespassers under described circumstances; providing immunity from certain liability arising out of the attempt to commit or the commission of a felony; prohibiting a plaintiff from recovering damages if plaintiff is more than a specified percentage at fault due to the influence of alcoholic beverages or drugs; providing for evidentiary standards for an award of punitive damages; revising provisions with respect to claims for punitive damages in civil actions; requiring clear and convincing evidence of gross negligence or intentional misconduct to support the recovery of such damages; providing definitions; providing criteria for the imposition of punitive damages with respect to employers, principals, corporations, or other legal entities for the conduct of an employee or agent; providing for the application of the section; revising provisions with respect to limitations on punitive damages; providing monetary limitations; providing for the effect of certain previous punitive damages awards; providing for the application of the section; providing that ss. 768.72(2)-(4), 768.725, and 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; limiting the amount of punitive damages that may be awarded to a claimant in certain civil actions involving abuse or arising under ch. 400, F.S.; providing that ss. 768.725 and 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; providing for application of punitive damages statutes to arbitration; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds certain percentages; limiting the applicability of joint and several liability based on the amount of damages; providing for the allocation of fault to a nonparty; requiring that such fault must be proved by a preponderance of the evidence; providing the lessor of a motor vehicle under certain rental agreements shall be deemed the owner of the vehicle for the purpose of determining liability for the operation of the vehicle within certain limits; providing for the liability of the owner of a motor vehicle who loans the vehicle to certain users; limiting the liability of employers in a joint employment relationship under specific circumstances; providing exceptions and limitations; relating to actions brought on behalf of nursing home residents; providing that a party to any such action may not recover attorney's fees unless parties submit to mediation; specifying requirements for such mediation; providing for application; providing a standard for an award of punitive damages; relating to actions brought on behalf of assisted living care facility residents; providing that a party to any such action may not recover attorney's fees unless parties submit to mediation; specifying requirements for such mediation; providing for application; providing a standard for an award of punitive damages; relating to actions brought on behalf of adult family care home residents; providing that a party to any such action may not recover attorney's fees unless parties submit to mediation; specifying requirements for such mediation; providing for application; providing a standard for an award of punitive damages; requiring the Office of Program Policy Analysis and Government Accountability to contract with an actuarial firm to conduct an actuarial analysis of expected reductions in judgments and related costs resulting from litigation reforms; specifying the basis and due date for the actuarial report; providing a declaration of intent pertaining to the constitutional prerogatives of the judiciary; providing for severability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Rich—

**HB 1653**—A bill to be entitled An act relating to the Student Achievement Guarantee in Education (SAGE) Act; providing a short

title; establishing the Student Achievement Guarantee in Education program to facilitate improvements in the academic achievement of low-income students; providing criteria for participation in the program; establishing an application process; requiring the Department of Education to review and approve applications based on standards adopted by the department; establishing SAGE program requirements; requiring a contract between the Department of Education and the district school board of each participating school district; providing for the award of funds; providing for annual reviews by the department; requiring a report to the Legislature; authorizing the adoption of rules; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Clarke—

**HB 1655**—A bill to be entitled An act relating to transferring and reassigning divisions, functions, and responsibilities of the Department of Labor and Employment Security; providing for a type two transfer of the Division of Workers' Compensation and the Office of the Judges of Compensation Claims to the Department of Insurance; providing for a type two transfer of workers' compensation medical services to the Agency for Health Care Administration; providing for a type two transfer of workers' compensation rehabilitation and reemployment services to the Department of Education; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing for the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation by a type two transfer; providing for the transfer of the Public Employees Relations Commission to the Department of Management Services by a type two transfer; providing for the transfer of the Office of Information Systems to the State Technology Office by a type two transfer; authorizing the Department of Banking and Finance, in conjunction with the Office of the Attorney General, to use unexpended funds to settle certain claims; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of this act; amending s. 20.13, F.S.; providing for a Division of Workers' Compensation in the Department of Insurance; amending s. 440.02, F.S.; providing a definition for the term "agency"; conforming definitions of "department" and "division" to the transfer of the Division of Workers' Compensation to the Department of Insurance; amending ss. 440.102 and 440.125, F.S.; conforming agency references to reflect the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.13, F.S., relating to medical services and supplies under the workers' compensation law; reassigning certain functions from the Division of Workers' Compensation to the Agency for Health Care Administration; conforming agency references to reflect the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.15, F.S.; providing for the agency to participate in the establishment and use of a uniform permanent impairment rating schedule; correcting a cross reference; amending s. 440.207, F.S.; conforming a departmental reference; amending s. 440.25, F.S.; conforming agency references to reflect the transfer of the Division of Workers' Compensation to the Department of Insurance; amending s. 440.385, F.S.; deleting obsolete provisions; conforming departmental references relating to the Florida Self-Insurance Guaranty Association, Inc.; correcting a cross reference; amending s. 440.44, F.S.; conforming provisions; amending s. 440.4416, F.S.; reassigning the Workers'

Compensation Oversight Board to the Department of Insurance; amending s. 440.45, F.S.; reassigning the Office of the Judges of Compensation Claims to the Department of Insurance; amending s. 440.49, F.S.; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending s. 440.491, F.S.; conforming references based on the transfer of rehabilitation and reemployment services to the Department of Education; amending ss. 440.525 and 440.59, F.S.; conforming agency references to reflect the transfer of programs from the Department of Labor and Employment Security to the Department of Insurance; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Agency for Workforce Innovation rather than the Department of Labor and Employment Security; conforming provisions; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 447.203, F.S.; clarifying the definition of professional employee; amending s. 447.205, F.S.; conforming provisions to reflect the transfer of the Public Employees Relations Commission to the Department of Management Services and deleting obsolete provisions; amending s. 447.208, F.S.; clarifying the procedure for appeals, charges, and petitions; amending s. 447.305, F.S., relating to the registration of employee organizations; providing for the Public Employees Relations Commission to share registration information with the Department of Insurance; amending s. 447.307, F.S.; authorizing the commission to modify existing bargaining units; amending s. 447.503, F.S.; specifying procedures when a party fails to appear for a hearing; amending s. 447.504, F.S.; authorizing the commission to stay certain procedures; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; amending s. 627.0915, F.S.; conforming departmental references to changes made by the act; amending ss. 110.205, 112.19, 112.191, 121.125, 122.03, 238.06, 440.10, 440.104, and 440.14, F.S., to conform; repealing s. 20.171, F.S., relating to establishment and the authority and organizational structure of the Department of Labor and Employment Security; providing for severability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Jordan—

**HB 1657**—A bill to be entitled An act relating to fictitious name registration; amending s. 865.09, F.S.; providing for notification to the Division of Corporations of the Department of State of certain information when a business location changes; providing for forms; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kallinger—

**HB 1659**—A bill to be entitled An act relating to electrologists; amending s. 478.42, F.S.; redefining the term "electrolysis" to include the use of lasers or light-based devices for hair removal; amending s. 478.49, F.S.; requiring training in the use of such devices; requiring general supervision by a physician when such devices are used; amending s. 478.50, F.S.; revising criteria for training programs; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Mealar—

**HB 1661**—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 228.041, F.S.; providing a

definition; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts and the Department of Education; establishing criteria for private school eligibility; establishing obligations of program participants; providing for funding and payment; authorizing the State Board of Education to adopt rules; amending ss. 228.121, 230.2316, 230.23161, 232.246, 240.116, and 414.125, F.S.; correcting cross references; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Harrell—

**HB 1663**—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; providing for minimum seaport security standards; authorizing additional security measures under certain circumstances; providing for implementation by April 30, 2002; providing for annual inspections; amending s. 790.06, F.S.; providing that concealed firearms may not be permitted on a port facility; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Wishner—

**HB 1665**—A bill to be entitled An act relating to motor vehicles and driver licensing; amending s. 320.01, F.S.; defining the term “extended registration period”; amending s. 320.055, F.S.; authorizing an extended registration period for certain motor vehicles; amending s. 320.06, F.S.; providing terms and conditions for the issuance of extended registrations; amending s. 320.07, F.S.; providing for expiration of an extended registration; providing for a refund under certain circumstances; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Wishner—

**HB 1667**—A bill to be entitled An act relating to Daylight Saving Time; exempting the State of Florida and its political subdivisions from federal law which establishes a uniform time for an advance to Daylight Saving Time; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Paul and Gibson—

**HB 1669**—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for a demonstration restoration project; providing appropriations; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Gardiner—

**HB 1671**—A bill to be entitled An act relating to home-invasion robbery; amending s. 812.135, F.S.; providing additional offense classifications and revising the penalties for home-invasion robbery; providing that it is a life felony to commit a home-invasion robbery in the course of which a firearm or other deadly weapon is carried; providing that it is a first-degree felony punishable by a term of imprisonment not exceeding life imprisonment to commit a home-invasion robbery in the course of which a weapon is carried; providing penalties; reenacting s. 943.325(1)(a), F.S., relating to blood specimen testing for DNA analysis, to incorporate the amendment made by this act in a reference; amending s. 921.0022, F.S., relating to the criminal punishment code offense severity chart, to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kyle—

**HB 1673**—A bill to be entitled An act relating to criminal penalties; providing a short title; creating s. 741.283, F.S.; requiring that the court order a person to serve a minimum term of imprisonment as part of any sentence imposed for an offense of domestic violence involving physical injury to another person; providing an exception if the person is incarcerated for such offense; amending s. 784.03, F.S.; providing that a person commits felony battery if the offense is a second or subsequent conviction of any type of battery offense; creating s. 938.08, F.S.; requiring that the court impose an additional surcharge for any offense of domestic battery; providing for deposit of a portion of the surcharge into the Domestic Violence Trust Fund; requiring that a portion of the surcharge be used to train law enforcement personnel in combating domestic violence; amending s. 948.03, F.S.; requiring that a person convicted of an offense of domestic violence complete a batterers’ intervention program; requiring that the offender pay the cost of attending the program; amending s. 741.01, F.S.; authorizing the Executive Office of the Governor to use a specified amount from the Domestic Violence Trust Fund to fund a public-awareness campaign on domestic violence; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Gelber—

**HB 1675**—A bill to be entitled An act relating to assault and battery; creating s. 784.074, F.S.; providing enhanced penalties for the offenses of assault, battery, aggravated assault, or aggravated battery on a security officer licensed by the Department of State or on an investigator employed by the Bureau of Regulation and Enforcement of the Department of State; providing definitions; specifying minimum terms of imprisonment; providing that a person convicted of a violation under the act may not have adjudication of guilt or imposition of sentence suspended or withheld; providing that such person is ineligible for early release, except under certain circumstances; amending s. 784.081, F.S.; increasing penalties for an assault or battery committed against a municipal or county parks or recreation department employee; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Gelber—

**HJR 1677**—A joint resolution proposing the creation of Section 19 of Article X of the State Constitution, relating to windstorm insurance, to limit rate increases allowed for windstorm insurance and to authorize the Legislature to provide by general law for rate increases in excess of the limit.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Miller—

**HB 1679**—A bill to be entitled An act relating to sale of recreational facilities; prohibiting an owner of certain recreational facilities from selling or destroying such facilities under certain circumstances; providing requirements and procedures for selling such facilities; providing exceptions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Miller—

**HB 1681**—A bill to be entitled An act relating to pest control operators; amending s. 482.021, F.S.; defining the term “new construction”; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing

alternative educational requirements for pest control operator's certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; repealing s. 482.211(11), F.S., which provides an exemption from regulation for certain yard workers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Miller—

**HB 1683**—A bill to be entitled An act relating to unlawful activities involving driver's licenses and identification cards; amending s. 322.212, F.S.; prohibiting a person from knowingly selling, manufacturing, or delivering, or offering to sell, manufacture, or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of such license or such card; providing a penalty; authorizing investigations of violations of this section; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Slosberg—

**HB 1685**—A bill to be entitled An act relating to proceeds from the tobacco settlement; amending s. 569.21, F.S.; requiring that the Comptroller receive representations from the tobacco industry which are used to calculate the annual payments; requiring the Comptroller to verify such representations; requiring that the Auditor General review the verification of representations from the tobacco industry; redesignating the Comptroller as the Chief Financial Officer to conform to a revision of the State Constitution; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Slosberg—

**HB 1687**—A bill to be entitled An act relating to teenage driver education; authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Atwater—

**HB 1689**—A bill to be entitled An act relating to teacher recruitment; creating the Transition to Teaching Program; encouraging participation by postsecondary education institutions and organizations that represent eligible employees or employ eligible applicants; providing for grant proposals and applications; requiring an evaluation; authorizing certain activities and placing limitations on expenditures; providing for repayment of certain stipends; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Atwater—

**HB 1691**—A bill to be entitled An act relating to law enforcement officers; amending s. 817.564, F.S.; providing an exemption from civil or criminal liability for the sale of imitation controlled substances by law enforcement officers and other persons acting at their direction; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Alexander—

**HB 1693**—A bill to be entitled An act relating to natural resource management; creating s. 163.2501, F.S.; establishing policy related to decisions affecting land and water management; amending s. 163.3161, F.S.; establishing intent with respect to the implementation of growth management laws; amending s. 163.3177, F.S.; mandating the inclusion of an economic element in comprehensive plans; amending s. 288.063, F.S.; correcting a cross reference, to conform; amending s. 163.3184,

F.S.; establishing additional standards for approval of comprehensive plans and amendments; amending s. 163.3201, F.S.; establishing intent that economic and environmental considerations be balanced when implementing comprehensive plans; amending s. 380.021, F.S.; establishing intent that decisions relating to land and water management take into account both economic and environmental considerations; amending s. 380.06, F.S.; requiring that certain rules provide for balancing economic and environmental considerations; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Alexander—

**HB 1695**—A bill to be entitled An act relating to public records; amending s. 229.57, F.S.; providing an exemption from public records requirements for information in the possession of the Department of Education in connection with annual student assessments which identifies teachers or other instructional personnel or discloses the effects of instruction by such persons; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Weissman—

**HB 1697**—A bill to be entitled An act relating to students in community college aviation programs; creating a financial aid program for such students; providing for loans and grants; providing eligibility criteria; prescribing duties of community colleges and of the Division of Community Colleges; providing an appropriation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Waters—

**HB 1699**—A bill to be entitled An act relating to the Florida Windstorm Underwriting Association; amending s. 627.351, F.S.; providing exemptions from the public records law for specified records of the association; providing an exemption for certain meetings of the members of the board of directors of the association; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Smith—

**HB 1701**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; exempting from disclosure under s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution, certain information pertaining to county and municipal code enforcement officers and their families; providing for future repeal and prior legislative review of these exemptions; providing a statement of public necessity for the exemptions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Child & Family Security; Representative Detert—

**HB 1703**—A bill to be entitled An act relating to the Interstate Compact on Adoption and Medical Assistance; creating s. 409.406, F.S.; providing authority for the Department of Children and Family Services to enter into interstate agreements with other participating states for medical and other necessary services for special needs children; establishing procedures for interstate delivery of adoption assistance and related services and benefits; providing for the adoption of administrative rules; creating s. 409.407, F.S.; prohibiting expansion of Florida's financial commitment; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Crime Prevention, Corrections & Safety; Representative Bilirakis—

**HB 1705**—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 17 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1707**—A bill to be entitled An act relating to energy management; amending s. 255.257, F.S.; removing provisions which direct the Department of Management Services to provide for an energy management plan for state agencies, and which require state agencies to submit certain energy data to the department; providing that the department may develop such a plan; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1709**—A bill to be entitled An act relating to boiler safety; repealing s. 554.106, F.S., which requires the Department of Insurance to employ deputy inspectors under ch. 554, F.S., the Boiler Safety Act; amending s. 554.105, F.S., to conform; amending s. 554.108, F.S., to conform; providing that each inspection of a boiler under the Boiler Safety Act shall be conducted by a special inspector; amending s. 554.111, F.S.; eliminating certificate inspections and other specified inspections conducted by the department and fees therefor; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1711**—A bill to be entitled An act relating to construction management for nonstate entities; repealing s. 255.31(3), F.S.; eliminating the authority of the Department of Management Services to enter into contracts with nonstate entities for construction management services; repealing s. 235.017(2)(e), F.S., to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Lacasa—

**HB 1713**—A bill to be entitled An act relating to state employee benefits; amending s. 110.12315, F.S.; removing the repeal date for the schedule of copayments under the state employees' prescription drug program; deleting obsolete language; clarifying language; amending s. 110.1239, F.S.; removing the repeal date for provisions relating to determining the level of premiums and funding for the state group health insurance program; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1715**—A bill to be entitled An act relating to the recreational user permit fee; amending s. 372.57, F.S.; revising provisions relating to the recreational user permit fee to hunt, fish, or otherwise use certain land leased from private owners; removing a provision that provides for reduction of the permit fee based on the prior year's landowner payment for certain property in the private landowner payment program; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1717**—A bill to be entitled An act relating to the Division of Dairy Industry of the Department of Agriculture and Consumer Services; eliminating the Division of Dairy Industry; repealing ss. 570.40 and

570.41, F.S., relating to the powers and duties of the Division of Dairy Industry and the qualifications and duties of the director of the Division of Dairy Industry; amending ss. 20.14, 570.18, and 570.29, F.S., to conform; amending s. 570.50, F.S.; including the powers and duties of the Division of Dairy Industry within the powers and duties assigned to the Division of Food Safety of the Department of Agriculture and Consumer Services; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1719**—A bill to be entitled An act relating to the Department of Management Services; amending s. 287.16, F.S.; revising language with respect to the powers and duties of the department; authorizing the department to contract for the maintenance of motor vehicles; deleting reference to special purpose aircraft with respect to an annual report to the Legislature; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1721**—A bill to be entitled An act relating to sale of business opportunities; removing the Department of Agriculture and Consumer Services from any duties and responsibilities relating to sales of business opportunities; amending ss. 559.802, 559.803, 559.807, 559.813, and 559.815, F.S., to conform; repealing s. 559.801(2), F.S., defining department; repealing s. 559.805, F.S., relating to required filings and disclosure of certain information; repealing s. 559.813(2) and (8), F.S., relating to department authority to enter orders imposing certain penalties and department rulemaking authority; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1723**—A bill to be entitled An act relating to ballroom dance studios; amending s. 205.1969, F.S.; removing a requirement for the issuance of an occupational license to a ballroom dance studio; amending s. 501.143, F.S.; eliminating the regulation of ballroom dance studios by the Department of Agriculture and Consumer Services, including the authority to seek penalties and to adopt rules; deleting registration requirements; providing that bonds or other security obtained to ensure refunds to customers will not be placed with the department; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1725**—A bill to be entitled An act relating to health studios; amending s. 205.1969, F.S.; removing a requirement for the issuance of an occupational license to a health studio; repealing ss. 501.012, 501.014, 501.015, and 501.016, F.S., relating to the regulation of health studios by the Department of Agriculture and Consumer Services; amending s. 501.0125, F.S., to correct a cross reference and delete unnecessary definitions; amending s. 501.013, F.S.; removing requirement of certain filings with the Department of Agriculture and Consumer Services by certain entities exempt from health studio requirements; correcting a cross reference; amending s. 501.017, F.S.; requiring each health studio to provide certain notice in its contracts; amending s. 501.019, F.S.; correcting a cross reference; deleting criminal and administrative penalties for violating provisions repealed by this act; removing enforcement authority of the Department of Agriculture and Consumer Services relating to health studios; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Maygarden—

**HB 1727**—A bill to be entitled An act relating to community care for the elderly; amending s. 430.203, F.S.; redefining the term "lead

agency”; removing the requirement of mandatory case management; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Ball—

**HB 1729**—A bill to be entitled An act relating to the Department of Corrections; transferring the Office for Certification and Monitoring of Batterers’ Intervention Programs from the Department of Corrections to the Department of Children and Family Services; amending ss. 741.32 and 741.325, F.S.; revising references to conform to the transfer of the office; amending s. 921.0024, F.S.; removing the Department of Corrections’ responsibility for preparing sentencing scoresheets; renumbering and amending s. 945.76, F.S.; transferring authority for certain fee assessment and collection from the Department of Corrections to the Department of Children and Family Services; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Johnson—

**HB 1731**—A bill to be entitled An act relating to the transfer of criminal justice programs; amending ss. 938.01 and 943.25, F.S., relating to the Court Cost Clearing Trust Fund and criminal justice trust funds; preserving certain funding functions scheduled for repeal on July 1, 2001, relating to deposit of certain funds for use by the Department of Law Enforcement rather than the Department of Community Affairs; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services and providing matching funds for the administration of such program; providing for transfer of funds; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Johnson—

**HB 1733**—A bill to be entitled An act relating to the Department of Transportation; amending s. 341.302, F.S.; deleting provisions relating to the department’s responsibility for the handling of hazardous materials under the statewide rail program; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Johnson—

**HB 1735**—A bill to be entitled An act relating to economic development; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; providing an application deadline; revising provisions relating to the order authorizing a tax refund; specifying that nothing in said section creates a presumption that a claim will be approved and paid; providing applicability to tax refund agreements and claims for refund executed prior to the effective date of the act; revising the agencies with which the office may verify information and to which the office may provide information; amending s. 288.980, F.S.; providing that grants by the office to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically appropriated therefor; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Johnson—

**HB 1737**—A bill to be entitled An act relating to growth management; amending s. 163.3184, F.S.; clarifying language; providing for

compilation and transmittal by a local government of a list of persons who will receive an informational statement concerning the state land planning agency’s notice of intent to find a comprehensive plan or plan amendment in compliance or not in compliance; providing for rules; revising requirements relating to publication by the agency of its notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; correcting a reference; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Johnson—

**HB 1739**—A bill to be entitled An act relating to the central voter file; amending s. 98.0975, F.S.; modifying requirements of the Division of Elections with respect to the information on persons included in the central voter file to be reported to the county supervisors of elections; eliminating the requirement for the division to annually contract with a private entity to provide list maintenance duties on the central voter file; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Maygarden—

**HB 1741**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 39.3065, F.S.; adding Seminole County to list of counties whose sheriffs provide protective investigative services; amending s. 393.063, F.S.; modifying the definition of “support coordinator” in provisions relating to developmental disabilities; amending s. 393.0651, F.S.; removing requirement for support coordinator review of individual or family support plans; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for transfer of certain funds to the Department of Children and Family Services for the prevention of domestic and sexual violence; repealing s. 402.185, F.S., relating to certification forward of certain unused funds of the Department of Children and Family Services; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Ball—

**HB 1743**—A bill to be entitled An act relating to the elimination of the Juvenile Justice Advisory Board; repealing s. 985.401, F.S., which created the Juvenile Justice Advisory Board; amending ss. 20.316, 216.136, 985.227, 985.315, 985.317, and 985.404, F.S., to remove references to the Juvenile Justice Advisory Board; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Johnson—

**HB 1745**—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.021, F.S.; revising definitions; amending s. 367.022, F.S.; revising an exemption from regulation for small water and wastewater utilities; amending ss. 367.045 and 367.111, F.S.; deleting requirement for descriptions of service areas in water and wastewater utility certificates of authorization; deleting requirements relating to application for amended certificates of authorization to reduce or extend a utility’s existing service area; amending s. 367.121, F.S.; providing authority of the Public Service Commission to resolve territorial disputes involving water and wastewater utilities; providing considerations; amending s. 367.171, F.S.; authorizing counties to set rates and charges for certain exempt small water and wastewater utilities; providing applicability of specified administrative procedures; amending s. 288.0655, F.S.; correcting a cross reference; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Crime Prevention, Corrections & Safety; Representative Bilirakis—

**HB 1747**—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding materials, compounds, mixtures, or preparations containing certain limited quantities of hydrocodone to the substances listed under Schedule III as controlled substances; providing direction on which law appertains to the weighing of hydrocodone for the purpose of charging trafficking in hydrocodone; amending s. 893.135, F.S.; providing penalties for trafficking in certain mixtures containing hydrocodone; clarifying legislative intent regarding the weighing of a mixture or mixtures containing certain controlled substances; providing findings regarding judicial constructions of legislative intent; reenacting s. 893.02(14), F.S., relating to a definition of mixtures, to incorporate the amendment in s. 893.135, F.S., in reference thereto; reenacting s. 921.0022(3)(b), (c), and (e), F.S., relating to the offense severity ranking chart in the Criminal Punishment Code, to incorporate the amendment in s. 893.03, F.S., in references thereto; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

**HR 9005**—Adopted earlier today

By Representative Benson—

**HR 9007**—A resolution designating Representative Jerry G. Melvin as “Dean of the Florida House of Representatives.”

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Fasano—

**HR 9009**—A resolution commending The James Madison Institute: A Foundation for Florida’s Future.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bense—

**HR 9011**—A resolution designating March 29, 2001, as F.S.U. Day.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Baker, Gibson, Brummer, Johnson, Cusack, and Russell—

**HR 9013**—A resolution commemorating March 27, 2001, as Lake County Day.

First reading by publication (Art. III, s. 7, Florida Constitution).

#### Reference

**HB 1033**—Referred to the Committees on State Administration; Transportation; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1085**—Referred to the Committees on Natural Resources & Environmental Protection; General Government Appropriations; and Council for Ready Infrastructure.

**HB 1087**—Referred to the Committees on Tourism; Business Regulation; and Council for Competitive Commerce.

**HB 1089**—Referred to the Committees on Business Regulation; Judicial Oversight; and Council for Smarter Government.

**HB 1091**—Referred to the Committees on Transportation; Transportation & Economic Development Appropriations; and Council for Ready Infrastructure.

**HB 1093**—Referred to the Committees on General Education; Education Appropriations; and Council for Lifelong Learning.

**HB 1095**—Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1097**—Referred to the Committee on Business Regulation; and Council for Smarter Government.

**HB 1099**—Referred to the Committees on Transportation; Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Ready Infrastructure.

**HB 1101**—Referred to the Committees on Insurance; Judicial Oversight; and Council for Ready Infrastructure.

**HB 1103**—Referred to the Committees on Insurance; State Administration; and Council for Competitive Commerce.

**HB 1105**—Referred to the Committees on Insurance; State Administration; Fiscal Policy & Resources; and Council for Competitive Commerce.

**HB 1107**—Referred to the Committees on Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Council for Competitive Commerce.

**HB 1109**—Referred to the Committees on Information Technology; Education Appropriations; and Council for Ready Infrastructure.

**HB 1111**—Referred to the Committees on Economic Development & International Trade; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1113**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 1115**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 1117**—Referred to the Committee on State Administration; and Council for Smarter Government.

**HB 1119**—Referred to the Committees on Natural Resources & Environmental Protection; Local Government & Veterans Affairs; and Council for Ready Infrastructure.

**HB 1121**—Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1123**—Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Healthy Communities.

**HB 1125**—Referred to the Committees on Local Government & Veterans Affairs; and Natural Resources & Environmental Protection.

**HB 1127**—Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1129**—Referred to the Committees on Colleges & Universities; Health Regulation; Education Appropriations; and Council for Lifelong Learning.

**HB 1131**—Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Council for Smarter Government.

**HB 1133**—Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Healthy Communities.

**HB 1135**—Referred to the Committees on State Administration; Judicial Oversight; and Council for Smarter Government.

**HB 1137**—Referred to the Committees on Transportation; Agriculture & Consumer Affairs; Crime Prevention, Corrections & Safety; and Council for Ready Infrastructure.

**HB 1139**—Referred to the Committees on Business Regulation; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1141**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.



**HB 1143**—Referred to the Committees on Banking; Judicial Oversight; and Council for Competitive Commerce.

**HB 1147**—Referred to the Committees on Insurance; State Administration; and Council for Competitive Commerce.

**HB 1149**—Referred to the Committees on Education Innovation; Education Appropriations; and Council for Lifelong Learning.

**HB 1151**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1153**—Referred to the Committees on Health Regulation; Judicial Oversight; and Council for Healthy Communities.

**HB 1155**—Referred to the Committees on Agriculture & Consumer Affairs; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1157**—Referred to the Committees on Banking; Judicial Oversight; and Council for Competitive Commerce.

**HB 1159**—Referred to the Committees on Education Innovation; Fiscal Responsibility Council; and Council for Lifelong Learning.

**HM 1161**—Referred to the Committee on Local Government & Veterans Affairs; and Council for Smarter Government.

**HB 1163**—Referred to the Committees on Business Regulation; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1165**—Referred to the Committees on Natural Resources & Environmental Protection; Local Government & Veterans Affairs; and Council for Ready Infrastructure.

**HB 1167**—Referred to the Committees on Rules, Ethics & Elections; General Government Appropriations; and Procedural & Redistricting Council.

**HB 1169**—Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; and Council for Healthy Communities.

**HB 1171**—Referred to the Committees on Fiscal Policy & Resources; Judicial Oversight; and Fiscal Responsibility Council.

**HB 1173**—Referred to the Committee on Transportation; and Council for Ready Infrastructure.

**HB 1175**—Referred to the Committees on Agriculture & Consumer Affairs; Crime Prevention, Corrections & Safety; and Council for Competitive Commerce.

**HM 1177**—Referred to the Committee on Natural Resources & Environmental Protection; and Council for Ready Infrastructure.

**HB 1179**—Referred to the Committees on Education Innovation; Colleges & Universities; Education Appropriations; and Council for Lifelong Learning.

**HB 1181**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 1183**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 1185**—Referred to the Committees on Transportation; State Administration; and Council for Ready Infrastructure.

**HB 1187**—Referred to the Committees on Crime Prevention, Corrections & Safety; Judicial Oversight; and Council for Healthy Communities.

**HB 1189**—Referred to the Committees on Local Government & Veterans Affairs; Natural Resources & Environmental Protection; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1191**—Referred to the Committees on Local Government & Veterans Affairs; and Business Regulation.

**HB 1193**—Referred to the Committees on Education Innovation; State Administration; and Council for Lifelong Learning.

**HB 1195**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 1197**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1199**—Referred to the Council for Lifelong Learning.

**HB 1201**—Referred to the Committees on Health Promotion; Insurance; and Council for Smarter Government.

**HB 1203**—Referred to the Committees on Insurance; Transportation; Child & Family Security; and Council for Competitive Commerce.

**HB 1205**—Referred to the Committee on State Administration; and Council for Smarter Government.

**HB 1207**—Referred to the Committees on Business Regulation; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1209**—Referred to the Committees on Insurance; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1211**—Referred to the Committees on Health Promotion; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 1213**—Referred to the Committees on Health Promotion; Insurance; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 1215**—Referred to the Committees on Economic Development & International Trade; Fiscal Policy & Resources; and Council for Competitive Commerce.

**HB 1217**—Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1219**—Referred to the Committees on Insurance; Fiscal Policy & Resources; and Council for Competitive Commerce.

**HB 1221**—Referred to the Committees on Natural Resources & Environmental Protection; General Government Appropriations; and Council for Ready Infrastructure.

**HB 1223**—Referred to the Committees on Business Regulation; Local Government & Veterans Affairs; and Council for Smarter Government.

**HB 1225**—Referred to the Committees on Economic Development & International Trade; Fiscal Policy & Resources; and Council for Competitive Commerce.

**HB 1227**—Referred to the Committees on Insurance; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1229**—Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1231**—Referred to the Committees on Crime Prevention, Corrections & Safety; Judicial Oversight; and Council for Healthy Communities.

**HB 1233**—Referred to the Committees on Child & Family Security; Health & Human Services Appropriations; and Fiscal Responsibility Council.

**HB 1235**—Referred to the Committees on Health Promotion; and Council for Healthy Communities.

**HB 1237**—Referred to the Committees on Colleges & Universities; Education Appropriations; and Council for Lifelong Learning.

**HB 1239**—Referred to the Committees on Transportation; Judicial Oversight; and Council for Ready Infrastructure.

**HB 1241**—Referred to the Committees on Workforce & Technical Skills; Health & Human Services Appropriations; and Fiscal Responsibility Council.

**HB 1243**—Referred to the Committee on Business Regulation; Fiscal Responsibility Council; and Council for Smarter Government.

**HB 1245**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1247**—Referred to the Committee on Rules, Ethics & Elections; and Procedural & Redistricting Council.

**HB 1249**—Referred to the Committee on State Administration; Fiscal Responsibility Council; and Council for Smarter Government.

**HB 1251**—Referred to the Committees on Judicial Oversight; Child & Family Security; Health & Human Services Appropriations; and Council for Smarter Government.

**HB 1253**—Referred to the Committees on Health Promotion; Insurance; and Council for Healthy Communities.

**HB 1255**—Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1257**—Referred to the Committees on Education Innovation; Education Appropriations; and Council for Lifelong Learning.

**HB 1259**—Referred to the Committees on Education Innovation; Education Appropriations; and Council for Lifelong Learning.

**HB 1261**—Referred to the Committees on Health Promotion; Insurance; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 1263**—Referred to the Committees on Natural Resources & Environmental Protection; General Government Appropriations; and Council for Ready Infrastructure.

**HB 1265**—Referred to the Committees on Natural Resources & Environmental Protection; General Government Appropriations; and Council for Ready Infrastructure.

**HB 1323**—Referred to the Procedural & Redistricting Council.

#### **First Reading of Council and Committee Substitutes by Publication**

By the Committee on Local Government & Veterans Affairs; Representative Argenziano—

**CS/HB 41**—A bill to be entitled An act relating to water and wastewater systems; repealing s. 13 of ch. 2000-350, Laws of Florida, which requires county rate proceedings to follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; providing an effective date.

By the Committee on Child & Family Security; Representatives Lynn, Rich, and Bucher—

**CS/HB 179**—A bill to be entitled An act relating to child care facilities; amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; providing an effective date.

By the Committee on Crime Prevention, Corrections & Safety; Representative Kilmer—

**CS/HB 249**—A bill to be entitled An act relating to disability in the line of duty; amending s. 112.18, F.S.; expanding the provisions of law

with respect to disability in the line of duty to include all law enforcement officers and certain correctional officers and correctional probation officers; providing an effective date.

By the Committee on Agriculture & Consumer Affairs; Representatives Bullard, Lerner, Gibson, Heyman, Brutus, Cantens, Holloway, Betancourt, Meadows, Garcia, Barreiro, Wilson, Gelber, Gottlieb, and Diaz de la Portilla—

**CS/HB 255**—A bill to be entitled An act relating to citrus canker eradication; amending s. 581.184, F.S.; revising requirements with respect to compensation for citrus trees removed as part of an eradication program; providing appropriations; directing the department to compensate certain owners of citrus trees removed as part of eradication programs; providing retroactive applicability; providing an effective date.

### **Reports of Councils and Standing Committees**

#### **Council Reports**

##### **Received March 20:**

The Fiscal Responsibility Council recommends the following pass:  
HB 251

**The above bill was placed on the Calendar.**

The Council for Smarter Government recommends the following pass:  
HB 115  
HB 469  
HB 499

**The above bills were placed on the Calendar.**

##### **Received March 21:**

The Fiscal Responsibility Council recommends the following pass:  
HB 45

**The above bill was placed on the Calendar.**

The Council for Smarter Government recommends the following pass:  
HB 47, with 1 amendment

**The above bill was placed on the Calendar.**

#### **Committee Reports**

##### **Received March 20:**

The Committee on Colleges & Universities recommends the following pass:  
HB 465

**The above bill was referred to the Committee on Education Appropriations.**

The Committee on Colleges & Universities recommends the following pass:  
HB 443

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Child & Family Security recommends the following pass:  
CS/HB 203

**The above bill was referred to the Committee on Juvenile Justice.**

The Committee on Agriculture & Consumer Affairs recommends a committee substitute for the following:  
HB 255

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 255 was laid on the table.**

The Committee on Crime Prevention, Corrections & Safety recommends a committee substitute for the following:

HB 249

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 249 was laid on the table.**

**Received March 21:**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 157

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 83, with 1 amendment (fiscal note attached)

HB 145 (fiscal note attached)

HB 379 (fiscal note attached)

**The above bills were referred to the Council for Competitive Commerce.**

The Committee on Elder & Long-Term Care recommends the following pass:

HB 1003, with 2 amendments

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 69 (fiscal note attached)

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 453 (fiscal note attached)

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Local Government & Veterans Affairs recommends a committee substitute for the following:

HB 41

**The above committee substitute was referred to the Council for Ready Infrastructure, subject to review under Rule 6.3, and, under the rule, HB 41 was laid on the table.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:

HB 963

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Economic Development & International Trade recommends the following pass:

HB 967

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Banking recommends the following pass:  
HB 991, with 1 amendment

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 201 (fiscal note attached)

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 489 (fiscal note attached)

**The above bill was referred to the Committee on Transportation & Economic Development Appropriations.**

The Committee on Banking recommends the following pass:

HB 959

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 285, with 3 amendments

HB 569, with 1 amendment

**The above bills were referred to the Committee on Judicial Oversight.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 811

**The above bill was referred to the Committee on Juvenile Justice.**

The Committee on Child & Family Security recommends the following pass:

HB 599, with 2 amendments

**The above bill was referred to the Committee on State Administration.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 259

**The above bill was referred to the Committee on Transportation.**

The Committee on Child & Family Security recommends a committee substitute for the following:

HB 179

**The above committee substitute was referred to the Committee on Information Technology, subject to review under Rule 6.3, and, under the rule, HB 179 was laid on the table.**

**Excused**

Rep. Allen until 3:18 p.m.; Rep. Johnson until 2:21 p.m.

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 6:40 p.m., to reconvene at 1:30 p.m., Thursday, March 22.

**Pages and Messengers  
for the week of  
March 19-23**

PAGES—Katherine A. Barnhart, Palm Beach; Ashley Burton, Palmetto; Christine Suzanne Cosson, Lake Butler; Meghan Flanagan, Bradenton; Douglas Haskins, Boca Raton; Laura Christine Horne, Orange Park; Jasmyne Nicole James, Tallahassee; Jonathan Russell Kendrick, Carrabelle; Carolyn M. Kulb, Pensacola; Jeffrey Laman, Clermont; Travis Vincent Lockley, Jacksonville; Clayton C. McKendree, Tampa; Bryce David Melvin, Marianna; Eric R. Mercado, Valrico; David Lee Michaelson, Hernando; Samuel Neimeiser, Tallahassee; David Paulk, Jacksonville; Stephen B. Phillips, Sarasota; Lindsay Reidenbach, Ponte Vedra Beach; James “J.R.” Rollins, Tallahassee; G. T. Wharton, Jacksonville.

MESSENGERS—John R. F. M. Allen, Tallahassee; Kristina Argo, Jupiter; Erin Brender, Lake Mary; Russ Breslow, Tampa; Sherer Byrd, Plant City; Brett T. Dioguardi, Tequesta; Angela Nicole Dodd, New Port Richey; Catherine Eileen Hale, Lake Placid; Stephanie Haskins, Boca Raton; Jacob Hawkes, Tallahassee; Ryan Q. Keelan, Sarasota; Marcus Sterling Kendrick, Carrabelle; David H. Korn, Jacksonville; Ashley Leland, Lantana; Ryan Marshall, Tampa; Mallory W. Nichols, St. Petersburg; Laurel Lee Sherer, Brewton, AL; Beth Spratt, LaBelle; Delsha Stewart, Thonotosassa; Robby Wallace, Tampa.



# The Journal OF THE House of Representatives

Number 6

Thursday, March 22, 2001

The House was called to order by the Speaker at 1:30 p.m.

## Prayer

The following prayer was offered by the Reverend Roger E. Miller of St. George Episcopal Church of Lady Lake, upon invitation of Rep. Gibson:

Almighty God, we humbly thank You for this good land which You have given us for our inheritance and especially the state of Florida in which we live. Fill with wisdom those to whom we entrust the authority of government, particularly the Members of this House of Representatives gathered today to do the work they have been called to do. In times of prosperity, fill their hearts with thankfulness, and in times of adversity, do not allow their trust in You to fail.

You, O God, are the source of wisdom whose statutes are good and gracious and whose law is truth. Therefore, we pray that You would guide and support the Representatives assembled here, that by just and prudent laws they may promote the well-being of all people in this state. Grant them the courage to make the hard decisions which may at times be unpopular, but as they cast all their cares on You, may they sense Your presence and guidance in all their deliberations.

All this we ask in Your name. Amen.

The following Members were recorded present:

Session Vote Sequence: 56

The Chair	Brown	Gannon	Justice
Alexander	Brummer	Garcia	Kallinger
Allen	Brutus	Gardiner	Kendrick
Andrews	Bucher	Gelber	Kilmer
Argenziano	Bullard	Gibson	Kosmas
Arza	Byrd	Goodlette	Kotkamp
Attkisson	Cantens	Gottlieb	Kravitz
Atwater	Carassas	Green	Kyle
Ausley	Clarke	Greenstein	Lacasa
Baker	Crow	Haridopolos	Lerner
Ball	Cusack	Harper	Littlefield
Barreiro	Davis	Harrell	Lynn
Baxley	Detert	Harrington	Machek
Bean	Diaz de la Portilla	Hart	Mack
Bendross-Mindingall	Diaz-Balart	Henriquez	Mahon
Bennett	Dockery	Heyman	Mayfield
Bense	Farkas	Hogan	Maygarden
Benson	Fasano	Holloway	McGriff
Berfield	Fields	Jennings	Meadows
Betancourt	Fiorentino	Johnson	Mearl
Bilirakis	Flanagan	Jordan	Melvin
Bowen	Frankel	Joyner	Miller

Murman	Richardson	Seiler	Spratt
Needelman	Ritter	Simmons	Stansel
Paul	Romeo	Siplin	Trovillion
Peterman	Ross	Slosberg	Waters
Pickens	Rubio	Smith	Weissman
Prieguez	Russell	Sobel	Wiles
Rich	Ryan	Sorensen	Wishner

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The Members, led by Byrars Byrd of Plant City, Meghan Flanagan of Bradenton, Travis Vincent Lockley of Jacksonville, Clayton C. McKendree of Tampa, Bryce David Melvin of Marianna, Eric R. Mercado of Valrico, David Lee Michaelson of Hernando, Samuel Neimeiser of Tallahassee, David Paulk of Jacksonville, Stephen B. Phillips of Sarasota, Lindsay Reidenbach of Ponte Vedra Beach, James "J.R." Rollins of Tallahassee and G.T. Wharton of Jacksonville, pledged allegiance to the Flag. Byrars Byrd served at the invitation of his father, Rep. Byrd. Meghan Flanagan served at the invitation of her father, Rep. Flanagan. Travis Vincent Lockley served at the invitation of Rep. Fields. Clayton C. McKendree served at the invitation of Rep. Littlefield. Bryce David Melvin served at the invitation of Rep. Kilmer. Eric R. Mercado served at the invitation of Rep. Byrd. David Lee Michaelson served at the invitation of Speaker Feeney. Samuel Neimeiser served at the invitation of Rep. Ausley. David Paulk served at the invitation of Rep. Kravitz. Stephen B. Phillips served at the invitation of Rep. Bennett. Lindsay Reidenbach served at the invitation of Rep. Russell. James "J.R." Rollins served at the invitation of Rep. Richardson. G.T. Wharton served at the invitation of Rep. Jordan.

## House Physician

The Speaker introduced Dr. Michael Cicale of Gainesville, who served in the Clinic today upon invitation of Rep. McGriff.

## Correction of the Journal

The *Journal* of March 21 was corrected and approved as corrected.

## Moment of Silence

At the request of Rep. Jordan, the House observed a moment of silence for the Florida National Guard members' safe return from Kuwait; and also to remember the three Florida National Guard members who were killed in a plane crash March 3, in Unadilla, Georgia.

## Withdrawal of Bills from Committee or Council

Rep. Byrd, Chair of the Procedural & Redistricting Council, made the following remarks concerning the withdrawal of bills from Committee or Council, on March 21.

I would like to compliment everyone, particularly our freshman Members on the very good ideas each of you have brought to the House this year. Our new Members are an inspiration.

This session is moving along quickly, and I know there will come a time when some of you will want to withdraw a bill from a committee or council. I have already had a few inquiries regarding how to go about withdrawing bills. I do caution you Members, that bill referrals are made with considerable deliberation, therefore withdrawals will be approved infrequently. The Speaker has instituted the following procedure for withdrawing bills from committees or councils.

- If the Chair of the committee or council recommends to withdraw a bill from his/her committee or council, he/she must send a letter to the Chair of the Committee on Rules, Ethics & Elections explaining why his/her committee or council *does not need to hear the bill*.
- The Chair of the Committee on Rules, Ethics & Elections will *evaluate the request* to determine whether the withdrawal is appropriate under traditional policies of the House.
- If the evaluation is favorable, the Committee on Rules, Ethics & Elections will *forward the favorable recommendation to the Chair of the Procedural & Redistricting Council and the Speaker for a final decision*.

Keep in mind Members, that this is a two-year process, and your good ideas that may not get through this year will still be good ideas next year. Should you have any questions, please contact me.

## Reports of Councils and Standing Committees

### Report of the Procedural & Redistricting Council

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

March 20, 2001

*Dear Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits as Special Orders for Thursday, March 22, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):  
HB 1083—Public Records/Autopsy Photographs

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

On motion by Rep. Byrd, the rules were waived and HR 9001 and HR 9011 were added to the Special Order Calendar, and the above report was adopted, as amended.

### Motions Relating to Committee or Council References

On motion by Rep. Melvin, agreed to by two-thirds vote, HB 1193 was withdrawn from the Committee on Education Innovation, further referred to the Committee on General Education, and remains referred to the Committee on State Administration and the Council for Lifelong Learning.

On motion by Rep. Miller, agreed to by two-thirds vote, HB 1441 was withdrawn from further consideration of the House.

On motion by Rep. Gannon, agreed to by two-thirds vote, HB 1105 was withdrawn from further consideration of the House.

## Bills and Joint Resolutions on Third Reading

### Bill Subject to Special Rule

**CS/CS/HB 303**—A bill to be entitled An act relating to relief from overcrowded schools; creating s. 235.063, F.S.; establishing the S.C.R.I.P.T. grants program for school overcrowding relief; providing a short title; providing findings, intent, and purposes; providing a definition; providing school district, parent, and Department of Education obligations; providing private school eligibility requirements; providing for the initial award, renewal, and disbursement of S.C.R.I.P.T. grants; limiting the liability of the state relating to the award or use of a S.C.R.I.P.T. grant; providing an effective date.

—was read the third time by title.

Rep. Goodlette suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 57].

The question recurred on the passage of CS/CS/HB 303. The vote was:

Session Vote Sequence: 58

Yeas—63

The Chair	Brown	Haridopolos	Mealor
Allen	Brummer	Harrington	Melvin
Andrews	Byrd	Hart	Miller
Argenziano	Cantens	Hogan	Murman
Arza	Davis	Johnson	Needelman
Attkisson	Diaz de la Portilla	Jordan	Negron
Atwater	Diaz-Balart	Kallinger	Paul
Baker	Dockery	Kilmer	Prieguez
Ball	Farkas	Kottkamp	Ross
Barreiro	Fasano	Kyle	Rubio
Baxley	Flanagan	Lacasa	Simmons
Bean	Garcia	Littlefield	Spratt
Bennett	Gardiner	Mack	Trovillion
Bense	Gibson	Mahon	Wallace
Benson	Goodlette	Mayfield	Waters
Bowen	Green	Maygarden	

Nays—54

Ausley	Fiorentino	Kendrick	Romeo
Bendross-Mindingall	Frankel	Kosmas	Russell
Berfield	Gannon	Kravitz	Ryan
Betancourt	Gelber	Lee	Seiler
Bilirakis	Gottlieb	Lerner	Siplin
Brutus	Greenstein	Lynn	Slosberg
Bucher	Harper	Machek	Smith
Bullard	Harrell	McGriff	Sobel
Carassas	Henriquez	Meadows	Stansel
Clarke	Heyman	Peterman	Weissman
Crow	Holloway	Pickens	Wiles
Cusack	Jennings	Rich	Wishner
Detert	Joyner	Richardson	
Fields	Justice	Ritter	

Votes after roll call:

Yeas—Alexander  
Nays—Sorensen

So the bill passed, as amended, and was certified to the Senate.

### Explanation of Vote

As a product of our public schools and the husband of a public school teacher, I am committed to our public schools.

Although there are no schools in Charlotte County that would qualify under this grant program (and, of course, nobody would remove their children from our great local schools), nonetheless, I have now seen that in some inner city areas elsewhere in our state parents need choices.

I have kept an open mind on this issue. I have listened to diverse views both supporting and opposing this proposal.

I have listened to members of the teachers union and others who oppose the school choice proposal.

However, I cannot ignore the passionate voices of so many low-income parents pleading with me to help them have school choice until school districts complete the construction of facilities necessary to address the overcrowding problem. I cannot ignore their plea to empower them to help their own children. I cannot ignore the pleas of so many members of minority groups who support the legislation as a way to help their children access a better education. I have listened to many others who beg me to approve the proposal such as members of the "Black Alliance for Educational Options" whose Vice President, Ken Johnson, (a member of the Milwaukee School Board) recently stated "Private school choice is one of the best things that ever happened to my city's public schools".

Even though this vote will not affect my local district, as a "state" representative I cannot ignore the needs of parents in other [less fortunate] areas of our state. I must vote to help these parents. I must vote in favor of HB 303.

*Rep. Jerry Paul  
District 71*

**Explanation of Vote**

Once again the House is being called on to further expand school vouchers and once again, we are being asked to make this decision without having fully addressed the root causes of the problems facing public education today. We need to build more schools, hire more caring and qualified teachers and provide safe classrooms for students to learn. I cannot support this or any other voucher bill until we have taken care of our constitutional responsibility to all our children to provide a world class public education system.

*Rep. Doug Wiles  
District 20*

**Motion to Reconsider**

Rep. Maygarden moved that the House reconsider the vote by which **CS/CS/HB 303** passed.

On motion by Rep. Goodlette, the motion to reconsider was laid on the table and the bill was certified to the Senate.

The vote was:

Session Vote Sequence: 59

Yeas—76

The Chair	Brummer	Green	Maygarden
Allen	Byrd	Haridopolos	Mealor
Andrews	Cantens	Harrell	Melvin
Argenziano	Carassas	Harrington	Miller
Arza	Clarke	Hart	Murman
Attkisson	Crow	Hogan	Needelman
Atwater	Davis	Johnson	Negron
Baker	Detert	Jordan	Paul
Ball	Diaz de la Portilla	Kallinger	Pickens
Barreiro	Diaz-Balart	Kilmer	Prieguez
Baxley	Dockery	Kottkamp	Ross
Bean	Farkas	Kravitz	Rubio
Bennett	Fasano	Kyle	Russell
Bense	Fiorentino	Lacasa	Simmons
Benson	Flanagan	Littlefield	Sorensen
Berfield	Garcia	Lynn	Spratt
Bilirakis	Gardiner	Mack	Trovillion
Bowen	Gibson	Mahon	Wallace
Brown	Goodlette	Mayfield	Waters

Nays—42

Ausley	Gottlieb	Lee	Seiler
Bendross-Mindingall	Greenstein	Lerner	Siplin
Betancourt	Harper	Machek	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wishner
Gannon	Kendrick	Romeo	
Gelber	Kosmas	Ryan	

Votes after roll call:

Yeas—Alexander

**Bill Subject to Special Rule**

**CS/HB 367**—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; specifying membership composition and requirements of judicial nominating commissions; providing limitations; providing for terms; abolishing prior offices; providing for suspension or removal; requiring racial, ethnic, gender, and geographical diversity of commission memberships; amending s. 112.3145, F.S.; specifying members of certain judicial nominating commissions as state officers; providing severability; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing an effective date.

—was read the third time by title.

**THE SPEAKER PRO TEMPORE IN THE CHAIR**

**THE SPEAKER IN THE CHAIR**

Rep. Wallace suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 60].

The question recurred on the passage of CS/HB 367. The vote was:

Session Vote Sequence: 61

Yeas—65

The Chair	Byrd	Hart	Miller
Alexander	Cantens	Hogan	Needelman
Allen	Carassas	Johnson	Negron
Andrews	Clarke	Jordan	Paul
Arza	Davis	Kallinger	Pickens
Attkisson	Detert	Kilmer	Prieguez
Baker	Diaz de la Portilla	Kottkamp	Ross
Ball	Diaz-Balart	Kravitz	Rubio
Barreiro	Flanagan	Kyle	Russell
Baxley	Garcia	Lacasa	Simmons
Bean	Gardiner	Littlefield	Sorensen
Bense	Gibson	Mack	Trovillion
Benson	Goodlette	Mahon	Wallace
Berfield	Green	Mayfield	Waters
Bilirakis	Haridopolos	Haygarden	
Brown	Harrell	Mealor	
Brummer	Harrington	Melvin	

Nays—50

Argenziano	Bullard	Gelber	Justice
Atwater	Crow	Gottlieb	Kendrick
Ausley	Cusack	Greenstein	Kosmas
Bendross-Mindingall	Dockery	Harper	Lee
Bennett	Farkas	Henriquez	Lerner
Betancourt	Fields	Heyman	Machek
Bowen	Fiorentino	Holloway	McGriff
Brutus	Frankel	Jennings	Meadows
Bucher	Gannon	Joyner	Murman

Peterman	Ryan	Smith	Wiles
Rich	Seiler	Spratt	Wishner
Ritter	Siplin	Stansel	
Romeo	Slosberg	Weissman	

Votes after roll call:

Yeas—Sobel

Nays—Lynn, Richardson

So the bill passed and was certified to the Senate.

### Explanation of Vote

I fear that this legislation will blur the lines that separate the judicial branch of government with the executive branch of government. I hope that I will one day be proven wrong, however the risk of unintended consequences far out weigh the potential for good reforms. In the spirit of political theorist Baron de Montesquieu, who said “there is no liberty if the power of judging be not separated from the legislative and executive powers,” I cast a no vote.

*Rep. Wiles  
District 20*

### Bill Subject to Special Rule

**HB 369**—A bill to be entitled An act relating to public employees; renumbering parts I, II, III, IV, and V of ch. 110, F.S., as parts I, II, III, IV, and V of ch. 109, F.S.; amending and renumbering s. 110.107, F.S.; revising definitions; repealing s. 110.108, F.S., relating to pilot projects for agencies seeking managerial flexibility for personnel programs, s. 110.109, F.S., relating to personnel audits of agencies, and s. 110.1095, F.S., relating to training programs for supervisors and managers; amending and renumbering s. 110.1099, F.S.; specifying duties of agency heads with respect to education and training opportunities for state employees; amending and renumbering s. 110.112, F.S.; providing policy relating to use of human resources; revising provisions relating to implementation of affirmative action plans by agency heads, state attorneys, and public defenders; amending and renumbering s. 110.113, F.S.; requiring all state employees to participate in the direct deposit program; revising conditions for requesting an exemption; amending and renumbering s. 110.124, F.S.; providing that an employee who is terminated solely because of attaining age 65 may request voluntary binding arbitration or apply to the circuit court for relief; amending and renumbering s. 110.1245, F.S.; providing for a savings sharing program of awards for certain state agency and judicial branch employees; requiring a report; providing for annual bonus payments to employees; directing agency heads to develop a plan for awarding bonuses and providing requirements with respect thereto; authorizing department heads to incur expenditures for certain awards; repealing s. 110.1246, F.S., which provides for lump-sum bonus payments to employees; amending and renumbering s. 110.131, F.S.; revising the time limitation on employment of other-personal-services temporary employees; requiring approval of the Governor’s Office of Policy and Budget for extensions of such limitations; revising exemptions from such limitation; amending and renumbering s. 110.203, F.S.; revising definitions; revising the definition of “layoff” to include outsourcing or privatization; creating s. 109.2035, F.S.; directing the Department of Management Services, in consultation with specified entities, to develop a civil service classification and compensation program and providing requirements with respect thereto; directing the department to establish guidelines regarding certain types of pay and providing duties of agencies with respect thereto; amending and renumbering s. 110.205, F.S.; providing additional positions that are exempt from the Career Service System and included in the Selected Exempt Service; providing that when an employee transfers from the Career Service System to the Selected Exempt Service, unused annual and sick leave, and, under certain conditions, unused compensatory leave, shall carry forward; repealing ss. 109.207 and 109.209, F.S., as renumbered by the act, relating to establishment and maintenance of a uniform classification plan and an equitable pay plan and related agency duties; amending and renumbering ss. 110.211 and 110.213, F.S.; revising requirements with respect to recruitment and selection; requiring completion of a probationary period before attainment of permanent status for new

employees; amending and renumbering s. 110.219, F.S.; providing requirements regarding leave benefits for Senior Management Service employees; amending and renumbering s. 110.224, F.S.; revising requirements relating to a review and performance planning system and designating such system a public employee performance evaluation system; revising requirements relating to certain information furnished to employees and employee evaluation; amending and renumbering s. 110.227, F.S.; providing that a career service employee other than a law enforcement or correctional officer or a firefighter may be suspended or dismissed for reasonable cause; providing that reasonable cause shall be determined by the agency head and specifying actions included thereunder; specifying actions that constitute an abuse of the agency head’s sound discretion; revising certain responsibilities of agency heads; providing that, except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff shall not include “bumping”; deleting a requirement that a layoff be conducted within an identified competitive area with regard to employees other than law enforcement or correctional officers or firefighters; providing for appeal of reductions in pay, transfers, layoffs, or demotions to, and hearings regarding suspension or dismissal before, the circuit court, or for voluntary binding arbitration with respect thereto; providing that, for any alleged adverse agency action against an employee other than a law enforcement or correctional officer or a firefighter occurring after a specified date, the employee bears the burden of proof to establish that the agency head abused his or her discretion; creating s. 109.237, F.S.; creating an Office of Employee Relations within the Department of Management Services; providing for an executive director, a general counsel, and an administrative assistant, and their qualifications and duties; providing for additional personnel; providing duties of the department; providing powers and duties of the office; creating s. 109.240, F.S.; providing that any permanent career service employee may request voluntary binding arbitration administered by the Office of Employee Relations upon notice of an adverse agency action; providing definitions; providing requirements for such requests; providing for notice to the agency; specifying the employee’s burden of proof; providing for arbitrators and their qualifications and authority; providing for employee panels and their qualifications and authority; providing duties of the office; providing for records; providing procedural requirements for arbitration proceedings; providing for rules; providing for application to the circuit court for an order confirming, vacating, or modifying the arbitration decision; providing for immunity; amending and renumbering s. 110.403, F.S.; increasing the limit on the number of Senior Management Service positions; amending and renumbering s. 110.602, F.S.; removing the limit on the number of Selected Exempt Service positions; amending and renumbering ss. 110.1091, 110.1127, 110.117, 110.1227, 110.123, 110.12312, 110.1232, 110.129, 110.152, 110.1521, 110.1522, 110.1523, 110.161, 110.171, 110.191, 110.233, 110.235, 110.401, 110.402, 110.406, 110.502, 110.601, 110.605, and 110.606, F.S.; clarifying and conforming language and correcting cross references; amending ss. 20.171, 20.18, 20.21, 20.23, 20.255, 20.315, 24.105, 24.122, 68.087, 104.31, 106.082, 106.24, 112.044, 112.0805, 112.313, 112.3189, 112.363, 121.021, 121.0515, 121.055, 121.35, 215.94, 216.011, 216.251, 231.381, 235.217, 240.209, 240.2111, 240.507, 241.002, 242.331, 260.0125, 281.02, 287.175, 288.708, 295.07, 296.04, 296.34, 311.07, 339.175, 343.74, 381.85, 393.0657, 400.19, 400.953, 402.3057, 402.55, 402.731, 409.1757, 440.102, 440.4416, 443.171, 456.048, 471.038, 509.036, 570.073, 570.074, 624.307, 627.0623, 627.6488, 627.649, 627.6498, 627.6617, 655.019, 943.0585, 943.059, 943.22, 944.35, 945.043, 957.03, 985.04, 985.05, and 985.4045, F.S.; conforming language and correcting cross references; amending s. 216.262, F.S.; authorizing efficiency awards to state agencies based on changes to authorized positions and providing requirements with respect thereto; amending s. 447.201, F.S., relating to the statement of public policy regarding public employees; amending s. 447.205, F.S., relating to creation of the Public Employees Relations Commission; repealing s. 447.207(8), (9), (10), and (11), F.S., which provide for appeals to the commission with regard to adverse agency actions against career service employees; amending s. 447.208, F.S.; providing the employee’s burden of proof for alleged adverse agency actions occurring on or after July 1, 2001; repealing s. 447.208, F.S., which provides procedures for appeals to the commission regarding certain adverse agency actions, and s. 447.2085, F.S., which provides for rules with



respect thereto, effective January 1, 2002; amending s. 447.307, F.S.; providing requirements with respect to bargaining units for certain law enforcement agencies; amending s. 447.503, F.S.; conforming language; amending s. 447.507, F.S.; revising conditions under which a person who violates the strike prohibition may be employed or appointed; amending s. 39.202, F.S.; providing for access to certain records by the office; amending s. 112.044, F.S., which prohibits age discrimination against public employees; providing for court action by an aggrieved employee if voluntary binding arbitration is not conducted; amending s. 112.0455, F.S., the Drug-Free Workplace Act; providing for appeals with respect to discipline or not being hired under said act to the circuit court rather than the commission, or for voluntary binding arbitration; amending s. 112.31895, F.S.; providing for judicial review of notice of termination of an investigation in connection with the Whistle-blower's Act rather than commission review; conforming language; amending s. 120.80, F.S.; conforming language; repealing s. 125.0108(2)(d), F.S., and amending ss. 376.75, 403.718, and 538.11, F.S.; removing provisions which authorize certain actions by the Department of Revenue pursuant to rules of the commission or the Career Service Commission; amending ss. 284.30 and 284.31, F.S.; conforming language; amending s. 415.107, F.S.; providing for access to certain records by the office; repealing ss. 944.35(3)(c) and 985.4045(1)(b), F.S., which provide that violations by Department of Corrections employees of prohibitions against malicious battery and sexual misconduct, and violations by Department of Juvenile Justice employees of the prohibition against sexual misconduct, as determined by the commission, constitute cause for dismissal; directing the office to coordinate a transition plan; specifying transitional powers and duties of the commission and providing that it shall cease to hear certain appeals after June 30, 2002; providing an appropriation; transferring the commission to the Department of Management Services and certain of its property and personnel to the office; providing for budget amendments; providing for rules; providing effective dates.

—was read the third time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

THE SPEAKER IN THE CHAIR

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

**Special Orders**

**Resolutions**

On motion by Rep. Andrews, the rules were waived and HR 9017 was allowed for introduction and consideration—

By Representative Andrews—

**HR 9017**—A resolution commemorating the lifetime accomplishments of Chris J. Kalfas.

WHEREAS, Chris J. Kalfas was born on August 31, 1929, in Martin's Ferry, Ohio, but soon thereafter moved with his family to Tallahassee, and

WHEREAS, Chris Kalfas attended Leon County public schools, where he was a star member of the Leon High School track and football teams, and

WHEREAS, Chris Kalfas attended and graduated from the Florida State University, where, in 1947 and 1948, he was lineman on Florida State's first two football teams, and

WHEREAS, Chris continued to be an enthusiastic FSU supporter for the rest of his life, providing scores of young people with loans and scholarships to attend his alma mater, and becoming one of the first members and organizers of the Golden Chiefs, whose members individually contribute \$10,000 or more annually to the FSU football program, and

WHEREAS, after graduating from Florida State in 1951, Chris Kalfas entered the family business, becoming the manager of the Silver Slipper restaurant, which his father Jimmy had established in 1938 and which he was to guide with great success through good times and bad for nearly 50 years, and

WHEREAS, "Daddy Chris," as he came to be known to governors, legislators, business leaders, lobbyists, and just regular Tallahassee "folk" alike over the ensuing decades always treated people as if they were members of his family, and

WHEREAS, "Daddy Chris," who was never judgmental, had a gift for putting people at ease and a smile on their faces, thereby creating a Cheers mentality among his loyal, long-time customers as well as the "walk-ins," and

WHEREAS, the Silver Slipper continued to grow from its original "digs" on South Monroe Street into a multifaceted restaurant business located on its own street, appropriately designated by the Mayor and the City Commission as Silver Slipper Lane, and

WHEREAS, "Daddy Chris" was a Shriner and a member of numerous civic and professional organizations, including the Florida Restaurant Association, of which he was an organizing member, and the Governor's Council on Tourism, and

WHEREAS, Chris Kalfas was an ardent fisherman and golfer whose chief passion his entire life was operating the Silver Slipper, a Tallahassee institution that is regularly ranked among Florida's top 200 restaurants and, in 1997, was named one of Florida's top 20 restaurants by Florida Trend magazine, and

WHEREAS, there has been established the Chris J. Kalfas Memorial Scholarship Fund in the Department of Hospitality Administration of the College of Business at the Florida State University to evidence the lifelong love and loyalty that "Daddy Chris" gave to his alma mater, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes and commemorates the lifetime accomplishments of Chris J. Kalfas.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the family of Chris J. Kalfas as a tangible token of the great esteem held for Chris Kalfas by the Florida House of Representatives.

—was read the first time by title and the second time by title. On motion by Rep. Andrews, the resolution was adopted.

On motion by Rep. Goodlette, the board was opened [Session Vote Sequence: 62] and the following Members were recorded as cosponsors of the resolution, along with Rep. Andrews: Reps. Alexander, Allen, Argenziano, Arza, Attkisson, Atwater, Ausley, Baker, Ball, Barreiro, Baxley, Bean, Bendross-Mindingall, Bennett, Bense, Benson, Berfield, Betancourt, Bilirakis, Bowen, Brown, Brummer, Brutus, Bucher, Bullard, Byrd, Cantens, Carassas, Clarke, Crow, Cusack, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Dockery, Farkas, Feeney, Fields, Fiorentino, Flanagan, Frankel, Gannon, Garcia, Gardiner, Gelber, Gibson, Goodlette, Gottlieb, Green, Greenstein, Haridopolos, Harper, Harrell, Harrington, Hart, Henriquez, Heyman, Hogan, Holloway, Jennings, Johnson, Jordan, Joyner, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kottkamp, Kravitz, Kyle, Lacasa, Lee, Lerner, Littlefield, Lynn, Machek, Mack, Mahon, Mayfield, Maygarden, McGriff, Meadows, Meador, Melvin, Miller, Murman, Needelman, Negron, Peterman, Pickens, Prieguez, Rich, Richardson, Ritter, Romeo, Ross, Rubio, Russell, Ryan, Seiler, Simmons, Siplin, Slosberg, Smith, Sobel, Sorensen, Spratt, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, and Wishner.

**Continuation of Bills and Joint Resolutions on Third Reading**

**Continuation of Bill Subject to Special Rule**

**HB 369**—A bill to be entitled An act relating to public employees; renumbering parts I, II, III, IV, and V of ch. 110, F.S., as parts I, II, III,

IV, and V of ch. 109, F.S.; amending and renumbering s. 110.107, F.S.; revising definitions; repealing s. 110.108, F.S., relating to pilot projects for agencies seeking managerial flexibility for personnel programs, s. 110.109, F.S., relating to personnel audits of agencies, and s. 110.1095, F.S., relating to training programs for supervisors and managers; amending and renumbering s. 110.1099, F.S.; specifying duties of agency heads with respect to education and training opportunities for state employees; amending and renumbering s. 110.112, F.S.; providing policy relating to use of human resources; revising provisions relating to implementation of affirmative action plans by agency heads, state attorneys, and public defenders; amending and renumbering s. 110.113, F.S.; requiring all state employees to participate in the direct deposit program; revising conditions for requesting an exemption; amending and renumbering s. 110.124, F.S.; providing that an employee who is terminated solely because of attaining age 65 may request voluntary binding arbitration or apply to the circuit court for relief; amending and renumbering s. 110.1245, F.S.; providing for a savings sharing program of awards for certain state agency and judicial branch employees; requiring a report; providing for annual bonus payments to employees; directing agency heads to develop a plan for awarding bonuses and providing requirements with respect thereto; authorizing department heads to incur expenditures for certain awards; repealing s. 110.1246, F.S., which provides for lump-sum bonus payments to employees; amending and renumbering s. 110.131, F.S.; revising the time limitation on employment of other-personal-services temporary employees; requiring approval of the Governor's Office of Policy and Budget for extensions of such limitations; revising exemptions from such limitation; amending and renumbering s. 110.203, F.S.; revising definitions; revising the definition of "layoff" to include outsourcing or privatization; creating s. 109.2035, F.S.; directing the Department of Management Services, in consultation with specified entities, to develop a civil service classification and compensation program and providing requirements with respect thereto; directing the department to establish guidelines regarding certain types of pay and providing duties of agencies with respect thereto; amending and renumbering s. 110.205, F.S.; providing additional positions that are exempt from the Career Service System and included in the Selected Exempt Service; providing that when an employee transfers from the Career Service System to the Selected Exempt Service, unused annual and sick leave, and, under certain conditions, unused compensatory leave, shall carry forward; repealing ss. 109.207 and 109.209, F.S., as renumbered by the act, relating to establishment and maintenance of a uniform classification plan and an equitable pay plan and related agency duties; amending and renumbering ss. 110.211 and 110.213, F.S.; revising requirements with respect to recruitment and selection; requiring completion of a probationary period before attainment of permanent status for new employees; amending and renumbering s. 110.219, F.S.; providing requirements regarding leave benefits for Senior Management Service employees; amending and renumbering s. 110.224, F.S.; revising requirements relating to a review and performance planning system and designating such system a public employee performance evaluation system; revising requirements relating to certain information furnished to employees and employee evaluation; amending and renumbering s. 110.227, F.S.; providing that a career service employee other than a law enforcement or correctional officer or a firefighter may be suspended or dismissed for reasonable cause; providing that reasonable cause shall be determined by the agency head and specifying actions included thereunder; specifying actions that constitute an abuse of the agency head's sound discretion; revising certain responsibilities of agency heads; providing that, except with regard to law enforcement or correctional officers or firefighters, rules regarding layoff shall not include "bumping"; deleting a requirement that a layoff be conducted within an identified competitive area with regard to employees other than law enforcement or correctional officers or firefighters; providing for appeal of reductions in pay, transfers, layoffs, or demotions to, and hearings regarding suspension or dismissal before, the circuit court, or for voluntary binding arbitration with respect thereto; providing that, for any alleged adverse agency action against an employee other than a law enforcement or correctional officer or a firefighter occurring after a specified date, the employee bears the burden of proof to establish that the agency head abused his or her discretion; creating s. 109.237, F.S.; creating an Office of Employee Relations within the Department of

Management Services; providing for an executive director, a general counsel, and an administrative assistant, and their qualifications and duties; providing for additional personnel; providing duties of the department; providing powers and duties of the office; creating s. 109.240, F.S.; providing that any permanent career service employee may request voluntary binding arbitration administered by the Office of Employee Relations upon notice of an adverse agency action; providing definitions; providing requirements for such requests; providing for notice to the agency; specifying the employee's burden of proof; providing for arbitrators and their qualifications and authority; providing for employee panels and their qualifications and authority; providing duties of the office; providing for records; providing procedural requirements for arbitration proceedings; providing for rules; providing for application to the circuit court for an order confirming, vacating, or modifying the arbitration decision; providing for immunity; amending and renumbering s. 110.403, F.S.; increasing the limit on the number of Senior Management Service positions; amending and renumbering s. 110.602, F.S.; removing the limit on the number of Selected Exempt Service positions; amending and renumbering ss. 110.1091, 110.1127, 110.117, 110.1227, 110.123, 110.12312, 110.1232, 110.129, 110.152, 110.1521, 110.1522, 110.1523, 110.161, 110.171, 110.191, 110.233, 110.235, 110.401, 110.402, 110.406, 110.502, 110.601, 110.605, and 110.606, F.S.; clarifying and conforming language and correcting cross references; amending ss. 20.171, 20.18, 20.21, 20.23, 20.255, 20.315, 24.105, 24.122, 68.087, 104.31, 106.082, 106.24, 112.044, 112.0805, 112.313, 112.3189, 112.363, 121.021, 121.0515, 121.055, 121.35, 215.94, 216.011, 216.251, 231.381, 235.217, 240.209, 240.2111, 240.507, 241.002, 242.331, 260.0125, 281.02, 287.175, 288.708, 295.07, 296.04, 296.34, 311.07, 339.175, 343.74, 381.85, 393.0657, 400.19, 400.953, 402.3057, 402.55, 402.731, 409.1757, 440.102, 440.4416, 443.171, 456.048, 471.038, 509.036, 570.073, 570.074, 624.307, 627.0623, 627.6488, 627.649, 627.6498, 627.6617, 655.019, 943.0585, 943.059, 943.22, 944.35, 945.043, 957.03, 985.04, 985.05, and 985.4045, F.S.; conforming language and correcting cross references; amending s. 216.262, F.S.; authorizing efficiency awards to state agencies based on changes to authorized positions and providing requirements with respect thereto; amending s. 447.201, F.S., relating to the statement of public policy regarding public employees; amending s. 447.205, F.S., relating to creation of the Public Employees Relations Commission; repealing s. 447.207(8), (9), (10), and (11), F.S., which provide for appeals to the commission with regard to adverse agency actions against career service employees; amending s. 447.208, F.S.; providing the employee's burden of proof for alleged adverse agency actions occurring on or after July 1, 2001; repealing s. 447.208, F.S., which provides procedures for appeals to the commission regarding certain adverse agency actions, and s. 447.2085, F.S., which provides for rules with respect thereto, effective January 1, 2002; amending s. 447.307, F.S.; providing requirements with respect to bargaining units for certain law enforcement agencies; amending s. 447.503, F.S.; conforming language; amending s. 447.507, F.S.; revising conditions under which a person who violates the strike prohibition may be employed or appointed; amending s. 39.202, F.S.; providing for access to certain records by the office; amending s. 112.044, F.S., which prohibits age discrimination against public employees; providing for court action by an aggrieved employee if voluntary binding arbitration is not conducted; amending s. 112.0455, F.S., the Drug-Free Workplace Act; providing for appeals with respect to discipline or not being hired under said act to the circuit court rather than the commission, or for voluntary binding arbitration; amending s. 112.31895, F.S.; providing for judicial review of notice of termination of an investigation in connection with the Whistle-blower's Act rather than commission review; conforming language; amending s. 120.80, F.S.; conforming language; repealing s. 125.0108(2)(d), F.S., and amending ss. 376.75, 403.718, and 538.11, F.S.; removing provisions which authorize certain actions by the Department of Revenue pursuant to rules of the commission or the Career Service Commission; amending ss. 284.30 and 284.31, F.S.; conforming language; amending s. 415.107, F.S.; providing for access to certain records by the office; repealing ss. 944.35(3)(c) and 985.4045(1)(b), F.S., which provide that violations by Department of Corrections employees of prohibitions against malicious battery and sexual misconduct, and violations by Department of Juvenile Justice employees of the prohibition against sexual misconduct, as determined by the commission, constitute cause for

dismissal; directing the office to coordinate a transition plan; specifying transitional powers and duties of the commission and providing that it shall cease to hear certain appeals after June 30, 2002; providing an appropriation; transferring the commission to the Department of Management Services and certain of its property and personnel to the office; providing for budget amendments; providing for rules; providing effective dates.

—was taken up, having been read the third time earlier today; now pending roll call.

The question recurred on the passage of HB 369. The vote was:

Session Vote Sequence: 63

Yeas—74

The Chair	Brown	Green	Mealor
Alexander	Brummer	Haridopolos	Melvin
Allen	Byrd	Harrell	Miller
Andrews	Cantens	Harrington	Murman
Argenziano	Carassas	Hart	Negron
Arza	Clarke	Hogan	Paul
Attkisson	Crow	Johnson	Pickens
Atwater	Davis	Jordan	Prieguez
Baker	Detert	Kallinger	Ross
Ball	Diaz de la Portilla	Kottkamp	Rubio
Barreiro	Diaz-Balart	Kravitz	Russell
Baxley	Dockery	Kyle	Simmons
Bean	Farkas	Lacasa	Sorensen
Bennett	Fiorentino	Littlefield	Spratt
Bense	Flanagan	Lynn	Trovillion
Benson	Garcia	Mack	Wallace
Berfield	Gardiner	Mahon	Waters
Bilirakis	Gibson	Mayfield	
Bowen	Goodlette	Maygarden	

Nays—43

Ausley	Greenstein	Lee	Ryan
Bendross-Mindingall	Harper	Lerner	Seiler
Betancourt	Henriquez	Machek	Siplin
Brutus	Heyman	McGriff	Slosberg
Bucher	Holloway	Meadows	Smith
Cusack	Jennings	Needelman	Sobel
Fields	Joyner	Peterman	Stansel
Frankel	Justice	Rich	Weissman
Gannon	Kendrick	Richardson	Wiles
Gelber	Kilmer	Ritter	Wishner
Gottlieb	Kosmas	Romeo	

So the bill passed, as amended, and was certified to the Senate.

**CS/HB 409**—A bill to be entitled An act relating to educator professional liability insurance; creating s. 231.800, F.S.; providing legislative intent; requiring educator professional liability insurance coverage for all full-time instructional personnel; providing for specific appropriations in the General Appropriations Act; extending educator professional liability insurance coverage at cost to all part-time instructional personnel and administrative personnel; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 64

Yeas—112

The Chair	Attkisson	Baxley	Berfield
Alexander	Atwater	Bean	Betancourt
Allen	Ausley	Bendross-Mindingall	Bilirakis
Andrews	Baker	Bennett	Bowen
Argenziano	Ball	Bense	Brown
Arza	Barreiro	Benson	Brummer

Brutus	Gibson	Kottkamp	Peterman
Bucher	Goodlette	Kravitz	Pickens
Byrd	Gottlieb	Kyle	Rich
Cantens	Green	Lacasa	Romeo
Carassas	Greenstein	Lee	Ross
Clarke	Haridopolos	Lerner	Rubio
Crow	Harper	Littlefield	Russell
Cusack	Harrell	Lynn	Ryan
Davis	Harrington	Machek	Seiler
Detert	Hart	Mack	Simmons
Diaz de la Portilla	Henriquez	Mahon	Siplin
Diaz-Balart	Hogan	Mayfield	Smith
Dockery	Holloway	Maygarden	Sobel
Farkas	Jennings	McGriff	Sorensen
Fields	Johnson	Meadows	Spratt
Fiorentino	Jordan	Mealor	Stansel
Flanagan	Joyner	Melvin	Trovillion
Frankel	Justice	Miller	Wallace
Gannon	Kallinger	Murman	Waters
Garcia	Kendrick	Needelman	Weissman
Gardiner	Kilmer	Negron	Wiles
Gelber	Kosmas	Paul	Wishner

Nays—None

So the bill passed and was certified to the Senate.

**CS/HB 501**—A bill to be entitled An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of “commission,” to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners’ permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to

abolish the commission and corporation and delete or revise references thereto; abolishing the advisory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 580.151, F.S., to abolish the Commercial Feed Technical Council; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Bonifay State Farmers Market Advisory Council, Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; providing effective dates.

—was read the third time by title.

On motion by Rep. Spratt, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 313595)

**Amendment 2 (with title amendment)**—On page 40, lines 25-26, remove from the bill: all of said lines

And the title is amended as follows:

On page 3, lines 25-26, remove from the title of the bill: all of said lines

and insert in lieu thereof: conform;

Rep. Spratt moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 501. The vote was:

Session Vote Sequence: 65

Yeas—110

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Ausley	Dockery	Joyner	Negron
Baker	Farkas	Justice	Paul
Ball	Fields	Kallinger	Peterman
Barreiro	Florentino	Kendrick	Pickens
Baxley	Flanagan	Kilmer	Rich
Bean	Frankel	Kosmas	Richardson
Bendross-Mindingall	Gannon	Kottkamp	Romeo
Bennett	Garcia	Kravitz	Ross
Benson	Gardiner	Kyle	Rubio
Berfield	Gelber	Lacasa	Russell
Betancourt	Gibson	Lee	Ryan
Bilirakis	Goodlette	Lerner	Seiler
Bowen	Gottlieb	Littlefield	Simmons
Brown	Green	Lynn	Siplin
Brummer	Greenstein	Machek	Smith
Brutus	Haridopolos	Mack	Sobel
Bucher	Harper	Mahon	Sorensen
Byrd	Harrell	Mayfield	Spratt
Cantens	Hart	Maygarden	Stansel
Carassas	Henriquez	McGriff	Trovillion
Clarke	Heyman	Meadows	Wallace
Crow	Hogan	Mealor	Waters
Davis	Holloway	Melvin	Wiles
Detert	Jennings	Miller	Wishner
Diaz de la Portilla	Johnson	Murman	
Diaz-Balart	Jordan	Needelman	

Nays—2

Cusack Weissman

So the bill passed, as amended, and was certified to the Senate after engrossment.

## Continuation of Special Orders

### Special Order Calendar

**HB 1083**—A bill to be entitled An act relating to public records; providing an exemption from the public records law for photographs and video recordings of an autopsy; providing for access by a state or federal agency as provided by law and in furtherance of the agency's statutory duties; providing a penalty; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

The Committee on State Administration offered the following:

(Amendment Bar Code: 874155)

**Amendment 1 (with title amendment)**—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. (1) *All photographs or video recordings of an autopsy in the possession of a district medical examiner pursuant to chapter 406 are confidential and exempt from the provisions of s. 119.07(1), and s. 24(a), Article I of the State Constitution, except as otherwise provided herein. Photographs and video recordings of an autopsy made confidential and exempt by this section shall be disclosed for viewing or copying:*

(a) *Pursuant to a written waiver by the surviving spouse. If there is no surviving spouse, then pursuant to a written waiver by a surviving parent; and, if there is no surviving spouse or parent, then pursuant to written waiver by an adult child of the deceased; or*

(b) *Pursuant to a written request by a local government, state agency, or federal agency, in the furtherance of its official duties; and, unless otherwise required in the performance of their duties, the identity of the deceased shall remain confidential and exempt.*

(2) *Any person may petition the court for an order to make the photographs and video recordings available for inspection. Pursuant to*

such a public records petition, and the petitioner's showing of good cause, the court may authorize inspection pursuant to the terms and conditions which it deems appropriate, but shall not authorize copying; provided that the surviving spouse is given reasonable notice of the petition, and a copy of the petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter. If there is no surviving spouse, then such notice must be given to the deceased's parents, and if the deceased has no living parents, then to the adult children of the deceased.

In determining good cause the court shall consider:

a) The necessity of the viewing in determining governmental accountability;

b) The ramifications of the viewing with respect to the family's right to privacy; and

c) The availability of similar information in other forms.

(3) The viewing or copying of an autopsy photograph or video recording pursuant to this section shall be under the direct supervision of the custodian of the record or his or her designee.

(4) The district medical examiner or associate medical examiner, in his or her official capacity, may use the photographs or video recordings for the purposes of seeking another expert medical opinion, for providing professional training, for case-related medical or scientific research purposes, or for other purposes solely related to the accomplishment of the district or associate medical examiner's duties and responsibilities. However, the identity of the deceased shall remain confidential and exempt, unless a waiver has been obtained as provided for in subsection (1)(a).

(5) Any person who willfully or knowingly violates this section commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084.

(6) This exemption shall be given retroactive application. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that photographs or video recordings of an autopsy be made confidential and exempt. Photographs or video recordings of an autopsy are highly sensitive, graphic depictions of the deceased, which, if viewed, copied, or publicized, could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased, and is an invasion of that family's privacy, as well as injurious to the memories of the deceased. Furthermore, the Legislature finds that the existence of the World Wide Web and the proliferation of personal computers throughout the world encourages and promotes the worldwide dissemination of photographs and video recordings 24 hours a day, and that widespread dissemination of autopsy photographs and video recordings would subject the immediate family of the deceased to continuous injury. The Legislature further finds that there are other types of available information, such as the autopsy report, which is less intrusive and injurious to the immediate family member of the deceased but which continues to provide for public oversight. Furthermore, the Legislature finds that it is a public necessity that the exemption provided in this act be given retroactive application because it is remedial in nature and it furthers the public policy embodied in s. 382.008, that all information on the death certificate relating to the cause of death is confidential.

Section 3. This act shall take effect upon becoming a law and shall apply to all autopsy photographs and video recordings in the custody of a district medical examiner, whether made before or after the effective date of this act.

And the title is amended as follows:

On page 1, lines 3 through 7, remove from the title of the bill: all of said lines

and insert in lieu thereof: exemption from public records requirements for photographs and video recordings of an autopsy; providing exceptions; providing a

Rep. Miller moved the adoption of the amendment.

On motion by Rep. Johnson, under Rule 12.2(c), the following late-filed substitute amendment was considered.

Representative(s) Johnson and Miller offered the following:

(Amendment Bar Code: 822831)

**Substitute Amendment 1 (with title amendment)—**  
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. (1) A photograph or video or audio recording of an autopsy in the custody of a medical examiner is confidential and exempt from the requirements of section 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving spouse may view and copy a photograph or video or listen to or copy an audio recording of the deceased spouse's autopsy. If there is no surviving spouse, then the surviving parents shall have access to such records. If there is no surviving spouse or parent, then an adult child shall have access to such records. A local governmental entity, or a state or federal agency, in furtherance of its official duties, pursuant to a written request, may view or copy a photograph or video or may listen to or copy an audio recording of an autopsy, and unless otherwise required in the performance of their duties, the identity of the deceased shall remain confidential and exempt. The custodian of the record, or his or her designee, may not permit any other person to view or copy such photograph or video recording or listen to or copy an audio recording without a court order. For the purposes of this section, the term "medical examiner" means any district medical examiner, associate medical examiner, or substitute medical examiner acting pursuant to ch. 406, as well as any employee, deputy, or agent of a medical examiner or any other person who may obtain possession of a photograph or audio or video recording of an autopsy in the course of assisting a medical examiner in the performance of his or her official duties.

(2)(a) The court, upon a showing of good cause, may issue an order authorizing any person to view or copy a photograph or video recording of an autopsy or to listen to or copy an audio recording of an autopsy and may prescribe any restrictions or stipulations that the court deems appropriate.

In determining good cause, the court shall consider whether such disclosure is necessary for the public evaluation of governmental performance; the seriousness of the intrusion into the family's right to privacy and whether such disclosure is the least intrusive means available; and the availability of similar information in other public records, regardless of form. In all cases, the viewing, copying, listening to or other handling of a photograph or video or audio recording of an autopsy must be under the direct supervision of the custodian of the record or his or her designee.

(2)(b) A surviving spouse shall be given reasonable notice of a petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording, a copy of such petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter. If there is no surviving spouse, then such notice must be given to the deceased's parents, and if the deceased has no living parent, then to the adult children of the deceased.

(3)(a) Any custodian of a photograph or video or audio recording of an autopsy who willfully and knowingly violates this section commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

(b) Any person who willfully and knowingly violates a court order issued pursuant to this section commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

(c) *A criminal or administrative proceeding is exempt from this section, but unless otherwise exempted, is subject to all other provisions of Chapter 119, Florida Statutes, provided however that this section does not prohibit a court in a criminal or administrative proceeding upon good cause shown from restricting or otherwise controlling the disclosure of an autopsy, crime-scene, or similar photograph or video or audio recordings in the manner prescribed herein.*

(4) *This exemption shall be given retroactive application.*

(5) *The exemption in this section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 2. *The Legislature finds that it is a public necessity that photographs and video and audio recordings of an autopsy be made confidential and exempt from the requirements of section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution. The Legislature finds that photographs or video or audio recordings of an autopsy depict or describe the deceased in graphic and often disturbing fashion. Such photographs or video or audio recordings may depict or describe the deceased nude, bruised, bloodied, broken, with bullet or other wounds, cut open, dismembered, or decapitated. As such, photographs or video or audio recordings of an autopsy are highly sensitive depictions or descriptions of the deceased which, if heard, viewed, copied or publicized, could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased, as well as injury to the memory of the deceased. The Legislature notes that the existence of the World Wide Web and the proliferation of personal computers throughout the world encourages and promotes the wide dissemination of photographs and video and audio recordings 24 hours a day and that widespread unauthorized dissemination of autopsy photographs and video and audio recordings would subject the immediate family of the deceased to continuous injury. The Legislature further notes that there continue to be other types of available information, such as the autopsy report, which are less intrusive and injurious to the immediate family members of the deceased and which continue to provide for public oversight. The Legislature further finds that the exemption provided in this act should be given retroactive application because it is remedial in nature.*

Section 3. This act shall take effect upon becoming a law, and shall apply to all photographs or video or audio recordings of an autopsy, regardless of whether the autopsy was performed before or after the effective date of the act.

And the title is amended as follows: On page 1, lines 2 through 10, remove from the title of the bill: all of said lines

and insert in lieu thereof: A bill to be entitled An act relating to public records; providing an exemption from the public records law for photographs and video and audio recordings of an autopsy; providing an exemption for certain members of the immediate family, or a representative thereof, or a state or federal agency; prohibiting the custodian of a photograph or video or audio recording of an autopsy from permitting any person to view or duplicate a photograph or video or audio, except pursuant to court order and under the direct supervision of the custodian or his or her designee; exempting criminal and administrative proceedings from the act; requiring certain persons to be parties in a request for access to a photograph or video or audio recording of an autopsy; providing penalties; providing for future legislative review and repeal; providing a finding of public necessity; providing a retroactive effective date.

Rep. Johnson moved the adoption of the substitute amendment.

Rep. Gelber moved that, under Rule 12.2(c), a late-filed amendment to the substitute amendment be allowed for consideration, which was not agreed to. The vote was:

Session Vote Sequence: 66

Yeas—32

Ausley	Gottlieb	Kosmas	Romeo
Bendross-Mindingall	Greenstein	Lerner	Ryan
Betancourt	Harper	Machek	Seiler
Bucher	Henriquez	McGriff	Siplin
Cusack	Holloway	Meadows	Smith
Fields	Jennings	Peterman	Weissman
Frankel	Joyner	Rich	Wiles
Gannon	Justice	Richardson	Wishner

Nays—72

The Chair	Brown	Haridopolos	Maygarden
Alexander	Brummer	Harrell	Mealor
Allen	Byrd	Hart	Melvin
Andrews	Cantens	Hogan	Miller
Arza	Carassas	Johnson	Murman
Attkisson	Clarke	Jordan	Needelman
Atwater	Crow	Kallinger	Negron
Baker	Davis	Kendrick	Paul
Ball	Diaz de la Portilla	Kilmer	Pickens
Barreiro	Diaz-Balart	Kottkamp	Rubio
Baxley	Dockery	Kravitz	Russell
Bean	Farkas	Kyle	Simmons
Bennett	Fiorentino	Lacasa	Sorensen
Bense	Flanagan	Littlefield	Spratt
Benson	Garcia	Lynn	Stansel
Berfield	Gardiner	Mack	Trovillion
Billirakis	Gibson	Mahon	Wallace
Bowen	Goodlette	Mayfield	Waters

The question recurred on the adoption of **Substitute Amendment 1**.

#### Reconsideration

On motion by Rep. Goodlette, the House reconsidered the vote by which a late-filed amendment to Substitute Amendment 1 was not allowed for consideration.

The question recurred on the motion by Rep. Gelber to allow a late-filed amendment to Substitute Amendment 1, which was agreed to.

On motion by Rep. Gelber, under Rule 12.2(c), the following late-filed amendment to the substitute amendment was considered.

Representative(s) Gelber and McGriff offered the following:

(Amendment Bar Code: 425227)

**Amendment 1 to Substitute Amendment 1 (with title amendment)**—On page 1, line 18 through page 4, line 31, remove from the substitute amendment: all of said lines

and insert in lieu thereof:

Section 1. (1) *All photographs, audio recordings, or video recordings of an autopsy in the possession of a district medical examiner pursuant to chapter 406 are confidential and exempt from the provisions of s. 119.07(1), and s. 24(a), Article I of the State Constitution, except as otherwise provided herein. Photographs, audio recordings, and video recordings of an autopsy made confidential and exempt by this section shall be disclosed for viewing or listening in all cases, but may only be copied:*

(a) *Pursuant to a written waiver by the surviving spouse. If there is no surviving spouse, then pursuant to a written waiver by a surviving parent; and, if there is no surviving spouse or parent, then pursuant to written waiver by an adult child of the deceased; or*

(b) *Pursuant to a written request by a local government, state agency, or federal agency, in the furtherance of its official duties; and, unless otherwise required in the performance of their duties, the identity of the deceased shall remain confidential and exempt.*

(2) Any person may petition the court for an order to make the photographs, audio recordings, and video recordings available for copying. Pursuant to such a public records petition, and the petitioner's showing of good cause, the court may authorize copying pursuant to the terms and conditions which it deems appropriate; provided that the surviving spouse is given reasonable notice of the petition, and a copy of the petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter. If there is no surviving spouse, then such notice must be given to the deceased's parents, and if the deceased has no living parents, then to the adult children of the deceased.

In determining good cause the court shall consider:

- a) The necessity of the copying in determining governmental accountability;
- b) The ramifications of the copying with respect to the family's right to privacy; and
- c) The availability of similar information in other forms.

(3) The viewing or copying of an autopsy photograph, audio recording, or video recording pursuant to this section shall be under the direct supervision of the custodian of the record or his or her designee.

(4) The district medical examiner or associate medical examiner, in his or her official capacity, may use the photographs or video recordings for the purposes of seeking another expert medical opinion, for providing professional training, for case-related medical or scientific research purposes, or for other purposes solely related to the accomplishment of the district or associate medical examiner's duties and responsibilities. However, the identity of the deceased shall remain confidential and exempt, unless a waiver has been obtained as provided for in subsection (1)(a).

(5) Any person who willfully or knowingly violates this section commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084.

(6) This exemption shall be given retroactive application. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that copies of photographs, audio recordings, or video recordings of an autopsy be made confidential and exempt. Photographs, audio recordings, or video recordings of an autopsy are highly sensitive, graphic depictions of the deceased, which, if copied, or publicized, could result in trauma, sorrow, humiliation, or emotional injury to the immediate family of the deceased, and is an invasion of that family's privacy, as well as injurious to the memories of the deceased. Furthermore, the Legislature finds that the existence of the World Wide Web and the proliferation of personal computers throughout the world encourages and promotes the worldwide dissemination of photographs and video recordings 24 hours a day, and that widespread dissemination of autopsy photographs and video recordings would subject the immediate family of the deceased to continuous injury. The Legislature further finds that there are other types of available information, such as the autopsy report, which is less intrusive and injurious to the immediate family member of the deceased but which continues to provide for public oversight. Furthermore, the Legislature finds that it is a public necessity that the exemption provided in this act be given retroactive application because it is remedial in nature.

And the title is amended as follows:

On page 5, lines 13 through 31, of the amendment remove from the title of the amendment: all of said lines

and insert in lieu thereof: An act relating to public records; providing an exemption from the public records law for copying photographs and video and audio recordings of an autopsy; providing an exemption for certain members of the immediate family, or a representative thereof,

or a state or federal agency; providing for further exceptions to the exemption; providing a penalty; providing for future legislative

Rep. Gelber moved the adoption of the amendment to the substitute amendment.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 67].

The question recurred on the adoption of **Amendment 1 to Substitute Amendment 1**, which failed of adoption. The vote was:

Session Vote Sequence: 68

Yeas—29

Ausley	Gannon	Lerner	Seiler
Baker	Gelber	Machek	Siplin
Bendross-Mindingall	Gottlieb	McGriff	Smith
Betancourt	Heyman	Meadows	Weissman
Bucher	Holloway	Peterman	Wishner
Cusack	Jennings	Rich	
Fields	Joyner	Richardson	
Frankel	Kravitz	Romeo	

Nays—72

The Chair	Brummer	Hart	Maygarden
Alexander	Byrd	Henriquez	Mealor
Allen	Cantens	Hogan	Melvin
Andrews	Carassas	Johnson	Miller
Arza	Clarke	Jordan	Murman
Attkisson	Crow	Justice	Needelman
Atwater	Davis	Kallinger	Negron
Ball	Diaz-Balart	Kendrick	Paul
Barreiro	Dockery	Kilmer	Pickens
Baxley	Farkas	Kosmas	Russell
Bean	Fiorentino	Kottkamp	Ryan
Bennett	Flanagan	Kyle	Simmons
Bense	Gardiner	Lacasa	Sorensen
Benson	Gibson	Littlefield	Stansel
Berfield	Goodlette	Lynn	Trovillion
Bilirakis	Greenstein	Mack	Wallace
Bowen	Harper	Mahon	Waters
Brown	Harrell	Mayfield	Wiles

The question recurred on the adoption of **Substitute Amendment 1**, which was adopted.

On motion by Rep. Johnson, the rules were waived and HB 1083, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 69

Yeas—91

The Chair	Betancourt	Flanagan	Kendrick
Alexander	Bilirakis	Frankel	Kilmer
Allen	Bowen	Garcia	Kosmas
Andrews	Brown	Gardiner	Kottkamp
Arza	Brummer	Gibson	Kravitz
Attkisson	Byrd	Goodlette	Kyle
Atwater	Cantens	Greenstein	Lacasa
Ausley	Carassas	Harper	Littlefield
Baker	Clarke	Harrell	Lynn
Ball	Crow	Hart	Machek
Barreiro	Cusack	Henriquez	Mack
Baxley	Davis	Hogan	Mahon
Bean	Diaz de la Portilla	Holloway	Mayfield
Bendross-Mindingall	Diaz-Balart	Jennings	Maygarden
Bennett	Dockery	Johnson	Meadows
Bense	Farkas	Jordan	Mealor
Benson	Fields	Justice	Melvin
Berfield	Fiorentino	Kallinger	Miller

Murman	Richardson	Seiler	Wallace
Needelman	Romeo	Simmons	Waters
Negron	Rubio	Siplin	Wiles
Paul	Russell	Stansel	Wishner
Pickens	Ryan	Trovillion	

## Nays—12

Bucher	Gottlieb	Lerner	Rich
Gannon	Heyman	McGriff	Smith
Gelber	Joyner	Peterman	Weissman

So the bill passed, as amended. On motion by Rep. Johnson, the rules were waived and the bill was immediately certified to the Senate after engrossment.

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

### Motions Relating to Committee References

On motion by Rep. Byrd, the rules were waived and the following Members were allowed to file the following drafts after the filing deadline:

Rep. Baxley	Drafts 747-109-01 (HB 1899) and 747-110-01 (HB 1901)
Rep. Melvin	Draft 556-245-01 (HB 1903)
Rep. Haridopolos	Draft 765-105-01 (HB 1785)
Rep. Berfield	Draft 752-111-01 (HB 1787)
Rep. Hogan	Draft 768-110-01 (HB 1795)
Rep. Needelman	Draft 785-114B-01 (HB 1793)
Rep. Sobel	Draft 710-124-01 (HB 1791)
Rep. Garcia	Draft 800-105-01 (HB 1789)

On motion by Rep. Byrd, the rules were waived and the following Members were allowed to withdraw the following bills from further consideration and replace them with the specified drafts.

Rep. Brutus	Withdraw HB 565 and replace with Draft 755-113-01 (HB 1783)
Rep. Machek	Withdraw HB 1021 and replace with Draft 779-109-01 (HB 1779)
Rep. Machek	Withdraw HB 877 and replace with Draft 779-108-01 (HB 1781)
Rep. Murman	Withdraw HB 1261 and replace with Draft 583-218A-01 (HB 1777)

On motion by Rep. Melvin, the rules were waived to allow a draft concurrent resolution [Draft 556-224-01 (HCR 1797)] to be filed after the filing deadline without being counted against the limit of six bills.

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

### Continuation of Special Orders

#### Resolutions

**HR 9001**—A resolution recognizing March 22, 2001, as “St. Johns County Day” in Tallahassee.

WHEREAS, on September 8, 1565, Don Pedro Menendez de Aviles founded St. Augustine, the oldest continuously occupied European settlement in the United States, and

WHEREAS, St. Johns County is the site for Fort Mose, established by Spaniards and former African slaves in 1738, the first free black fort and settlement in North America, and

WHEREAS, on July 21, 1821, St. Johns County, named for the St. Johns River, became one of Florida’s first two counties by ordinance proclaimed by Major General Andrew Jackson, and

WHEREAS, St. Johns County encompasses 609 square miles, from the many miles of beautiful beaches to the scenic Bartram Trail Highway that runs along the St. Johns River, and

WHEREAS, St. Johns County is a popular tourist destination, hosting more than 2 million visitors each year to the historic City of St. Augustine, St. Augustine Beach, and its other communities, and

WHEREAS, St. Johns County is one of the nation’s most recognized golf destinations and is home to the World Golf Hall of Fame, the PGA Tour’s annual Players Championship, and the Senior PGA Tour’s Liberty Mutual Legends of Golf, played at the World Golf Village, and

WHEREAS, St. Johns County is also home to the Association of Tennis Players Tour, headquartered in Ponte Vedra Beach, and

WHEREAS, agriculture is a critical component of the economy of St. Johns County, with its 149 farms on 49,631 agricultural acres comprising more than 12.7 percent of all the lands in the county and producing more than \$46 million in revenue annually, and

WHEREAS, the Legislature recognizes St. Johns County for its rich history and cultural diversity, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That March 22, 2001, be recognized as “St. Johns County Day” in Tallahassee.

—was read the second time by title. On motion by Rep. Wiles, the resolution was adopted.

**HR 9011**—A resolution designating March 29, 2001, as F.S.U. Day.

WHEREAS, the sesquicentennial anniversary of Florida State University was observed on January 24, 2001, and will be celebrated throughout 2001, the 150th year after its establishment by the Legislature in 1851 as the Seminary West of the Suwanee River, and

WHEREAS, the Tallahassee campus of Florida State University is the oldest continuous site of higher education in Florida and is home to the state’s first chapter of Phi Beta Kappa, and

WHEREAS, Florida State University is ranked third nationally in revenues generated from scientific research and discoveries and, in 1994, was designated as a “Research I” institution by the Carnegie Foundation, thus placing Florida State in an elite group of the nation’s top research universities, and

WHEREAS, today the university’s mission emphasizes teaching, research, and public service, with 17 independent colleges and schools, the newest being the College of Medicine, and offers graduate and undergraduate degrees in over 570 fields, many of which are nationally recognized programs, and

WHEREAS, as Florida’s most “wired” campus and a leader in the use of new technologies, Florida State University is setting the standard for distance learning and utilizing technology in the classroom and campuswide, and

WHEREAS, with a long-continuing tradition of promoting racial, ethnic, and cultural diversity, along with aggressive recruitment of diverse groups of students, the university has made the college experience an enriching one for its students and continues to be a tremendous source of pride for its students, faculty, alumni, friends, and administrators, as well as for all citizens of the state, and

WHEREAS, Florida State University has a strong reputation in the fine and performing arts, having developed distinguished programs in theatre, music, dance, and film, and has established a statewide presence with the Asolo Theatre, the Ringling Museum, and the Appleton Museum, and

WHEREAS, with its strong history as a liberal arts college, commitment to undergraduate education, and extensive and distinguished research in facilities such as the National High Magnetic Field Laboratory, Florida State University is truly on the cutting edge of higher education, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:



That the House of Representatives hereby designates March 29, 2001, as F.S.U. Day in Tallahassee in recognition of Florida State University's 150 years as an outstanding institution of higher education.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Talbot "Sandy" D'Alemberte, President of Florida State University, as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Bense, the resolution was adopted.

**Motion to Adjourn**

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 10:00 a.m., Friday, March 30. The motion was agreed to.

**Recorded Votes**

Rep. Haridopolos:

Yeas—HB 1083

**Prime Sponsors**

- HB 727—Weissman
- HB 1145—Lynn
- HB 1193—Atwater
- HB 1505—Weissman

**Cosponsors**

- CS/HB 67—Littlefield
- HB 69—Sorensen
- HB 133—Dockery
- HB 145—Alexander, Baker
- HB 183—Farkas
- HB 185—Farkas
- CS/HB 249—Littlefield
- HB 337—Alexander
- HB 375—Mack
- HB 379—Alexander
- HB 485—Romeo
- HB 525—Slosberg
- HB 599—Gannon, Garcia
- HB 623—Argenziano, Dockery, Haridopolos, McGriff
- HB 643—Justice, Wiles
- HB 695—Gannon, Heyman, Kravitz, Spratt
- HB 985—Rich, Romeo
- HB 987—Allen, Barreiro, Bullard, Cantens, Davis, Heyman, Justice, Prieguez, Trovillion
- HB 1045—Brutus, Gannon, Jordan, Joyner, Paul
- HB 1083—Gibson
- HB 1095—Fiorentino, Justice, Kosmas, Lynn, Seiler
- HB 1109—Brutus, Gannon, Jordan, Joyner, Paul
- HB 1145—Attkisson, Baxley, Bean, Benson, Berfield, Brown, Detert, Garcia, Green, Hart, Hogan, Jordan, Kallinger, Kravitz, Mahon, Mealor, Negron, Paul, Ross, Russell, Simmons
- HB 1159—Diaz de la Portilla
- HB 1203—Cusack
- HB 1339—Crow
- HB 1355—Bendross-Mindingall, Cusack, Joyner, Justice, Machek, McGriff, Romeo, Ryan
- HB 1467—Paul
- HB 1481—Diaz de la Portilla, Henriquez, Meadows, Ross
- HB 1605—Bennett

**Introduction and Reference**

By the Fiscal Responsibility Council; Representative Johnson—

**HB 1749**—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment of board

members and officers, compensation of board members, the executive director, and employees, and financial disclosure by board members; providing for board meetings; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; providing for delegation of powers and responsibilities to the executive director; providing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; removing references to board rulemaking; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming language; amending s. 288.714, F.S.; revising the persons to whom the board's annual report is submitted; clarifying references to ss. 288.707-288.714, F.S., in said provisions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1751**—A bill to be entitled An act relating to telemarketing; repealing ss. 501.605, 501.606, 501.607, 501.608, 501.609, 501.612, 501.622, and 501.626, F.S., to remove all provisions of the Florida Telemarketing Act relating to licensure and regulation of commercial telephone sellers and salespersons by the Department of Agriculture and Consumer Services; amending ss. 501.603, 501.604, 501.611, 501.613, 501.614, 501.615, 501.616, 501.618, 501.619, 501.621, and 501.623, F.S., to provide for enforcement of commercial telephone solicitation by the state attorneys, to conform; repealing s. 205.1973, F.S., relating to the issuance or renewal of local occupational licenses to telemarketing businesses, to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Maygarden—

**HB 1753**—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.8132, F.S.; deleting the requirement to provide choice counseling to eligible applicants under the Medikids program component; amending s. 409.815, F.S.; correcting a cross reference; amending s. 409.903, F.S.; revising Medicaid eligibility requirements for pregnant women and children under age 1; amending s. 409.904, F.S.; revising Medicaid eligibility requirements for certain elderly or disabled persons; revising Medicaid eligibility requirements of postpartum women for family planning services; authorizing payment for health insurance premiums of Medicaid-eligible individuals under certain circumstances; amending s. 409.905, F.S.; updating and revising provisions relating to hospital inpatient behavioral health services provided pursuant to a federally approved waiver; expanding provision of such services statewide; amending s. 409.906, F.S.; deleting adult denture services as optional Medicaid services and restricting authorized hearing and visual services to children; providing additional requirements for authorized intermediate care services; adding assistive care services as an optional Medicaid service for certain recipients; amending s. 409.9065, F.S.; correcting a cross reference; amending s. 409.908, F.S.; providing for reimbursement of hospital inpatient and outpatient services at certain rates; permitting reimbursement for certain Medicaid services based on competitive bidding; deleting redundant provisions; prohibiting increases in reimbursement rates to nursing homes associated with changes in ownership; precluding premium adjustments to managed care organizations under certain circumstances; revising provisions relating to physician reimbursement and the reimbursement fee schedule; deleting certain preferential Medicaid payments for dually eligible recipients; authorizing competitive procurement of transportation services or the securing through waivers of federal financing of

transportation services at certain rates; correcting a cross reference; authorizing public schools affiliated with Florida universities to separately enroll in the Medicaid certified school match program and certify local expenditures; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.91195, F.S.; revising provisions relating to the membership of the Medicaid Pharmaceutical and Therapeutics Committee; providing for development and distribution of a restricted drug formulary for Medicaid providers; amending s. 409.9116, F.S.; modifying the formula for disproportionate share/financial assistance distributions to rural hospitals; amending s. 409.912, F.S.; authorizing continued reimbursement of substance abuse treatment services on a fee-for-service basis under certain conditions; expanding Medicaid managed care behavioral health services statewide; deleting requirement for choice counseling; deleting authorization to test new marketing initiatives relating to managed care options; deleting a restriction on adjustment of capitation rates; permitting competitive bidding for certain services; modifying reimbursement to pharmacies; permitting use of a restricted drug formulary, authorizing exemptions therefrom, and authorizing negotiation of supplemental rebates from manufacturers pursuant thereto; requiring prescriptions for Medicaid recipients to be on certain standardized forms; amending s. 409.915, F.S.; increasing county contributions to Medicaid for inpatient hospitalization; exempting counties from contributing toward the cost of inpatient services provided by certain hospitals and for special Medicaid payments under certain conditions; repealing s. 636.0145, F.S., relating to requirement for licensure of certain entities contracting with Medicaid to provide mental health care services in certain counties pursuant to federal waiver, to conform to changes made in this act; providing a finding of important state interest; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 1755**—A bill to be entitled An act relating to qualifying for judicial office; amending s. 105.031, F.S.; providing an earlier qualifying period for candidates for judicial office; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 1757**—A bill to be entitled An act relating to absentee ballots; amending s. 97.021, F.S.; redefining the term “absent elector”; amending s. 101.62, F.S.; modifying the information persons requesting absentee ballots must disclose; amending s. 101.657, F.S.; allowing any qualified and registered elector to vote an absentee ballot in person in the office of the supervisor of elections; amending s. 101.64, F.S.; modifying the voter’s certificate on absentee ballots; amending s. 101.65, F.S.; modifying the instructions to absent electors; amending s. 101.68, F.S.; modifying the information that must be included on an absentee ballot; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and the penalty therefor; deleting a prohibition against returning more than two absentee ballots in violation of law and the penalty therefor; repealing s. 101.647, F.S., relating to requirements for the return of absentee ballots; repealing s. 101.685, F.S., relating to authorization for absentee ballot coordinators; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Information Technology; Representatives Hart, Mack, Mealor, Fiorentino, Harrell, and Wishner—

**HB 1759**—A bill to be entitled An act relating to the offense of stalking; amending s. 784.048, F.S.; defining the term “cyberstalk” to mean communication by means of electronic mail or electronic communication which causes substantial emotional distress and does not serve a legitimate purpose; including within the offenses of stalking and aggravated stalking the willful, malicious, and repeated

cyberstalking of another person; providing penalties; revising the elements of the offense of aggravated stalking to include placing a person in fear of death or bodily injury of the person or the person’s child, sibling, spouse, or dependent; reenacting ss. 775.084(1)(d), 790.065(2)(c), 921.0022(3)(f) and (g), and 960.001(1)(b), F.S., to incorporate the amendment to s. 784.048, F.S., in references thereto; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1761**—A bill to be entitled An act relating to classification and sale of eggs and poultry; amending s. 583.052, F.S.; providing that the Department of Agriculture and Consumer Services shall discontinue its participation in any agreement with the Federal Government regarding the grading of eggs and poultry by a specified date; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Information Technology; Representatives Hart, Mack, Mealor, Gelber, Fiorentino, and Harrell—

**HB 1763**—A bill to be entitled An act relating to the Department of Environmental Protection; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Fasano—

**HR 9015**—A resolution commending The James Madison Institute: A Foundation for Florida’s Future.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Andrews, Alexander, Allen, Argenziano, Arza, Attkisson, Atwater, Ausley, Baker, Ball, Barreiro, Baxley, Bean, Bendross-Mindingall, Bennett, Bense, Benson, Berfield, Betancourt, Bilirakis, Bowen, Brown, Brummer, Brutus, Bucher, Bullard, Byrd, Cantens, Carassas, Clarke, Crow, Cusack, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Dockery, Farkas, Feeney, Fields, Fiorentino, Flanagan, Frankel, Gannon, Garcia, Gardiner, Gelber, Gibson, Goodlette, Gottlieb, Green, Greenstein, Haridopolos, Harper, Harrell, Harrington, Hart, Henriquez, Heyman, Hogan, Holloway, Jennings, Johnson, Jordan, Joyner, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kottkamp, Kravitz, Kyle, Lacasa, Lee, Lerner, Littlefield, Lynn, Macheck, Mack, Mahon, Mayfield, Maygarden, McGriff, Meadows, Mealor, Melvin, Miller, Murman, Needelman, Negron, Peterman, Pickens, Prieguez, Rich, Richardson, Ritter, Romeo, Ross, Rubio, Russell, Ryan, Seiler, Simmons, Siplin, Slosberg, Smith, Sobel, Sorensen, Spratt, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, and Wishner—

**HR 9017**—Adopted earlier today

#### First Reading of Council and Committee Substitutes by Publication

By the Committee on Insurance; Representative Crow—

**CS/HB 309**—A bill to be entitled An act relating to surplus lines insurance; amending s. 626.918, F.S.; revising certain eligibility requirements; amending s. 626.921, F.S.; deleting certain reporting requirements; amending ss. 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, 626.9361, and 626.938, F.S.; revising certain requirements for surplus lines insurance to provide the Florida Surplus Lines Service Office with the same authority granted to the Department

of Insurance; revising certain quarterly reporting requirements; providing for collection of a service fee; providing a penalty for failure to make certain reports and pay service fees; providing for an administrative fine for such failure; providing for disposition of surplus lines taxes and service fees; providing an effective date.

By the Committee on Health Regulation; Representative Baxley—

**CS/HB 331**—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform; providing an effective date.

By the Committee on State Administration; Representatives Kallinger, Bense, and Melvin—

**CS/HB 615**—A bill to be entitled An act relating to payment or performance bonds; amending s. 255.05, F.S.; prohibiting requiring specific insurance or surety companies, agents, or brokers for payment or performance bonds for certain projects; providing an effective date.

By the Committee on State Administration; Representatives Waters, Flanagan, and Brummer—

**CS/HB 681**—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance and Commissioner of Financial Services; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction for each commissioner's office; transferring certain powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Insurance and Financial Services; specifying that such rules become rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the Office of Transition Management; specifying powers and duties thereof; requiring reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing effective dates.

By the Committee on Agriculture & Consumer Affairs; Representatives Stansel, Spratt, Alexander, Kendrick, Gibson, Bowen, and Kottkamp—

**CS/HB 719**—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

**Reports of Councils and Standing Committees**

**Committee Reports**

**Received March 22:**

The Committee on Local Government & Veterans Affairs recommends the following pass:

- HB 831
- HB 839
- HB 845
- HB 847, with 1 amendment
- HB 853, with 2 amendments
- HB 859

**The above bills were placed on the Calendar.**

The Committee on Judicial Oversight recommends the following pass:

- HB 25, with 2 amendments
- HB 85, with 1 amendment

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

- HB 593

**The above bill was referred to the Council for Healthy Communities.**

The Committee on State Administration recommends the following pass:

- CS/HB 437

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Child & Family Security recommends the following pass:

- CS/HB 167, with 1 amendment

**The above bill was referred to the Council for Smarter Government.**

The Committee on Judicial Oversight recommends the following pass:

- HB 415
- HB 791

**The above bills were referred to the Council for Smarter Government.**

The Committee on Health Regulation recommends the following pass:

- HB 553

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

- HB 1039
- HB 1041, with 2 amendments
- HB 1063, with 1 amendment

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on State Administration recommends the following pass:

- HB 149, with 2 amendments
- HB 377

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Child & Family Security recommends the following pass:

HB 1013, with 1 amendment

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Elder & Long-Term Care recommends the following pass:

HB 421, with 1 amendment

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Health Promotion recommends the following pass:  
HB 981, with 1 amendment

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Health Regulation recommends a committee substitute for the following:

HB 331

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 331 was laid on the table.**

The Committee on Insurance recommends a committee substitute for the following:

HB 309

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 309 was laid on the table.**

The Committee on State Administration recommends a committee substitute for the following:

HB 681

**The above committee substitute was referred to the Committee on General Government Appropriations, subject to review under Rule 6.3, and, under the rule, HB 681 was laid on the table.**

The Committee on Judicial Oversight recommends the following pass:  
HB 697, with 1 amendment

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on General Education recommends the following pass:  
HB 725, with 3 amendments

**The above bill was referred to the Committee on Health Regulation.**

The Committee on Judicial Oversight recommends the following pass:  
HB 1031

**The above bill was referred to the Committee on Health Regulation.**

The Committee on Judicial Oversight recommends the following pass:  
HB 767, with 1 amendment

**The above bill was referred to the Committee on Insurance.**

The Committee on Rules, Ethics & Elections recommends the following pass:

HJR 49

HB 51, with 1 amendment

**The above bills were referred to the Committee on Judicial Oversight.**

The Committee on General Education recommends the following pass:  
HB 267, with 1 amendment

**The above bill was referred to the Committee on Juvenile Justice.**

The Committee on Judicial Oversight recommends the following pass:  
HB 759, with 1 amendment

**The above bill was referred to the Committee on Juvenile Justice.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 857, with 1 amendment

**The above bill was referred to the Committee on Natural Resources & Environmental Protection.**

The Committee on Judicial Oversight recommends the following pass:  
HB 475, with 5 amendments

HB 477

**The above bills were referred to the Committee on State Administration.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 629

**The above bill was referred to the Committee on State Administration.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 869, with 1 amendment

**The above bill was referred to the Committee on Transportation.**

The Committee on State Administration recommends the following pass:

HB 635

**The above bill was referred to the Committee on Transportation.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 763

**The above bill was referred to the Committee on Utilities & Telecommunications.**

The Committee on State Administration recommends a committee substitute for the following:

HB 615

**The above committee substitute was referred to the Committee on Crime Prevention, Corrections & Safety, subject to review under Rule 6.3, and, under the rule, HB 615 was laid on the table.**

The Committee on Agriculture & Consumer Affairs recommends a committee substitute for the following:

HB 719

**The above committee substitute was referred to the Committee on Judicial Oversight, subject to review under Rule 6.3, and, under the rule, HB 719 was laid on the table.**

**Excused**

Rep. Harrington after 6:52 p.m.; Rep. Lee until 2:08 p.m.; Rep. Negron until 2:40 p.m.; Rep. Prieguez after 6:54 p.m.; Rep. Ross after 7:01 p.m.; Rep. Wilson.

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 7:25 p.m., to reconvene at 10:00 a.m., Friday, March 30.



# The Journal OF THE House of Representatives

Number 7

Thursday, March 29, 2001

## Messages from the Senate

### First Reading by Publication

*The Honorable Tom Feeny, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SBs 562, 584, and 586 by the required Constitutional three-fifths vote of the members of the Senate and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senator Clary—

**SB 562**—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 584**—A bill to be entitled An act relating to trust funds; re-creating the State Personnel System Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 586**—A bill to be entitled An act relating to trust funds; re-creating the Supervision Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

Referred to the Calendar of the House.

## Introduction and Reference

By the Fiscal Responsibility Council; Representatives Lacasa, Ball, Maygarden, Dockery, Murman, Lynn, Johnson, Byrd, Bense, Cantens, Alexander, Greenstein, Kosmas, Crow, Kendrick, Gottlieb, Ryan, and Attkisson—

**HB 1807**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of

the various agencies of State government; providing supplemental appropriations to meet Medicaid shortfalls; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Fiscal Responsibility Council; Representatives Lacasa, Ball, Maygarden, Dockery, Murman, Lynn, Johnson, Byrd, Bense, Cantens, Alexander, Greenstein, Kosmas, Crow, Kendrick, Gottlieb, Ryan, and Attkisson—

**HB 1809**—A bill to be entitled An act implementing the 2001-2002 General Appropriations Act; providing legislative intent; amending s. 236.081, F.S., relating to the Florida Education Finance Program; revising calculation of additional full-time equivalent membership based on the Advanced International Certificate of Education Program; revising the basis of the quality assurance guarantee; providing for future reversion to current text; amending s. 240.116, F.S.; eliminating restriction of the Advanced International Certificate of Education Program to a pilot program; providing for future reversion to current text; amending s. 240.35, F.S.; including technology fees within the calculation of the range of fees allowed to be adopted by each community college board of trustees; providing for future reversion to current text; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer some positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; authorizing the Department of Legal Affairs to transfer certain funds between trust funds; amending s. 925.037, F.S.; providing that the state courts system shall allocate conflict counsel funds among certain counties; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for future reversion to current text; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing matching funds for the administration of such program; amending s. 25.402, F.S.; revising use and distribution of funds in the County Article V Trust Fund; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate;

providing for deposit and use of such fees; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 259.032, F.S.; authorizing the appropriation of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor recreation grants; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; providing procedures and requirements for the outsourcing of human resource services for all state agencies; amending s. 287.1345, F.S.; providing for use of funds in the Grants and Donations Trust Fund of the Department of Management Services for technology initiatives; authorizing the Departments of Insurance, Education, Business and Professional Regulation, Management Services, and Labor and Employment Security and the Agencies for Workforce Innovation and Health Care Administration to transfer positions and funds to comply with the General Appropriations Act; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund to improve, and increase the number of, disaster shelters in the state and improve local disaster preparedness; authorizing certain agencies to contract or subcontract with faith-based organizations under certain programs or allow faith-based organizations to accept certificates, warrants, or other forms of disbursement under certain programs under certain circumstances; specifying eligibility of faith-based organizations; providing certain protections for faith-based organizations; requiring certain agencies to prepare implementation plans and submit the plans to the Governor and the Legislature; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; adopting state agency program performance measures and standards; providing that the performance measures and standards are directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

#### Reference

**HJR 1325**—Referred to the Committees on State Administration; Local Government & Veterans Affairs; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1327**—Referred to the Committees on State Administration; Local Government & Veterans Affairs; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1329**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1331**—Referred to the Committees on Education Innovation; Fiscal Policy & Resources; Education Appropriations; and Council for Lifelong Learning.

**HB 1333**—Referred to the Committees on Education Innovation; Fiscal Policy & Resources; Education Appropriations; and Council for Lifelong Learning.

**HB 1335**—Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1337**—Referred to the Committees on Insurance; Health Regulation; and Council for Competitive Commerce.

**HB 1339**—Referred to the Committees on Colleges & Universities; Education Appropriations; and Council for Lifelong Learning.

**HB 1341**—Referred to the Committee on Local Government & Veterans Affairs; and Council for Smarter Government.

**HB 1343**—Referred to the Committees on Judicial Oversight; Child & Family Security; Health & Human Services Appropriations; and Council for Smarter Government.

**HB 1345**—Referred to the Committee on Colleges & Universities; Fiscal Responsibility Council; and Council for Lifelong Learning.

**HB 1347**—Referred to the Committees on Education Innovation; Transportation; Education Appropriations; and Council for Lifelong Learning.

**HB 1349**—Referred to the Committees on Crime Prevention, Corrections & Safety; Utilities & Telecommunications; and Council for Healthy Communities.

**HB 1351**—Referred to the Committees on Local Government & Veterans Affairs; Insurance; and Council for Smarter Government.

**HB 1353**—Referred to the Committees on Elder & Long-Term Care; Judicial Oversight; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 1355**—Referred to the Committees on Health Promotion; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 1357**—Referred to the Committees on State Administration; Fiscal Policy & Resources; General Government Appropriations; and Council for Smarter Government.

**HB 1359**—Referred to the Committees on Insurance; Fiscal Policy & Resources; and Council for Competitive Commerce.

**HB 1361**—Referred to the Committees on Education Innovation; Fiscal Policy & Resources; and Council for Lifelong Learning.

**HB 1363**—Referred to the Committees on Business Regulation; and Fiscal Policy & Resources.

**HB 1365**—Referred to the Committees on Insurance; Judicial Oversight; and Council for Competitive Commerce.

**HB 1367**—Referred to the Committees on Local Government & Veterans Affairs; Tourism; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1369**—Referred to the Committees on Colleges & Universities; State Administration; Education Appropriations; and Council for Lifelong Learning.

**HB 1371**—Referred to the Committees on Health Promotion; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 1373**—Referred to the Committees on Health Promotion; Insurance; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 1375**—Referred to the Committees on Colleges & Universities; Education Appropriations; and Council for Lifelong Learning.

**HB 1377**—Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

**HB 1379**—Referred to the Committees on Information Technology; Utilities & Telecommunications; and Council for Ready Infrastructure.

**HB 1381**—Referred to the Committee on Business Regulation; and Council for Smarter Government.

**HB 1383**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1385**—Referred to the Committees on State Administration; Workforce & Technical Skills; and Council for Smarter Government.

**HB 1387**—Referred to the Committees on Colleges & Universities; Education Appropriations; and Council for Lifelong Learning.

**HB 1389**—Referred to the Committees on Agriculture & Consumer Affairs; General Government Appropriations; and Council for Competitive Commerce.

**HB 1391**—Referred to the Committees on Judicial Oversight; Crime Prevention, Corrections & Safety; and Council for Smarter Government.

**HB 1393**—Referred to the Committees on Insurance; Transportation & Economic Development Appropriations; and Council for Smarter Government.

**HB 1395**—Referred to the Council for Healthy Communities.

**HB 1397**—Referred to the Committee on Business Regulation; and Council for Smarter Government.

**HB 1399**—Referred to the Committees on Banking; General Government Appropriations; and Council for Competitive Commerce.

**HB 1403**—Referred to the Committee on Health Regulation; and Council for Healthy Communities.

**HB 1405**—Referred to the Committees on General Education; Child & Family Security; and Council for Lifelong Learning.

**HB 1407**—Referred to the Committees on State Administration; Transportation; and Council for Smarter Government.

**HB 1409**—Referred to the Committees on Child & Family Security; Fiscal Policy & Resources; and Council for Healthy Communities.

**HB 1411**—Referred to the Committees on Education Innovation; Fiscal Policy & Resources; and Council for Lifelong Learning.

**HB 1413**—Referred to the Committee on Child & Family Security; and Council for Smarter Government.

**HB 1415**—Referred to the Committees on Business Regulation; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 1417**—Referred to the Committees on Insurance; Judicial Oversight; and Council for Competitive Commerce.

**HB 1419**—Referred to the Committees on State Administration; Transportation & Economic Development Appropriations; and Council for Smarter Government.

**HB 1421**—Referred to the Committee on State Administration; and Council for Ready Infrastructure.

**HB 1423**—Referred to the Committees on Juvenile Justice; Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Council for Smarter Government.

**HB 1425**—Referred to the Committees on Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Council for Healthy Communities.

**HB 1427**—Referred to the Committees on Business Regulation; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1429**—Referred to the Committee on Health Promotion; and Council for Healthy Communities.

**HB 1431**—Referred to the Committees on Workforce & Technical Skills; Fiscal Policy & Resources; and Council for Lifelong Learning.

**HB 1433**—Referred to the Committees on Transportation; Transportation & Economic Development Appropriations; and Council for Smarter Government.

**HB 1435**—Referred to the Committees on Rules, Ethics & Elections; Crime Prevention, Corrections & Safety; and Procedural & Redistricting Council.

**HB 1437**—Referred to the Committees on Information Technology; State Administration; and Council for Ready Infrastructure.

**HB 1439**—Referred to the Committees on Health Promotion; Fiscal Policy & Resources; and Council for Healthy Communities.

**HB 1441**—Referred to the Committees on Judicial Oversight; Tourism; and Council for Smarter Government.

**HB 1443**—Referred to the Committee on Business Regulation; and Council for Smarter Government.

**HB 1445**—Referred to the Committee on Natural Resources & Environmental Protection; and Council for Ready Infrastructure.

**HB 1447**—Referred to the Committees on Juvenile Justice; Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Council for Smarter Government.

**HB 1449**—Referred to the Committee on Judicial Oversight; and Council for Competitive Commerce.

**HJR 1451**—Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1453**—Referred to the Committees on Judicial Oversight; Elder & Long-Term Care; and Council for Smarter Government.

**HB 1455**—Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Healthy Communities.

**HB 1457**—Referred to the Committees on Crime Prevention, Corrections & Safety; State Administration; and Council for Healthy Communities.

**HB 1459**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1461**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1463**—Referred to the Committees on Education Innovation; Education Appropriations; and Council for Lifelong Learning.

**HB 1465**—Referred to the Committees on Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Council for Healthy Communities.

**HB 1467**—Referred to the Committees on Workforce & Technical Skills; Education Appropriations; and Council for Lifelong Learning.

**HB 1469**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1471**—Referred to the Committees on Business Regulation; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1473**—Referred to the Committees on Economic Development & International Trade; Fiscal Policy & Resources; and Council for Competitive Commerce.

**HB 1475**—Referred to the Committees on General Education; Education Appropriations; and Council for Lifelong Learning.

**HB 1477**—Referred to the Committees on Business Regulation; Crime Prevention, Corrections & Safety; and Council for Smarter Government.

**HB 1479**—Referred to the Committees on Insurance; Business Regulation; and Council for Competitive Commerce.

**HB 1481**—Referred to the Committees on Business Regulation; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1483**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 1485**—Referred to the Committees on Judicial Oversight; Crime Prevention, Corrections & Safety; and Council for Smarter Government.

**HB 1487**—Referred to the Committees on Local Government & Veterans Affairs; Agriculture & Consumer Affairs; Natural Resources & Environmental Protection; and Council for Smarter Government.

**HB 1489**—Referred to the Committees on Natural Resources & Environmental Protection; General Government Appropriations; and Council for Ready Infrastructure.

**HB 1491**—Referred to the Committees on Natural Resources & Environmental Protection; Utilities & Telecommunications; Fiscal Policy & Resources; and Council for Ready Infrastructure.

**HB 1493**—Referred to the Committees on Local Government & Veterans Affairs; Economic Development & International Trade; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1495**—Referred to the Committees on Education Innovation; State Administration; Education Appropriations; and Council for Lifelong Learning.

**HB 1497**—Referred to the Committees on Judicial Oversight; Child & Family Security; Criminal Justice Appropriations; and Council for Smarter Government.

**HB 1499**—Referred to the Committees on Judicial Oversight; Economic Development & International Trade; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1501**—Referred to the Committees on Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Council for Healthy Communities.

**HB 1503**—Referred to the Committees on State Administration; Child & Family Security; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1505**—Referred to the Committees on State Administration; General Education; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1507**—Referred to the Committees on Insurance; Judicial Oversight; and Council for Competitive Commerce.

**HB 1509**—Referred to the Committees on Colleges & Universities; Education Appropriations; and Council for Lifelong Learning.

**HB 1511**—Referred to the Committees on Colleges & Universities; Education Appropriations; and Council for Lifelong Learning.

**HB 1513**—Referred to the Committee on State Administration; Fiscal Responsibility Council; and Council for Smarter Government.

**HB 1515**—Referred to the Committees on State Administration; Insurance; and Council for Competitive Commerce.

**HB 1517**—Referred to the Committees on State Administration; Insurance; and Council for Competitive Commerce.

**HB 1519**—Referred to the Committees on State Administration; Elder & Long-Term Care; General Government Appropriations; and Council for Smarter Government.

**HB 1521**—Referred to the Committees on General Education; Fiscal Policy & Resources; Education Appropriations; and Council for Lifelong Learning.

**HB 1523**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1525**—Referred to the Committees on Rules, Ethics & Elections; Judicial Oversight; Fiscal Policy & Resources; and Procedural & Redistricting Council.

**HB 1527**—Referred to the Committees on Rules, Ethics & Elections; State Administration; Fiscal Policy & Resources; and Procedural & Redistricting Council.

**HB 1529**—Referred to the Committees on Crime Prevention, Corrections & Safety; Criminal Justice Appropriations; and Council for Healthy Communities.

**HB 1531**—Referred to the Committees on Rules, Ethics & Elections; Fiscal Policy & Resources; and Procedural & Redistricting Council.

**HB 1533**—Referred to the Committees on Colleges & Universities; Education Appropriations; and Council for Lifelong Learning.

**HB 1535**—Referred to the Committees on Colleges & Universities; State Administration; and Council for Lifelong Learning.

**HB 1537**—Referred to the Council for Smarter Government.

**HB 1539**—Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Competitive Commerce.

**HB 1541**—Referred to the Committee on State Administration; and Council for Competitive Commerce.

**HB 1543**—Referred to the Committee on Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 1545**—Referred to the Council for Lifelong Learning.

**HB 1547**—Referred to the Committees on Colleges & Universities; Education Appropriations; and Council for Lifelong Learning.

**HB 1549**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1551**—Referred to the Committees on Economic Development & International Trade; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1553**—Referred to the Committees on Workforce & Technical Skills; State Administration; Child & Family Security; and Council for Lifelong Learning.

**HB 1555**—Referred to the Committees on Natural Resources & Environmental Protection; Judicial Oversight; General Government Appropriations; and Council for Ready Infrastructure.

**HB 1557**—Referred to the Committees on Crime Prevention, Corrections & Safety; Judicial Oversight; Criminal Justice Appropriations; and Council for Healthy Communities.

**HB 1559**—Referred to the Committees on Claims; Fiscal Policy & Resources; and Procedural & Redistricting Council.

**HB 1561**—Referred to the Committees on General Education; State Administration; and Council for Lifelong Learning.

**HB 1563**—Referred to the Committees on Local Government & Veterans Affairs; Transportation & Economic Development Appropriations; and Fiscal Responsibility Council.

**HB 1565**—Referred to the Committees on Tourism; State Administration; and Council for Competitive Commerce.

**HB 1567**—Referred to the Committees on Health Regulation; Crime Prevention, Corrections & Safety; and Council for Healthy Communities.

**HB 1569**—Referred to the Committees on Natural Resources & Environmental Protection; Fiscal Policy & Resources; and Council for Ready Infrastructure.

**HB 1571**—Referred to the Committees on Insurance; Elder & Long-Term Care; and Council for Competitive Commerce.

**HB 1573**—Referred to the Committees on State Administration; Fiscal Policy & Resources; Judicial Oversight; and Council for Smarter Government.

**HB 1575**—Referred to the Committee on Claims; and Procedural & Redistricting Council.

**HB 1577**—Referred to the Committees on Natural Resources & Environmental Protection; General Government Appropriations; and Council for Ready Infrastructure.

**HB 1579**—Referred to the Committees on Health Regulation; Judicial Oversight; and Council for Healthy Communities.



**HB 1581**—Referred to the Committees on Elder & Long-Term Care; Health & Human Services Appropriations; and Fiscal Responsibility Council.

**HB 1583**—Referred to the Committee on Rules, Ethics & Elections; Fiscal Responsibility Council; and Procedural & Redistricting Council.

**HB 1585**—Referred to the Committees on Banking; State Administration; and Council for Competitive Commerce.

**HB 1587**—Referred to the Committees on Crime Prevention, Corrections & Safety; Judicial Oversight; and Council for Healthy Communities.

**HB 1589**—Referred to the Committees on Business Regulation; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1591**—Referred to the Committees on Health Promotion; Insurance; Health & Human Services Appropriations; and Fiscal Responsibility Council.

**HB 1593**—Referred to the Committees on Agriculture & Consumer Affairs; Crime Prevention, Corrections & Safety; and Council for Competitive Commerce.

**HB 1595**—Referred to the Committees on Agriculture & Consumer Affairs; Business Regulation; and Council for Competitive Commerce.

**HB 1597**—Referred to the Committees on Insurance; Agriculture & Consumer Affairs; and Council for Competitive Commerce.

**HB 1599**—Referred to the Committees on Insurance; Judicial Oversight; and Council for Competitive Commerce.

**HB 1601**—Referred to the Committee on Workforce & Technical Skills; and Council for Lifelong Learning.

**HB 1603**—Referred to the Committees on Natural Resources & Environmental Protection; General Government Appropriations; and Council for Ready Infrastructure.

**HB 1605**—Referred to the Committees on State Administration; Fiscal Policy & Resources; Judicial Oversight; and Council for Smarter Government.

**HB 1607**—Referred to the Committees on Insurance; Health Promotion; and Council for Competitive Commerce.

**HB 1609**—Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; and Fiscal Responsibility Council.

**HB 1613**—Referred to the Committees on Colleges & Universities; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1615**—Referred to the Committees on Education Innovation; Education Appropriations; and Fiscal Responsibility Council.

**HB 1617**—Referred to the Committees on Local Government & Veterans Affairs; Fiscal Policy & Resources; Council for Lifelong Learning; and Council for Smarter Government.

**HB 1619**—Referred to the Committees on Elder & Long-Term Care; State Administration; and Fiscal Responsibility Council.

**HB 1621**—Referred to the Committees on Information Technology; Economic Development & International Trade; and Council for Ready Infrastructure.

**HB 1623**—Referred to the Committees on Natural Resources & Environmental Protection; General Government Appropriations; and Council for Ready Infrastructure.

**HB 1625**—Referred to the Committee on Rules, Ethics & Elections; Fiscal Responsibility Council; and Procedural & Redistricting Council.

**HB 1627**—Referred to the Committees on Natural Resources & Environmental Protection; General Government Appropriations; and Council for Ready Infrastructure.

**HB 1629**—Referred to the Committee on Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HJR 1631**—Referred to the Committees on Rules, Ethics & Elections; Judicial Oversight; and Procedural & Redistricting Council.

**HB 1633**—Referred to the Committees on Education Innovation; Education Appropriations; and Council for Lifelong Learning.

**HB 1635**—Referred to the Committees on Natural Resources & Environmental Protection; Fiscal Policy & Resources; and Council for Ready Infrastructure.

**HB 1637**—Referred to the Committee on Business Regulation; and Council for Smarter Government.

**HB 1639**—Referred to the Committees on Business Regulation; State Administration; Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1641**—Referred to the Committees on Elder & Long-Term Care; Fiscal Policy & Resources; Health & Human Services Appropriations; and Council for Healthy Communities.

**HB 1643**—Referred to the Committees on Insurance; Fiscal Policy & Resources; and Council for Competitive Commerce.

**HB 1645**—Referred to the Committees on Local Government & Veterans Affairs; Agriculture & Consumer Affairs; Fiscal Responsibility Council; and Council for Smarter Government.

**HB 1647**—Referred to the Committees on Judicial Oversight; Transportation; and Council for Smarter Government.

**HB 1649**—Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

**HB 1651**—Referred to the Committee on State Administration; and Council for Smarter Government.

**HB 1653**—Referred to the Committees on Education Innovation; Fiscal Policy & Resources; Education Appropriations; and Council for Lifelong Learning.

**HB 1655**—Referred to the Committee on State Administration; and Council for Smarter Government.

**HB 1657**—Referred to the Committee on Banking; and Council for Competitive Commerce.

**HB 1659**—Referred to the Committees on Health Regulation; State Administration; and Council for Healthy Communities.

**HB 1661**—Referred to the Committees on Education Innovation; Education Appropriations; and Council for Lifelong Learning.

**HB 1663**—Referred to the Committees on Economic Development & International Trade; Crime Prevention, Corrections & Safety; and Council for Competitive Commerce.

**HB 1665**—Referred to the Committees on Transportation; Transportation & Economic Development Appropriations; and Council for Ready Infrastructure.

**HB 1667**—Referred to the Committee on State Administration; and Council for Smarter Government.

**HB 1669**—Referred to the Committees on Natural Resources & Environmental Protection; General Government Appropriations; and Council for Ready Infrastructure.

**HB 1671**—Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Healthy Communities.

**HB 1673**—Referred to the Committees on Judicial Oversight; Crime Prevention, Corrections & Safety; and Council for Smarter Government.

**HB 1675**—Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; and Council for Smarter Government.

**HJR 1677**—Referred to the Committees on Insurance; Judicial Oversight; and Council for Competitive Commerce.

**HB 1679**—Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

**HB 1681**—Referred to the Committees on Agriculture & Consumer Affairs; Business Regulation; and Council for Competitive Commerce.

**HB 1683**—Referred to the Committees on Crime Prevention, Corrections & Safety; Transportation; and Council for Healthy Communities.

**HB 1685**—Referred to the Committees on State Administration; Fiscal Policy & Resources; and Fiscal Responsibility Council.

**HB 1687**—Referred to the Committees on Transportation; and Criminal Justice Appropriations.

**HB 1689**—Referred to the Committees on General Education; Education Appropriations; and Council for Lifelong Learning.

**HB 1691**—Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Healthy Communities.

**HB 1693**—Referred to the Committees on Local Government & Veterans Affairs; Natural Resources & Environmental Protection; and Council for Smarter Government.

**HB 1695**—Referred to the Committees on Education Innovation; State Administration; and Council for Lifelong Learning.

**HB 1697**—Referred to the Committees on Colleges & Universities; Education Appropriations; and Council for Lifelong Learning.

**HB 1699**—Referred to the Committees on Insurance; State Administration; and Council for Competitive Commerce.

**HB 1703**—Referred to the Committee on Judicial Oversight; and Council for Healthy Communities.

**HB 1705**—Referred to the Calendar of the House.

**HB 1707**—Referred to the Calendar of the House.

**HB 1709**—Referred to the Calendar of the House.

**HB 1711**—Referred to the Calendar of the House.

**HB 1713**—Referred to the Calendar of the House.

**HB 1715**—Referred to the Calendar of the House.

**HB 1717**—Referred to the Calendar of the House.

**HB 1719**—Referred to the Calendar of the House.

**HB 1721**—Referred to the Calendar of the House.

**HB 1723**—Referred to the Calendar of the House.

**HB 1725**—Referred to the Calendar of the House.

**HB 1727**—Referred to the Calendar of the House.

**HB 1729**—Referred to the Calendar of the House.

**HB 1731**—Referred to the Calendar of the House.

**HB 1733**—Referred to the Calendar of the House.

**HB 1735**—Referred to the Calendar of the House.

**HB 1737**—Referred to the Calendar of the House.

**HB 1739**—Referred to the Calendar of the House.

**HB 1741**—Referred to the Calendar of the House.

**HB 1743**—Referred to the Calendar of the House.

**HB 1745**—Referred to the Calendar of the House.

**HB 1747**—Referred to the Calendar of the House.

**HB 1749**—Referred to the Calendar of the House.

**HB 1751**—Referred to the Calendar of the House.

**HB 1753**—Referred to the Calendar of the House.

**HB 1755**—Referred to the Procedural & Redistricting Council.

**HB 1757**—Referred to the Procedural & Redistricting Council.

**HB 1759**—Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Ready Infrastructure.

**HB 1761**—Referred to the Calendar of the House.

**HB 1763**—Referred to the Council for Ready Infrastructure.

#### Additional Reference of Bills

CS/HB 133 was further referred to the Committee on Health & Human Services Appropriations and remains referred to the Committee on Fiscal Policy & Resources and the Council for Healthy Communities.

#### Recorded Votes

Rep. Fasano:

Yeas—CS/HB 367; HB 369; CS/HB 409; CS/HB 501; HB 1083

Rep. Gelber:

Yeas—motion to consider a late-filed amendment to Substitute Amendment 1 to HB 1083

Rep. Sobel:

Change from Yeas to Nays—CS/HB 367

#### Prime Sponsors

CS/HB 67—Clarke

HB 289—Sorensen

HB 1397—Greenstein

HB 1407—Allen, Brummer, Feeney, Gardiner, Johnson, Mealor, Simmons, Siplin, Trovillion

HB 1411—Clarke

HB 1543—Murman

#### Withdrawals as Prime Sponsor

HB 1397—Kyle

#### Cosponsors

CS/HB 3—Betancourt

HB 23—Rich

HB 35—Diaz de la Portilla

HB 45—Green

HB 47—Atwater

HJR 49—Gannon

HB 51—Gannon

CS/HB 67—Bean, Berfield, Kottkamp, Ritter, Ross

CS/HB 79—Gibson, Jennings

CS/CS/HB 107—Siplin

HB 129—Bendross-Mindingall, Bullard, Harper, Jennings, Peterman, Richardson, Wilson

HB 149—Brummer

CS/HB 203—Rich

CS/HB 215—Bullard

HB 251—Atwater

HB 263—Bendross-Mindingall, Brutus, Bucher, Bullard, Cusack, Fields, Henriquez, Holloway, Jennings, Machek, Peterman, Richardson, Siplin, Smith

HB 267—Alexander, Berfield

HB 289—Bendross-Mindingall, Betancourt, Diaz de la Portilla, Holloway, Lerner, Prieguez, Rubio

HB 329—Bense, Bullard, Melvin

- HB 353—Alexander, Clarke, Simmons  
 HB 373—Justice  
 HB 381—Brutus, Gottlieb  
 CS/HB 409—Brummer, Cantens, Haridopolos, Littlefield, Needelman, Paul, Waters, Wishner  
 HB 441—Arza, Baxley, Machek, Needelman  
 HB 449—Pickens  
 HB 465—Kendrick, Mayfield, McGriff, Melvin, Pickens, Stansel  
 HB 475—Alexander  
 HB 477—Alexander  
 HB 483—Romeo  
 HB 489—Cusack, Davis, Greenstein, Henriquez, Jennings, Joyner, Kyle, Littlefield, Mahon, Prieguez, Rubio, Wiles, Wishner  
 HB 507—Henriquez  
 HB 545—Justice  
 HB 553—Mahon  
 HB 575—Atwater, Carassas, Diaz de la Portilla, Haridopolos, Mack  
 HB 577—Bullard  
 HB 595—Paul  
 CS/HB 615—Brown  
 HB 617—Peterman, Richardson, Smith  
 HB 619—Bendross-Mindingall, Brutus, Bullard, Cusack, Fields, Gannon, Henriquez, Holloway, Jennings, Peterman, Richardson, Smith  
 HB 651—Waters  
 HB 687—Heyman, Hogan, Joyner, Kendrick, Machek, Ritter  
 HB 701—Justice, Miller, Rich, Wiles  
 HB 727—Ritter  
 HB 921—Flanagan  
 HB 923—Flanagan  
 HB 955—Richardson  
 HB 959—Kottkamp, Melvin  
 HB 961—Meadows  
 HB 963—Paul  
 HB 967—Clarke, Flanagan  
 HB 981—Joyner, Justice  
 HB 985—Baxley, Bucher, Bullard, Holloway, Lacasa, Wilson  
 HB 1007—Joyner, Romeo  
 HB 1045—Harrell  
 HB 1047—Mealor  
 HB 1077—Bense  
 HB 1083—Mahon, Spratt, Waters  
 HB 1093—Bendross-Mindingall, Brutus, Bucher, Bullard, Cusack, Fields, Gannon, Henriquez, Holloway, Jennings, Peterman, Richardson, Siplin, Smith  
 HB 1095—Attkisson, Bendross-Mindingall, Bullard, Cusack, Garcia, Hart, Holloway, Kallinger, Lacasa, Lerner, Melvin, Paul, Prieguez, Slosberg, Sobel, Stansel, Waters  
 HB 1099—Cantens  
 HB 1109—Harrell  
 HB 1119—Joyner, Romeo  
 HB 1139—Diaz de la Portilla, Prieguez  
 HB 1141—Waters  
 HB 1165—Byrd  
 HM 1177—Seiler  
 HB 1193—Kallinger  
 HB 1197—Gibson, Harrell, Slosberg, Sorensen  
 HB 1199—Miller  
 HB 1223—Bennett  
 HB 1245—Joyner  
 HB 1263—Bowen, Ross  
 HB 1369—Crow, Farkas, Justice, Wallace, Waters  
 HB 1371—Lerner  
 HB 1375—Henriquez  
 HB 1385—Bendross-Mindingall, Bullard, Cusack, Henriquez, Holloway, Richardson, Smith  
 HB 1401—Carassas, Crow, Kravitz  
 HB 1413—Barreiro, Detert, Gottlieb, Lerner, Murman, Rich  
 HB 1415—Baxley, Bense, Clarke  
 HB 1419—Heyman  
 HB 1439—Allen  
 HJR 1451—Mealor  
 HB 1467—Baxley, Lee, Siplin  
 HB 1481—Barreiro, Bullard, Greenstein, Littlefield, Sorensen  
 HB 1485—Allen, Arza, Baker, Bean, Benson, Brown, Byrd, Cantens, Clarke, Diaz-Balart, Fiorentino, Flanagan, Garcia, Hogan, Kilmer, Lynn, Melvin, Murman, Paul, Peterman, Rich, Simmons, Stansel  
 HB 1491—Spratt  
 HB 1505—Ausley, Bendross-Mindingall, Betancourt, Bucher, Bullard, Gannon, Gelber, Gottlieb, Henriquez, Heyman, Holloway, Kendrick, Kosmas, Lerner, Machek, McGriff, Rich, Romeo, Siplin, Slosberg, Sobel, Stansel, Wiles, Wilson  
 HB 1511—Attkisson, Betancourt, Frankel, Gannon, Machek, McGriff, Melvin, Richardson  
 HB 1593—Barreiro, Gottlieb, Sobel, Kottkamp  
 HB 1599—Kottkamp  
 HB 1601—Gannon  
 HR 9003—Bense, Benson, Brown, Davis, Dockery, Goodlette, Green, Haridopolos, Hart, Kilmer, Maygarden, Mealor, Melvin, Miller, Ross, Wallace
- Withdrawals as Cosponsor**  
 HB 553—Garcia



# The Journal OF THE House of Representatives

Number 8

Friday, March 30, 2001

The House was called to order by the Speaker at 10:00 a.m.

## Prayer

The following prayer was offered by the Reverend A. Randolph Jerald, Sr. of Mount Zion AME Church of Havana, upon invitation of Rep. Richardson:

Almighty and eternal God, we humbly thank You now for the opportunity, O God, to see a new day and a new session. Lord God, we recognize You as being the creator of all things. We recognize You, O God, as being the regulator of all things. We ask now, O God a special blessing from You, God, that You would send Your Divine Holy Spirit to come and lead and guide us as we be about Your business.

For God, You said in Your word that we are to be good stewards in charge of those things that You've left down here on earth. God, as the Psalm is said, come in and order our steps that as we walk and as we talk and as we conduct to the affairs of this state, O God, that You would guide us in everything that we do. We know, O God, that You are an enabling God and You have the ability to unify in the midst of anything.

Make us one people, one thought, God, with You as our leader. We ask now, O God, and pray a special blessing upon this Legislature, O God, that You will continue to help them to grow in wisdom and in grace, that they will forever take care of those affairs that You've put before them. We ask all these blessings in Your darling son, Jesus's name, Amen.

The following Members were recorded present:

Session Vote Sequence: 70

The Chair	Bowen	Fiorentino	Holloway
Alexander	Brown	Flanagan	Jennings
Allen	Brummer	Frankel	Johnson
Andrews	Brutus	Gannon	Jordan
Argenziano	Bucher	Garcia	Joyner
Arza	Bullard	Gardiner	Justice
Attkisson	Byrd	Gelber	Kallinger
Atwater	Cantens	Gibson	Kendrick
Baker	Carassas	Goodlette	Kilmer
Ball	Clarke	Gottlieb	Kosmas
Barreiro	Crow	Green	Kottkamp
Baxley	Cusack	Greenstein	Kravitz
Bean	Davis	Haridopolos	Kyle
Bendross-Mindingall	Detert	Harper	Lacasa
Bennett	Diaz de la Portilla	Harrell	Lee
Bense	Diaz-Balart	Harrington	Lerner
Benson	Dockery	Hart	Littlefield
Berfield	Farkas	Henriquez	Lynn
Betancourt	Fasano	Heyman	Machek
Bilirakis	Fields	Hogan	Mack

Mahon	Negron	Rubio	Stansel
Mayfield	Paul	Russell	Trovillion
Maygarden	Peterman	Ryan	Wallace
McGriff	Pickens	Seiler	Waters
Meadows	Prieguez	Simmons	Weissman
Mealor	Rich	Siplin	Wiles
Melvin	Richardson	Slosberg	Wilson
Miller	Ritter	Smith	Wishner
Murman	Romeo	Sobel	
Needelman	Ross	Spratt	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The Members, led by Britton Alexander of Lake Wales, Keaton Alexander of Lake Wales, Michael Bennight of Crawfordville, Mike Berlin of Tallahassee, Eric Ryan Birnie of DeLand, Anthony Louis Bonna of Port St. Lucie, Shane S. Brashear of Palm Bay, Gray Crow, L.D. Crow II, Logan T. Johnston of Deerfield Beach, Chris Kallinger of Winter Park, Jesus Alejandro Laino, Jr. of Holly Hill, Laura Law of Wildwood, Ricky Lee of Chulota, Elliott Morgan of Lakeland, Brittany Clara Muetzel of New Port Richey, Sarah Riggs of Mary Esther, Shane Ross of Lakeland, Travis Ross of Lakeland, Emily Rubin of Boca Raton, Paul Rubin of Plantation, Johanna Ryan of Dania Beach, Jenny F. Sorensen of Pompano Beach, and Olivia Young of Golden Beach, pledged allegiance to the Flag. Britton Alexander and Keaton Alexander served at the invitation of their father, Rep. Alexander. Eric Ryan Birnie and Ricky Lee served at the invitation of Speaker Feeney. Anthony Louis Bonna served at the invitation of Rep. Harrell. Shane S. Brashear served at the invitation of Rep. Haridopolos. Gray Crow and L.D. Crow II served at the invitation of their father, Rep. Crow. Logan T. Johnston and Jenny F. Sorensen served at the invitation of Rep. Sorensen. Chris Kallinger served at the invitation of his father, Rep. Kallinger. Jesus Alejandro Laino, Jr. served at the invitation of Rep. Lynn. Laura Law served at the invitation of Rep. Gibson. Elliott Morgan served at the invitation of Rep. Ross. Brittany Clara Muetzel served at the invitation of Rep. Fasano. Sarah Riggs served at the invitation of Rep. Melvin. Shane Ross and Travis Ross served at the invitation of their father, Rep. Ross. Emily Rubin served at the invitation of Rep. Slosberg. Paul Rubin served at the invitation of Rep. Wishner. Johanna Ryan served at the invitation of her father, Rep. Ryan. Olivia Young served at the invitation of Rep. Heyman.

## House Physician

The Speaker introduced Dr. Dennis Mayeaux of Milton, who served in the Clinic today upon invitation of Rep. Miller.

**Correction of the Journal**

The Journal of March 22 was corrected and approved as corrected.

The Journal of March 29 was corrected and approved as corrected.

**Reports of Councils and Standing Committees**

**Report of the Procedural & Redistricting Council**

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

March 28, 2001

Dear Mr. Speaker:

Your Procedural & Redistricting Council herewith submits as Special Orders for Friday, March 30, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):
- HB 1807—Appropriations
- HB 1809—Appropriations Implementing Bill
- HB 1741—Children & Family Services
- HB 1753—Health Care Administration Agency
- HB 1727—Community Care for Elderly
- HB 1739—Central Voter File
- HB 1715—Recreational User Permit Fee
- HB 1711—DMS/Construction Management Services
- HB 1719—DMS/Motor Vehicles/Aircraft
- HB 1761—Eggs & Poultry/Grading/Federal Govt.
- HB 1729—Batterers' Intervention Programs

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

On motion by Rep. Byrd, the rules were waived and **HR 9013, HR 9019, HR 9021, and HR 9029** were added to the Special Order Calendar.

On motion by Rep. Byrd, the above report was adopted, as amended.

**Motions Relating to Committee or Council References**

On motion by Rep. Machek, agreed to by two-thirds vote, HB 1023 was withdrawn from further consideration of the House.

**Special Orders**

**Special Order Calendar**

**HB 1807**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing supplemental appropriations to meet Medicaid shortfalls; providing an effective date.

—was read the second time by title.

**Presentation of Pages**

Rep. Littlefield presented the following students, who were participating in Developmental Disability Awareness in the Florida House of Representatives by serving as pages today in the House Chamber: Susie Butcher, Bristol; Matthew Lafollette, Tallahassee; Kimberly Peters, Panacea; Clarence Jones, Monticello; Brittany Kosik, Lakeland; Tim Patterson, Lakeland; Bobby Vann, Lakeland; Clinton Miller, Lakeland.

The House continued consideration of HB 1807.

Representative(s) Maygarden, Farkas, Benson, Fiorentino, Garcia, Gibson, Green, Littlefield, Brutus, Rich, Slosberg, Sobel, Greenstein, Wiles, Kosmas, Heyman, Arza, Attkisson, Bean, Berfield, Bowen, Clarke, Kilmer, and Pickens offered the following:

(Amendment Bar Code: 990041)

**Profile Amendment 1—**

In Section: 03 On Page: 046 Specific Appropriation: 234  
DELETE INSERT

AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Health Care Services  
Executive Direction And Support Services

234 In Section 03 On Page 046  
Special Categories  
Pharmaceutical Expense Assistance

From General Revenue Fund	51,103,531	30,250,000
From Grants And Donations Trust Fund	4,891,569	0

DELETE the proviso immediately following Specific Appropriation 234:

Funds in Specific Appropriations 234 through 289 reflect a net reduction of \$37,924,632 from the General Revenue Fund, \$11,014,206 from the Grants and Donations Trust Fund, \$75,199,895 from the Medical Care Trust Fund, and \$411,276 from the Administrative Trust Fund as a result of reducing the income standard for eligibility for the Elderly and Disabled MEDS/AD program from 90 percent to 85 percent of the federal poverty level, and shifting eligible persons to the state pharmaceutical assistance program, effective July 1, 2001.

237 Special Categories  
Medicaid Fiscal Contract

From General Revenue Fund	11,492,667	11,479,675
From Administrative Trust Fund	36,049,942	36,461,218

Medicaid Services To Individuals

244 In Section 03 On Page 047  
Special Categories  
Case Management

From General Revenue Fund	27,772,854	28,322,286
From Medical Care Trust Fund	39,040,564	39,752,743

245 In Section 03 On Page 048  
Special Categories  
Therapeutic Services For Children

From General Revenue Fund	55,342,587	55,353,858
From Medical Care Trust Fund	103,786,798	103,801,407

246 Special Categories  
Community Mental Health Services

From General Revenue Fund	21,897,536	22,827,986
From Medical Care Trust Fund	28,383,835	29,589,895

248 Special Categories  
Early And Periodic Screening Of Children

From General Revenue Fund	53,649,675	53,651,966
From Medical Care Trust Fund	70,290,888	70,293,857

250 Special Categories  
Family Planning

From General Revenue Fund	1,035,114	1,041,821
From Medical Care Trust Fund	9,391,243	9,451,604

252	Special Categories Home Health Services		
	From General Revenue Fund	35,333,779	35,806,843
	From Medical Care Trust Fund	49,999,708	50,612,900
	In Section 03 On Page 049		
253	Special Categories Hospice Services		
	From General Revenue Fund	29,478,945	32,165,093
	From Medical Care Trust Fund	38,232,336	41,714,151
254	Special Categories Hospital Inpatient Services		
	From General Revenue Fund	34,284,438	44,242,335
	From Medical Care Trust Fund	1,034,383,968	1,047,291,506
	In Section 03 On Page 051		
257	Special Categories Hospital Outpatient Services		
	From General Revenue Fund	174,733,170	175,655,574
	From Medical Care Trust Fund	238,878,301	240,073,931
259	Special Categories Nurse Practitioner Services		
	From General Revenue Fund	1,949,503	1,957,171
	From Medical Care Trust Fund	2,537,050	2,546,990
261	Special Categories Other Lab And X-Ray Services		
	From General Revenue Fund	11,030,240	11,137,476
	From Medical Care Trust Fund	15,202,218	15,341,219
	In Section 03 On Page 052		
262	Special Categories Patient Transportation		
	From General Revenue Fund	38,742,659	40,207,274
	From Medical Care Trust Fund	50,386,996	52,285,446
263	Special Categories Physician Assistant Services		
	From General Revenue Fund	353,984	356,887
	From Medical Care Trust Fund	461,288	465,050
264	Special Categories Personal Care Services		
	From General Revenue Fund	7,631,887	7,635,274
	From Medical Care Trust Fund	9,892,537	9,896,928
265	Special Categories Physical Rehabilitation Therapy		
	From General Revenue Fund	3,688,060	3,692,123
	From Medical Care Trust Fund	4,789,032	4,794,298
266	Special Categories Physician Services		
	From General Revenue Fund	190,663,313	192,831,741
	From Medical Care Trust Fund	304,723,459	307,534,200
267	Special Categories Prescribed Medicine/Drugs		
	From General Revenue Fund	548,484,639	581,296,953
	From Grants And Donations Trust Fund	332,670,754	348,576,529
	From Medical Care Trust Fund	696,897,152	738,371,317

268	In Section 03 On Page 053 Special Categories Private Duty Nursing Services		
	From General Revenue Fund	58,100,500	58,208,382
	From Medical Care Trust Fund	75,311,941	75,451,779
269	Special Categories Rural Health Services		
	From General Revenue Fund	19,623,290	19,721,702
	From Medical Care Trust Fund	25,564,063	25,691,625
270	Special Categories Speech Therapy Services		
	From General Revenue Fund	6,676,231	6,679,637
	From Medical Care Trust Fund	8,658,282	8,662,696
270A	Special Categories Medipass Services		
	From General Revenue Fund	10,352,261	10,387,488
	From Medical Care Trust Fund	13,544,574	13,590,235
	In Section 03 On Page 054		
275	Special Categories Occupational Therapy Services		
	From General Revenue Fund	4,033,729	4,035,679
	From Medical Care Trust Fund	5,230,338	5,232,866
276	Special Categories Clinic Services		
	From General Revenue Fund	21,631,886	21,684,254
	From Medical Care Trust Fund	28,231,256	28,299,135
	Medicaid Long Term Care		
280	Special Categories Home And Community Based Services		
	From General Revenue Fund	18,964,495	19,313,415
	In Section 03 On Page 055		
	From Medical Care Trust Fund	428,655,874	429,108,149
	Medicaid Prepaid Health Plans		
	In Section 03 On Page 056		
289	Special Categories Prepaid Health Plans--Elderly And Disabled		
	From General Revenue Fund	183,756,927	189,789,639
	From Medical Care Trust Fund	238,187,798	246,007,467

Rep. Maygarden moved the adoption of the amendment, which was adopted.

Representative(s) Maygarden, Farkas, Benson, Fiorentino, Garcia, Gibson, Green, Littlefield, Brutus, Rich, Slosberg, Sobel, Greenstein, Wiles, Kosmas, Arza, Attkisson, Bean, Berfield, Bowen, Clarke, Kilmer, and Pickens offered the following:

(Amendment Bar Code: 990042)

**Prefile Amendment 2—**

In Section: 03 On Page: 046 Specific Appropriation: 237  
DELETE INSERT

AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Health Care Services  
Executive Direction And Support Services

237 In Section 03 On Page 046  
 Special Categories  
 Medicaid Fiscal Contract

From General Revenue Fund	11,492,667	11,531,636
From Administrative Trust Fund	36,049,942	36,136,882

DELETE the proviso immediately following Specific Appropriation 237:

Funds in Specific Appropriations 237 through 290 reflect a reduction of \$14,743,307 from the General Revenue Fund, \$86,940 from the Administrative Trust Fund, \$149,634 from the Grants and Donations Trust Fund, and \$19,333,016 from the Medical Care Trust Fund as a result of reducing the income standard for eligibility for pregnant women from 185 percent to 150 percent of the federal poverty level, effective July 1, 2001.

Medicaid Services To Individuals

244 In Section 03 On Page 047  
 Special Categories  
 Case Management

From General Revenue Fund	27,772,854	27,774,528
From Medical Care Trust Fund	39,040,564	39,042,735

245 In Section 03 On Page 048  
 Special Categories  
 Therapeutic Services For Children

From General Revenue Fund	55,342,587	55,346,034
From Medical Care Trust Fund	103,786,798	103,791,266

246 Special Categories  
 Community Mental Health Services

From General Revenue Fund	21,897,536	21,904,265
From Medical Care Trust Fund	28,383,835	28,392,557

248 Special Categories  
 Early And Periodic Screening Of Children

From General Revenue Fund	53,649,675	53,676,702
From Medical Care Trust Fund	70,290,888	70,325,921

250 Special Categories  
 Family Planning

From General Revenue Fund	1,035,114	1,083,054
From Medical Care Trust Fund	9,391,243	9,822,700

252 Special Categories  
 Home Health Services

From General Revenue Fund	35,333,779	35,345,781
From Medical Care Trust Fund	49,999,708	50,015,264

254 In Section 03 On Page 049  
 Special Categories  
 Hospital Inpatient Services

From General Revenue Fund	34,284,438	41,376,169
From Medical Care Trust Fund	1,034,383,968	1,043,286,164

256 In Section 03 On Page 050  
 Special Categories  
 Hospital Insurance Benefits

From General Revenue Fund	41,218,720	41,221,867
From Medical Care Trust Fund	53,430,947	53,435,026

257 In Section 03 On Page 051  
 Special Categories  
 Hospital Outpatient Services

From General Revenue Fund	174,733,170	176,060,227
From Medical Care Trust Fund	238,878,301	240,598,447

259 Special Categories  
 Nurse Practitioner Services

From General Revenue Fund	1,949,503	2,056,158
From Medical Care Trust Fund	2,537,050	2,675,297

260 Special Categories  
 Birthing Center Services

From General Revenue Fund	343,197	401,414
From Medical Care Trust Fund	444,853	520,315

261 Special Categories  
 Other Lab And X-Ray Services

From General Revenue Fund	11,030,240	11,338,222
From Medical Care Trust Fund	15,202,218	15,601,427

In Section 03 On Page 052  
 262 Special Categories  
 Patient Transportation

From General Revenue Fund	38,742,659	38,781,690
From Medical Care Trust Fund	50,386,996	50,437,589

263 Special Categories  
 Physician Assistant Services

From General Revenue Fund	353,984	354,545
From Medical Care Trust Fund	461,288	462,015

266 Special Categories  
 Physician Services

From General Revenue Fund	190,663,313	195,325,159
From Medical Care Trust Fund	304,723,459	310,766,197

267 Special Categories  
 Prescribed Medicine/Drugs

From General Revenue Fund	548,484,639	548,750,598
From Grants And Donations Trust Fund	332,670,754	332,820,388
From Medical Care Trust Fund	696,897,152	697,435,848

In Section 03 On Page 053  
 269 Special Categories  
 Rural Health Services

From General Revenue Fund	19,623,290	19,815,241
From Medical Care Trust Fund	25,564,063	25,812,872

In Section 03 On Page 054  
 274 Special Categories  
 Supplemental Medical Insurance

From General Revenue Fund	188,768,115	188,771,638
From Medical Care Trust Fund	219,868,952	219,873,519

276 Special Categories  
 Clinic Services

From General Revenue Fund	21,631,886	22,131,673
From Medical Care Trust Fund	28,231,256	28,879,085

Medicaid Prepaid Health Plans

In Section 03 On Page 056  
 290 Special Categories  
 Prepaid Health Plans--Families

From General Revenue Fund	213,279,585	213,327,657
From Medical Care Trust Fund	285,447,346	285,509,657

EDUCATION, DEPARTMENT OF, AND  
 COMMISSIONER OF EDUCATION  
 Program: Education - Fixed Capital Outlay

Rep. Maygarden moved the adoption of the amendment, which was adopted.

Representative(s) Feeney, Allen, and Ball offered the following:

(Amendment Bar Code: 990071)

**Profile Amendment 3—**

In Section: 06 On Page: 271 Specific Appropriation: 2368  
 DELETE INSERT

GOVERNOR, EXECUTIVE OFFICE OF THE  
 Program: Office Of Tourism, Trade And  
 Economic Development  
 Economic Development Programs And  
 Projects

In Section 06 On Page 271  
 2368 Grants And Aids To Local Governments And  
 Nonstate Entities - Fixed Capital Outlay  
 Space, Defense, And Rural Infrastructure

From General Revenue Fund	8,000,000	22,000,000
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Immediately following Specific Appropriation 2368, DELETE:  
 Space Experiment Research and Processing Lab (SERPL)..... 2,000,000  
 and insert in lieu thereof:  
 Space Experiment Research and Processing Lab (SERPL)..... 16,000,000

Funds in Specific Appropriation 2368 allocated to the Space Experiment Research and Processing Lab (SERPL) shall be administered by the Spaceport Florida Authority with the direct oversight of the Office of Tourism, Trade, and Economic Development (OTTED). OTTED shall utilize the construction management services of the Department of Management Services for construction of the facility. OTTED shall consult with the National Aeronautics and Space Administration (NASA) and the Florida Commercial Space Financing Corporation during each phase of construction.

HIGHWAY SAFETY AND MOTOR VEHICLES,  
 DEPARTMENT OF  
 Program: Florida Highway Patrol  
 Highway Safety

In Section 06 On Page 273  
 2382 Expenses

From General Revenue Fund	8,949,054	2,949,054
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Program: Licenses, Titles And Regulations  
 Vehicle And Vessel Title And Registration  
 Services

In Section 06 On Page 280  
 2451A Data Processing Services  
 Kirkman Data Center - Department Of  
 Highway Safety And Motor Vehicles

From General Revenue Fund	8,314,665	314,665
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Rep. Allen moved the adoption of the amendment, which was adopted.

Representative(s) Bowen offered the following:

(Amendment Bar Code: 990016)

**Profile Amendment 4—**

In Section: 02 On Page: 005 Specific Appropriation: 15  
 DELETE INSERT

15 In Section 02 On Page 005  
 Fixed Capital Outlay  
 Maintenance, Repair, Renovation, And  
 Remodeling

DELETE the proviso immediately following Specific Appropriation 15:  
 Funds provided in Specific Appropriation 15 shall be allocated in accordance with s. 235.435(1), Florida Statutes, as follows:

Public Schools.....	173,578,270
Community Colleges.....	17,509,646
State University System.....	28,512,084

and insert in lieu thereof:

Funds provided in Specific Appropriation 15 shall be allocated in accordance with s. 235.435(1), Florida Statutes, as follows:

Public Schools.....	145,878,270
Community Colleges.....	17,509,646
State University System.....	28,512,084

\$27,700,000 in Specific Appropriation 15 shall be for grants and aids to charter schools for facilities and equipment and shall be allocated pursuant to s. 228.0561, Florida Statutes.

Rep. Bowen moved the adoption of the amendment, which was adopted.

Representative(s) Ball offered the following:

(Amendment Bar Code: 990006)

**Profile Amendment 5—**

In Section: 32 On Page: 343 Specific Appropriation:  
 DELETE INSERT

In Section 32 On Page 343

On page 343 between Section 31 and 32, INSERT:

Section 32. From the unexpended General Revenue funds in Specific Appropriations 1955 and 1957 of Chapter 94-397, Laws of Florida, \$76,255 and \$2,833,860 respectively shall revert effective June 30, 2001 and are hereby reappropriated for an automated medical case management system. From the unexpended General Revenue funds in Specific Appropriations 621A and 626 of Chapter 95-429, Laws of Florida, \$278,697 and \$4,495,103 respectively shall revert effective June 30, 2001 and \$2,166,140 is hereby reappropriated for an automated medical case management system.

Rep. Ball moved the adoption of the amendment, which was adopted.

Representative(s) Murman and Byrd offered the following:

(Amendment Bar Code: 990002)

**Profile Amendment 6—**

In Section: 32 On Page: 343 Specific Appropriation:  
 DELETE INSERT

In Section 32 On Page 343

On Page 343, between Section 31 and Section 32, INSERT:

Section 32. The unencumbered General Revenue balance of funds in Specific Appropriation 1925 in 99-226 Laws of Florida shall revert effective June 30, 2001 and these funds are hereby reappropriated for final architectural expenses and permitting costs for the Second District Court of Appeals branch courthouse.



Renumber subsequent sections

Rep. Murman moved the adoption of the amendment, which was adopted.

Representative(s) Brummer offered the following:

(Amendment Bar Code: 990031)

Profile Amendment 7—

In Section: 05 On Page: 198 Specific Appropriation: 1653 DELETED INSERT

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Program: State Lands
Land Administration

1653 In Section 05 On Page 198
Grants And Aids To Local Governments And
Nonstate Entities - Fixed Capital Outlay
Aid To Water Management Districts-Land
Acquisition

At the end of existing proviso language, following Specific Appropriation 1653, INSERT:

Of the funds appropriated in Specific Appropriation 1653, \$3,200,000 will be for replacement of the Lake Monroe seawall in Sanford, Florida to mitigate the pollution caused by surface water runoff into Lake Monroe.

Rep. Brummer moved the adoption of the amendment, which was adopted.

Representative(s) Bennett offered the following:

(Amendment Bar Code: 990028)

Profile Amendment 8—

In Section: 06 On Page: 288 Specific Appropriation: 2534 DELETED INSERT

INSURANCE, DEPARTMENT OF, AND TREASURER
Program: Insurance Regulation And
Consumer Protection
Insurance Representative Licensure, Sales
Appointments And Oversight

2534 In Section 06 On Page 288
Aid To Local Governments
Insurance License Tax To Counties
From Agents And Solicitors County License Tax Trust Fund 4,000,000 0

Program: Office Of The Treasurer And
Administration
Information Technology

2477 In Section 06 On Page 283
Other Personal Services
From Insurance Commissioner's Regulatory Trust Fund 2,964,298 6,603,418

2478 Expenses
From Insurance Commissioner's Regulatory Trust Fund 3,590,060 3,765,910

2479 Operating Capital Outlay
From Insurance Commissioner's Regulatory Trust Fund 939,552 911,152

Rep. Bennett moved the adoption of the amendment, which was adopted.

Representative(s) Rubio offered the following:

(Amendment Bar Code: 990077)

Profile Amendment 9—

In Section: 05 On Page: 239 Specific Appropriation: 2073 DELETED INSERT

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Operations
Program: Highway Operations

2073 In Section 05 On Page 239
Fixed Capital Outlay
Traffic Engineering Consultants
From State Transportation (Primary) Trust Fund 3,887,842 4,156,889

Following Specific Appropriation 2073, INSERT:

From funds in Specific Appropriation 2073, \$269,047 shall be reimbursed to Miami-Dade County on behalf of the City of Coral Gables for transportation impact fees which were not expended in accordance with Miami-Dade County Roadway Impact Fee Ordinance 88-112. This payment represents the first of two equal payments.

Transportation Systems Development
Program: Public Transportation

2045 In Section 05 On Page 235
Fixed Capital Outlay
Transportation Outreach Program
From State Transportation (Primary) Trust Fund 119,800,000 119,530,953

Following Specific Appropriation 2045, DELETE:

Realignment of Metromover Guideway in Downtown Miami..... 480,000

and insert in lieu thereof:

Realignment of Metromover Guideway in Downtown Miami..... 210,953

Rep. Rubio moved the adoption of the amendment, which was adopted.

Representative(s) Allen offered the following:

(Amendment Bar Code: 990076)

Profile Amendment 10—

In Section: 06 On Page: 270 Specific Appropriation: 2366 DELETED INSERT

GOVERNOR, EXECUTIVE OFFICE OF THE
Program: Office Of Tourism, Trade And
Economic Development
Economic Development Programs And
Projects

2366 In Section 06 On Page 270
Lump Sum
Industries Critical To Florida's Economic
Base And Future Growth
From General Revenue Fund 4,035,000 4,135,000

At the end of existing proviso language, following Specific Appropriation 2366, INSERT:

Enterprise Florida-Space Programs Office for the Space Industry Committee..... 100,000

Economic Development  
Economic Development Programs And Projects

Funds in Specific Appropriation 2366 allocated to Enterprise Florida-Space Programs Office for the Space Industry Committee shall be utilized by Enterprise Florida to provide administrative and program support for the Space Industry Committee. Such funds may be used for the marketing, auditing, planning, and development initiatives of the Space Industry Committee.

2367A In Section 06 On Page 271  
Special Categories  
Grants And Aids - Local Economic Development Initiatives

2367A In Section 06 On Page 271  
Special Categories  
Grants And Aids - Local Economic Development Initiatives  
  
From General Revenue Fund 9,425,400 9,325,400

From General Revenue Fund 9,425,400 9,525,400

At the end of existing proviso language, following Specific Appropriation 2367A, INSERT:

FL Small Business Development Center Enhancement Initiative.. 100,000

Immediately following Specific Appropriation 2367A, DELETE:  
  
Community High-technology Investment Partnership..... 350,000

HIGHWAY SAFETY AND MOTOR VEHICLES,  
DEPARTMENT OF  
Program: Florida Highway Patrol  
Highway Safety

and insert in lieu thereof:

Community High-technology Investment Partnership..... 250,000

2382 In Section 06 On Page 273  
Expenses

Rep. Allen moved the adoption of the amendment, which was adopted.

From General Revenue Fund 8,949,054 8,849,054

Representative(s) Johnson offered the following:

Rep. Hart moved the adoption of the amendment, which was adopted.

(Amendment Bar Code: 990083)

Representative(s) Lacasa and Barreiro offered the following:

**Profile Amendment 11—**

(Amendment Bar Code: 990090)

In Section: 05 On Page: 185 Specific Appropriation: 1543A  
DELETE INSERT

**Profile Amendment 13—**

COMMUNITY AFFAIRS, DEPARTMENT OF  
Program: Emergency Management  
Emergency Planning

In Section: 05 On Page: 235 Specific Appropriation: 2045  
DELETE INSERT

1543A In Section 05 On Page 185  
Special Categories  
Grants And Aids - Local Emergency Management And Mitigation Initiatives

TRANSPORTATION, DEPARTMENT OF  
Transportation Systems Development  
Program: Public Transportation

At the end of existing proviso language, following Specific Appropriation 1543A, INSERT:

2045 In Section 05 On Page 235  
Fixed Capital Outlay  
Transportation Outreach Program

Funds for emergency shelter or critical facility projects listed in Specific Appropriation 1543A are contingent on certification by the Department of Community Affairs that the emergency shelter or critical facility complies with, or will comply with, the structural considerations of ARC 4496, Guidelines for Hurricane Evacuation Shelter Selection. The Department is directed to assist recipients in determining whether the structural considerations are, or can be, met prior to execution of a project contract. By September 1, 2001, the Department shall determine whether any recipient cannot pursue or complete any project, or portion thereof, due to structural or other considerations and may initiate a budget amendment pursuant to the legislative notice and review requirements set forth in s. 216.177, F.S., to apply any remaining funds to projects which reduce the state's deficit of public hurricane evacuation space.

From State Transportation (Primary) Trust Fund 119,800,000 119,689,047

Rep. Johnson moved the adoption of the amendment, which was adopted.

Following Specific Appropriation 2045, DELETE:

Realignment of Metromover Guideway in Downtown Miami..... 480,000

and insert in lieu thereof:

Realignment of Metromover Guideway in Downtown Miami..... 369,047

Program: Highway And Bridge Construction

2011 In Section 05 On Page 232  
Special Categories  
Transfer To The State Transportation Trust Fund

Representative(s) Hart offered the following:

From General Revenue Fund 92,100,000 91,989,047

(Amendment Bar Code: 990086)

**Profile Amendment 12—**

COMMUNITY AFFAIRS, DEPARTMENT OF  
Program: Emergency Management  
Emergency Planning

In Section: 06 On Page: 271 Specific Appropriation: 2367A  
DELETE INSERT

GOVERNOR, EXECUTIVE OFFICE OF THE  
Program: Office Of Tourism, Trade And

1543A In Section 05 On Page 185  
Special Categories  
Grants And Aids - Local Emergency Management And Mitigation Initiatives

From General Revenue Fund 1,265,000 1,625,953  
Following Specific Appropriation 1543A, INSERT:

Firefighter Thermal Imaging Equipment ..... 360,953

Program: Housing And Community  
Development  
Public Service And Energy Initiatives

1618 In Section 05 On Page 193  
Special Categories  
Commission On Community Service

From General Revenue Fund 625,000 375,000

Rep. Lacasa moved the adoption of the amendment.

Representative(s) Lacasa, Barreiro, Greenstein, Henriquez, and Wiles offered the following:

(Amendment Bar Code: 990094)

**Profile Substitute Amendment 13—**

In Section: 05 On Page: 235 Specific Appropriation: 2045  
DELETE INSERT

TRANSPORTATION, DEPARTMENT OF  
Transportation Systems Development  
Program: Public Transportation

2045 In Section 05 On Page 235  
Fixed Capital Outlay  
Transportation Outreach Program

From State Transportation (Primary) 119,800,000 119,689,047  
Trust Fund

Following Specific Appropriation 2045, DELETE:

Realignment of Metromover Guideway in Downtown Miami..... 480,000

and insert in lieu thereof:

Realignment of Metromover Guideway in Downtown Miami..... 369,047

Program: Highway And Bridge Construction

2011 In Section 05 On Page 232  
Special Categories  
Transfer To The State Transportation  
Trust Fund

From General Revenue Fund 92,100,000 91,989,047

COMMUNITY AFFAIRS, DEPARTMENT OF  
Program: Emergency Management  
Emergency Planning

1543A In Section 05 On Page 185  
Special Categories  
Grants And Aids - Local Emergency  
Management And Mitigation Initiatives

From General Revenue Fund 1,265,000 1,625,953

At the end of existing proviso language, following Specific  
Appropriation 1543A, INSERT:

Firefighter Thermal Imaging Equipment Matching Grants..... 360,953

Funds in Specific Appropriation 1543A for Firefighter Thermal Imaging  
Equipment Matching Grants shall be utilized for matching grants of up to  
20% to local fire departments to purchase thermal imaging devices on  
every fire apparatus.

Program: Housing And Community  
Development  
Public Service And Energy Initiatives

1618 In Section 05 On Page 193  
Special Categories  
Commission On Community Service

From General Revenue Fund 625,000 375,000

Rep. Lacasa moved the adoption of the substitute amendment, which  
was adopted.

Representative(s) Kilmer, Ausley, Kendrick, and Richardson offered  
the following:

(Amendment Bar Code: 990092)

**Profile Amendment 14—**

In Section: 05 On Page: 235 Specific Appropriation: 2045  
DELETE INSERT

TRANSPORTATION, DEPARTMENT OF  
Transportation Systems Development  
Program: Public Transportation

2045 In Section 05 On Page 235  
Fixed Capital Outlay  
Transportation Outreach Program

From State Transportation (Primary) 119,800,000 120,000,000  
Trust Fund

At the end of existing proviso language, following Specific  
Appropriation 2045, INSERT:

Tallahassee Regional Airport Study..... 200,000

Program: Highway And Bridge Construction

2011 In Section 05 On Page 232  
Special Categories  
Transfer To The State Transportation  
Trust Fund

From General Revenue Fund 92,100,000 92,300,000

COMMUNITY AFFAIRS, DEPARTMENT OF  
Program: Housing And Community  
Development  
Public Service And Energy Initiatives

1618 In Section 05 On Page 193  
Special Categories  
Commission On Community Service

From General Revenue Fund 625,000 425,000

Rep. Kilmer moved the adoption of the amendment, which was  
adopted.

Representative(s) Murman offered the following:

(Amendment Bar Code: 990012)

**Profile Amendment 15—**

In Section: 02 On Page: 040 Specific Appropriation: 202  
DELETE INSERT

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Universities, Division Of  
Program: Educational And General  
Activities

202 In Section 02 On Page 040  
Special Categories  
Challenge Grants

From General Revenue Fund 34,557,214 33,557,214

Public Schools, Division Of  
Program: State Grants K/12 Program - Non  
FEFP

145A In Section 02 On Page 026  
Special Categories  
Grants And Aids - School And  
Instructional Enhancements

From General Revenue Fund 1,732,042 2,732,042

At the end of existing proviso language, following Specific  
Appropriation 145A, INSERT:

From the funds in Specific Appropriation 145A, \$1,000,000 is  
provided for a statewide vision screening service for pre-school  
children using a system based on color photorefracton. The selection  
of the service provider shall be in accordance with Chapter 287, F.S.,  
and the service provider must have completed a vision screening program  
in a public school setting using the screening method provided in this  
paragraph.

Rep. Murman moved the adoption of the amendment, which was  
adopted.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 990011)

**Profile Amendment 16—**

In Section: 02 On Page: 040 Specific Appropriation: 202  
DELETE INSERT

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Universities, Division Of  
Program: Educational And General  
Activities

202 In Section 02 On Page 040  
Special Categories  
Challenge Grants

From General Revenue Fund 34,557,214 34,407,214

Public Schools, Division Of  
Program: Educational Media & Technology  
Services

159 In Section 02 On Page 027  
Special Categories  
Grants And Aids - Public Broadcasting

From General Revenue Fund 8,362,876 8,512,876

In Section 02 On Page 028

Immediately following Specific Appropriation 159, DELETE:

The funds in Specific Appropriation 159 shall be allocated as  
follows: \$634,591 for statewide governmental and cultural affairs  
programming; equal allocations to be determined by the Commissioner of  
Education for public television stations and equal allocations to be  
determined by the Commissioner of Education for public radio stations.

and insert in lieu thereof:

From the funds in Specific Appropriation 159, \$150,000 is provided to  
the Department of Education for year-round coverage of the FLORIDA

Channel network. This appropriation is in addition to the funds that  
the FLORIDA Channel currently receives from the Legislature, Supreme  
Court, and Department of Education.

The balance of funds in Specific Appropriation 159 shall be  
allocated as follows: \$634,591 for statewide governmental and  
cultural affairs programming; equal allocations to be determined by  
the Commissioner of Education for public television stations and  
equal allocations to be determined by the Commissioner of Education for  
public radio stations.

Rep. Fasano moved the adoption of the amendment, which was  
adopted.

Representative(s) Cantens offered the following:

(Amendment Bar Code: 990010)

**Profile Amendment 17—**

In Section: 02 On Page: 013 Specific Appropriation: 51  
DELETE INSERT

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Program: Private Colleges And  
Universities

51 In Section 02 On Page 013  
Special Categories  
Grants And Aids - Medical Training And  
Simulation Laboratory

From General Revenue Fund 500,000 1,000,000

Universities, Division Of  
Program: Educational And General  
Activities

202 In Section 02 On Page 040  
Special Categories  
Challenge Grants

From General Revenue Fund 34,557,214 34,057,214

Rep. Cantens moved the adoption of the amendment, which was  
adopted.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 990017)

**Profile Amendment 18—**

In Section: 02 On Page: 040 Specific Appropriation: 202  
DELETE INSERT

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Universities, Division Of  
Program: Educational And General  
Activities

202 In Section 02 On Page 040  
Special Categories  
Challenge Grants

Insert proviso immediately following Specific Appropriation 202:

From the funds in Specific Appropriation 202, \$250,000 from the General  
Revenue Fund shall be provided for the planning of a Program in Medical  
Sciences (PIMS) at Florida Agricultural and Mechanical University, in  
conjunction with the University of Florida.

Rep. Jennings moved the adoption of the amendment.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 990023)

Profile Substitute Amendment 18—

In Section: 02 On Page: 040 Specific Appropriation: 202 DELETED

INSERT

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Universities, Division Of Program: Educational And General Activities

202 In Section 02 On Page 040 Special Categories Challenge Grants

From General Revenue Fund 34,557,214 34,407,214

194 In Section 02 On Page 036 Lump Sum Educational And General Activities

From General Revenue Fund 1,300,165,828 1,300,315,828

In Section 02, on Page 38, after "Internet Coast - FAU", INSERT the following:

17. \$150,000 for planning relating to a Pre-Med program - FAMU

Rep. Jennings moved the adoption of the substitute amendment, which was adopted.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 990043)

Profile Amendment 19—

In Section: 03 On Page: 090 Specific Appropriation: 577A DELETED

INSERT

HEALTH, DEPARTMENT OF Program: Community Public Health County Health Departments Local Health Needs

577A In Section 03 On Page 090 Aid To Local Governments Community Health Initiatives

In Section 03, on Page 90, DELETE the following:

Escambia Community Clinic in Escambia County..... 1,000,000

and insert in lieu thereof:

Escambia Community Clinic in Escambia County..... 850,000 Santa Rosa Community Clinic in Santa Rosa County..... 100,000 Partnership for Healthy Communities, Inc. - Escambia County. 50,000

Rep. Maygarden moved the adoption of the amendment, which was adopted.

Representative(s) Barreiro and Maygarden offered the following:

(Amendment Bar Code: 990045)

Profile Amendment 20—

In Section: 03 On Page: 070 Specific Appropriation: 400 DELETED

INSERT

CHILDREN AND FAMILIES, DEPARTMENT OF Services Program: Mental Health Program Adult Community Mental Health Services

400 In Section 03 On Page 070 Special Categories Grants And Aids - Community Mental Health Services

In Section 03, on Page 70, DELETE the following:

Camillus House Relocation in Dade County..... 250,000

and insert in lieu thereof:

Camillus Life Center in Dade County..... 250,000

Rep. Barreiro moved the adoption of the amendment, which was adopted.

Representative(s) Rubio and Maygarden offered the following:

(Amendment Bar Code: 990044)

Profile Amendment 21—

In Section: 03 On Page: 081 Specific Appropriation: 488 DELETED

INSERT

ELDER AFFAIRS, DEPARTMENT OF Program: Services To Elders Program Home And Community Services

488 In Section 03 On Page 081 Special Categories Community Care Programs For The Elderly

In Section 03, on Page 81, DELETE the following:

Elder-Ready Nutrition Program in Dade County..... 260,000

and insert in lieu thereof:

Elder-Ready Nutrition Program in Dade County..... 210,000 High Risk Nutritional Program for Elders in Dade County..... 50,000

Rep. Rubio moved the adoption of the amendment, which was adopted.

Representative(s) Dockery offered the following:

(Amendment Bar Code: 990025)

Profile Amendment 22—

In Section: 05 On Page: 195 Specific Appropriation: 1626 DELETED

INSERT

ENVIRONMENTAL PROTECTION, DEPARTMENT OF Program: Administrative Services Executive Direction And Support Services

1626 In Section 05 On Page 195 Expenses

From Administrative Trust Fund 3,003,488 2,703,488

Program: Water Resource Management Water Resource Protection And Restoration

1748 In Section 05 On Page 207 Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Statewide Restoration Projects

From Ecosystem Management And Restoration Trust Fund 25,250,000 25,550,000

On page 208 strike the following:

Astor/Astor Park Wastewater Facility-- Lake County..... 700,000

and insert in lieu thereof:

Astor/Astor Park Wastewater Facility-- Lake County..... 1,000,000

Rep. Dockery moved the adoption of the amendment, which was adopted.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

Representative(s) Argenziano offered the following:

(Amendment Bar Code: 990026)

Profile Amendment 23—

In Section: On Page: 209 Specific Appropriation: 1748 DELETED INSERT

In Section On Page 209 1748

On page 209 delete the following:

Homossassa Water Collection System, Phase III-- Citrus..... 1,000,000

and on page 208 place the following after "Big Coppitt Wastewater Collection--Monroe..... 100,000":

Homossassa Water Collection System, Phase III-- Citrus..... 1,000,000

Rep. Argenziano moved the adoption of the amendment, which was adopted.

Representative(s) Allen offered the following:

(Amendment Bar Code: 990027)

Profile Amendment 24—

In Section: 05 On Page: 207 Specific Appropriation: 1748 DELETED INSERT

ENVIRONMENTAL PROTECTION, DEPARTMENT OF Program: Water Resource Management Water Resource Protection And Restoration

In Section 05 On Page 207 1748 Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Statewide Restoration Projects

In Section 05, on Page 207, DELETE the following:

Unit 6 Septic Tank Elimination--City of Palm Bay--Brevard... 750,000

and insert in lieu thereof:

Unit 6 Septic Tank Elimination--City of Palm Bay--Brevard... 650,000

In Section On Page 200

And on page 209 insert after "Potable Water Improvements--Madison.....449,000"

Bayside Water Treatment Plant -- Brevard..... 100,000

Rep. Allen moved the adoption of the amendment, which was adopted.

Representative(s) Dockery offered the following:

(Amendment Bar Code: 990034)

Profile Amendment 25—

In Section: 06 On Page: 302 Specific Appropriation: 2671 DELETED INSERT

MANAGEMENT SERVICES, DEPARTMENT OF Workforce Programs Program: Retirement Benefits Administration

2671 In Section 06 On Page 302 Salaries And Benefits

Positions: 240 209 From Operating Trust Fund 10,017,068 8,417,047

2673 Expenses

From Operating Trust Fund 3,322,843 3,834,093

2675A Special Categories Contracted Services

From Operating Trust Fund 3,430,000

Immediately following Specific Appropriation 2675A, INSERT:

Funds in Specific Appropriation 2675A are provided to continue the outsourcing of maintenance and support of the Division of Retirement's Full Service Information System, previously known as the Re-Engineering Improvement Modernization automation project. Of the funds provided, \$80,000 shall be used for special project monitoring of the maintenance and support of the System, pursuant to section 282.322, Florida Statutes. The \$80,000 shall be transferred to the Technology Review Workgroup pursuant to the provisions of Chapter 216, Florida Statutes.

2674 Operating Capital Outlay

From Operating Trust Fund 179,697 429,697

2680A In Section 06 On Page 303 Pensions And Benefits Members Benefits

From Florida Retirement System 2,855,191,319 2,852,600,090 Trust Fund

Rep. Dockery moved the adoption of the amendment, which was adopted.

Representative(s) Dockery offered the following:

(Amendment Bar Code: 990038)

Profile Amendment 26—

In Section: 05 On Page: 171 Specific Appropriation: 1421 DELETED INSERT

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE Program: Food Safety And Quality Dairy Facilities Compliance And Enforcement

1421 In Section 05 On Page 171 Salaries And Benefits

From General Revenue Fund 1,291,180 1,251,123

Program: Consumer Protection Agricultural Environmental Services

1434A In Section 05 On Page 173  
Aid To Local Governments  
Mosquito Control Program

From Administrative Trust Fund 869,681 819,681

Rep. Wallace moved the adoption of the amendment, which was adopted.

From General Revenue Fund 390,057 350,000

Rep. Dockery moved the adoption of the amendment.

Representative(s) Dockery offered the following:

On motion by Rep. Byrd, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 990039)

(Amendment Bar Code: 990007)

**Profile Substitute Amendment 26—**

**Profile Amendment 28—**

In Section: 05 On Page: 171 Specific Appropriation: 1421  
DELETE INSERT

In Section: 04 On Page: 151 Specific Appropriation: 1234  
DELETE INSERT

AGRICULTURE AND CONSUMER SERVICES,  
DEPARTMENT OF, AND COMMISSIONER OF  
AGRICULTURE  
Program: Food Safety And Quality  
Dairy Facilities Compliance And  
Enforcement

JUVENILE JUSTICE, DEPARTMENT OF  
Program: Prevention And Victim Services  
Delinquency Prevention And Diversion

1421 In Section 05 On Page 171  
Salaries And Benefits  
From General Revenue Fund 1,291,180 1,331,237

1234 In Section 04 On Page 151  
Special Categories  
Grants And Aids - Contracted Services  
From General Revenue Fund 11,274,098 10,694,098

Program: Consumer Protection  
Agricultural Environmental Services

Program: Residential Corrections Program  
Secure Residential Commitment

1434A In Section 05 On Page 173  
Aid To Local Governments  
Mosquito Control Program  
From General Revenue Fund 390,057 350,000

1225 In Section 04 On Page 149  
Special Categories  
Grants And Aids - Contracted Services  
From General Revenue Fund 60,982,712 61,562,712

Rep. Dockery moved the adoption of the substitute amendment, which was adopted.

At the end of existing proviso language, following Specific Appropriation 1225, INSERT:

From the funds provided in Specific Appropriation 1225, the Department of Juvenile Justice shall fund the annual operations of the Polk Youth Development Center, a secure, 350-bed facility for high risk youth, at a per diem rate of \$78.29 times the minimum occupancy of 315 beds, plus \$34.50 for each additional bed.

Representative(s) Wallace offered the following:

Rep. Byrd moved the adoption of the amendment, which was adopted.

(Amendment Bar Code: 990073)

**Profile Amendment 27—**

**Profile Amendment 29** was withdrawn.

In Section: 05 On Page: 191 Specific Appropriation: 1597B  
DELETE INSERT

Representative(s) Barreiro offered the following:

COMMUNITY AFFAIRS, DEPARTMENT OF  
Program: Housing And Community  
Development  
Affordable Housing And Neighborhood  
Redevelopment

(Amendment Bar Code: 990001)

**Profile Amendment 30—**

1597B In Section 05 On Page 191  
Special Categories  
Grants And Aids - Community Development  
Services Projects  
From Operating Trust Fund 2,142,500 2,192,500

In Section: 32 On Page: 343 Specific Appropriation:  
DELETE INSERT

In Section 32 On Page 343

Following Specific Appropriation 1597B, DELETE:

Americans With Disabilities Act (ADA) Retrofit - Hillsbrgh 250,000

and insert in lieu thereof:

Americans With Disabilities Act (ADA) Retrofit - Hillsbrgh 300,000

Program: Office Of The Secretary  
Executive Direction And Support Services

On Pages 343-344, remove from the bill:

All of Section 32 and insert in lieu thereof:

Section 32. The last paragraph of the proviso language following Specific Appropriation 1129C and the last paragraph of proviso language following Specific Appropriation 1149A in Chapter 2000-166, Laws of Florida, are hereby amended to provide that the requirements of 216.348, Florida Statutes may apply in lieu of the requirement for a 50 year lease to the Department of Juvenile Justice as a condition of the use of funds contained therein for projects with at least 50% private cash match from local sources and the department determines that the best interests of the state will not be adversely affected.

1512 In Section 05 On Page 181  
Expenses

Section 33. With the exception of Sections 23 and 32, this act shall take effect July 1, 2001, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2001, then it shall operate retroactively to July 1, 2001. Sections 23 and 32 shall take effect upon becoming law.

Rep. Barreiro moved the adoption of the amendment, which was adopted.

Representative(s) Mack offered the following:

(Amendment Bar Code: 990003)

Profile Amendment 31—

In Section: 04 On Page: 151 Specific Appropriation: 1234 DELETE INSERT

JUVENILE JUSTICE, DEPARTMENT OF
Program: Prevention And Victim Services
Delinquency Prevention And Diversion

In Section 04 On Page 151
1234 Special Categories
Grants And Aids - Contracted Services

At the end of existing proviso language, following Specific Appropriation 1234, INSERT:

Broward Truancy Intervention Program.....50,000

Rep. Mack moved the adoption of the amendment, which was adopted.

Profile Amendment 32 was withdrawn.

Representative(s) Diaz de la Portilla offered the following:

(Amendment Bar Code: 990005)

Profile Amendment 33—

In Section: 04 On Page: 163 Specific Appropriation: 1344 DELETE INSERT

LEGAL AFFAIRS, DEPARTMENT OF, AND
ATTORNEY GENERAL
Program: Office Of Attorney General
Victim Services

In Section 04 On Page 163
1344 Special Categories
Grants And Aids - Victim Assistance
Services

Immediately following Specific Appropriation 1344, INSERT:

From the funds in Specific Appropriation 1344, \$300,000 is provided for Trauma Resolution services provided by the Victim Service Center in Dade County.

Rep. Diaz de la Portilla moved the adoption of the amendment, which was adopted.

Representative(s) Wilson, Jennings, and Ryan offered the following:

(Amendment Bar Code: 990024)

Profile Amendment 34—

In Section: 06 On Page: 290 Specific Appropriation: 2552 DELETE INSERT

LEGISLATIVE BRANCH
House Of Representatives

In Section 06 On Page 290
2552 Lump Sum
House

From General Revenue Fund 56,119,925 0

Following Specific Appropriation 2552, INSERT:

From the funds in Specific Appropriation 2552, \$1,000,000 shall be appropriated for the House Minority Leader to contract with attorneys

and other staff to consult with and represent the minority party in reapportionment and redistricting.

Rep. Wilson moved the adoption of the amendment.

Representative(s) Wilson, Jennings, and Ryan offered the following:

(Amendment Bar Code: 990040)

Profile Substitute Amendment 34—

In Section: 06 On Page: 290 Specific Appropriation: 2552 DELETE INSERT

LEGISLATIVE BRANCH
House Of Representatives

In Section 06 On Page 290
2552 Lump Sum
House

From General Revenue Fund 56,119,925 0

Following Specific Appropriation 2552, INSERT:

From the funds in Specific Appropriation 2552, \$500,000 shall be appropriated for the House Minority Leader to contract with attorneys and other staff to consult with and represent the minority party in reapportionment and redistricting.

Rep. Ryan moved the adoption of the substitute amendment, which failed of adoption. The vote was:

Session Vote Sequence: 71

Yeas—44

- Ausley Gelber Kosmas Ryan
Bendross-Mindingall Gottlieb Lee Seiler
Betancourt Greenstein Lerner Siplin
Brutus Harper Machek Slosberg
Bucher Henriquez McGriff Smith
Bullard Heyman Meadows Sobel
Cusack Holloway Peterman Stansel
Feeney Jennings Rich Weissman
Fields Joyner Richardson Wiles
Frankel Justice Ritter Wilson
Gannon Kendrick Romeo Wishner

Nays—74

- The Chair Brown Green Mealar
Alexander Brummer Haridopolos Melvin
Allen Byrd Harrell Miller
Andrews Cantens Harrington Murman
Argenziano Carassas Hart Needelman
Arza Clarke Hogan Negron
Attkisson Crow Johnson Paul
Atwater Detert Jordan Pickens
Baker Diaz de la Portilla Kallinger Priequez
Ball Diaz-Balart Kilmer Ross
Barreiro Dockery Kottkamp Rubio
Baxley Farkas Kravitz Russell
Bean Fasano Kyle Simmons
Bennett Fiorentino Lacasa Spratt
Bense Flanagan Littlefield Trovillion
Benson Garcia Lynn Wallace
Berfield Gardiner Mack Waters
Bilirakis Gibson Mahon
Bowen Goodlette Mayfield

Votes after roll call:

Yeas to Nays—Feeney

The question recurred on the adoption of Profile Amendment 34, which failed of adoption.



Representative(s) Negron offered the following:

From General Revenue Fund 250,000

(Amendment Bar Code: 990029)

Rep. Fasano moved the adoption of the amendment.

**Profile Amendment 35—**

On motion by Rep. Fasano, further consideration of **Profile Amendment 36** was temporarily postponed under Rule 11.10.

In Section: 05 On Page: 216 Specific Appropriation: 1834  
DELETE INSERT

ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Program: Recreation And Parks  
State Park Operations

**THE SPEAKER IN THE CHAIR**

Representative(s) Argenziano offered the following:

(Amendment Bar Code: 990032)

**Profile Amendment 37—**

1834 In Section 05 On Page 216  
Fixed Capital Outlay  
Park Development  
From Land Acquisition Trust Fund 7,868,000 7,668,000

In Section: 05 On Page: 198 Specific Appropriation: 1653  
DELETE INSERT

Recreational Assistance To Local  
Governments

ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Program: State Lands  
Land Administration

1814B In Section 05 On Page 214  
Grants And Aids To Local Governments And  
Nonstate Entities - Fixed Capital Outlay  
Local Parks  
From Conservation And Recreation  
Lands Trust Fund 100,000 300,000

1653 In Section 05 On Page 198  
Grants And Aids To Local Governments And  
Nonstate Entities - Fixed Capital Outlay  
Aid To Water Management Districts-Land  
Acquisition  
From Water Management Lands Trust 58,564,513 58,464,513  
Fund

At the end of existing proviso language, following Specific  
Appropriation 1814B, INSERT:

FISH AND WILDLIFE CONSERVATION COMMISSION  
Program: Freshwater Fisheries  
Freshwater Fisheries Management

Jupiter Riverwalk--Palm Beach.....200,000

Rep. Negron moved the adoption of the amendment, which was  
adopted.

1985 In Section 05 On Page 228  
Special Categories  
Lake Restoration  
From State Game Trust Fund 7,233,454 7,333,454

Representative(s) Fasano offered the following:

(Amendment Bar Code: 990030)

**Profile Amendment 36—**

At the end of existing proviso language following Specific Appropriation  
1985, INSERT:

In Section: 05 On Page: 206 Specific Appropriation: 1741  
DELETE INSERT

ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Program: Water Resource Management  
Water Resource Protection And Restoration

Funds in Specific Appropriation 1985, from the State Game Trust Fund are  
provided for the following project:

1741 In Section 05 On Page 206  
Special Categories  
Wetlands Protection  
From General Revenue Fund 100,000 0

Tsala Apopka Restoration.....\$100,000

Rep. Argenziano moved the adoption of the amendment, which was  
adopted.

Representative(s) Argenziano offered the following:

(Amendment Bar Code: 990033)

**Profile Amendment 38—**

DELETE the proviso immediately following Specific Appropriation 1741:

Funds in Specific Appropriation 1741 include \$100,000 in nonrecurring  
General Revenue for the Wetlands Learning Lab Demonstration Project at  
the IGFA Fishing Hall of Fame and Museum in Broward County.

In Section: 05 On Page: 198 Specific Appropriation: 1653  
DELETE INSERT

1748 In Section 05 On Page 207  
Grants And Aids To Local Governments And  
Nonstate Entities - Fixed Capital Outlay  
Statewide Restoration Projects  
From General Revenue Fund 24,730,735 24,580,735

ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Program: State Lands  
Land Administration

1653 In Section 05 On Page 198  
Grants And Aids To Local Governments And  
Nonstate Entities - Fixed Capital Outlay  
Aid To Water Management Districts-Land  
Acquisition  
From Water Management Lands Trust 58,564,513 58,464,513  
Fund

In Section 05, on Page 208, DELETE the following:

River Oaks Drainage Study-- Broward..... 150,000

Program: Water Resource Management  
Water Resource Protection And Restoration

1735 In Section 05 On Page 206  
Special Categories  
Hazardous Waste Cleanup

In Section 05 On Page 207  
 1748 Grants And Aids To Local Governments And  
 Nonstate Entities - Fixed Capital Outlay  
 Statewide Restoration Projects

From Ecosystem Management And Restoration Trust Fund	25,250,000	25,350,000
---	------------	------------

On page 208 above "Stormwater Projects funded from the General Revenue:"  
insert:

Weeki Wachee River Restoration.....100,000

Rep. Argenziano moved the adoption of the amendment, which was adopted.

Representative(s) Harrington offered the following:

(Amendment Bar Code: 990035)

**Profile Amendment 39—**

In Section: 05 On Page: 212 Specific Appropriation: 1789  
 DELETE INSERT

ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Program: Waste Management  
Waste Control

In Section 05 On Page 212  
 1789 Grants And Aids To Local Governments And  
 Nonstate Entities - Fixed Capital Outlay  
 Solid Waste Management

At the end of existing proviso language, following Specific  
Appropriation 1789, INSERT:

From the funds in Specific Appropriation 1789, \$500,000 shall be used for not more than two pilot county-wide comprehensive electronics recycling programs where that term means recycling that provides service to the private sector, non-profit organizations, governmental agencies and the residential sector. The county or counties selected for the pilot programs shall utilize a contractor with five or morre years experience in electronics recycling, specifically including detailed demanufacturingn of a broad range of electronics.

Rep. Harrington moved the adoption of the amendment, which was adopted.

**Profile Amendment 40** was withdrawn.

Representative(s) Mayfield and Dockery offered the following:

(Amendment Bar Code: 990037)

**Profile Amendment 41—**

In Section: 06 On Page: 304 Specific Appropriation: 2695  
 DELETE INSERT

MANAGEMENT SERVICES, DEPARTMENT OF  
Program: Technology Program  
Wireless Services

In Section 06 On Page 304  
 2695 Salaries And Benefits

Positions:	3	13
From Law Enforcement Radio System Trust Fund	176,691	765,660

2697 Expenses

From Law Enforcement Radio System Trust Fund	100,000	508,785
---	---------	---------

Telecommunications Services

2690 Special Categories  
 Centrex And Suncom Payments

From Communications Working Capital Trust Fund	124,775,624	123,757,870
---	-------------	-------------

Wireless Services

2697A Operating Capital Outlay

From Law Enforcement Radio System Trust Fund		20,000
---	--	--------

Rep. Mayfield moved the adoption of the amendment, which was adopted.

Representative(s) Barreiro offered the following:

(Amendment Bar Code: 990072)

**Profile Amendment 42—**

In Section: 06 On Page: 271 Specific Appropriation: 2367A  
 DELETE INSERT

GOVERNOR, EXECUTIVE OFFICE OF THE  
Program: Office Of Tourism, Trade And  
Economic Development  
Economic Development Programs And  
Projects

In Section 06 On Page 271  
 2367A Special Categories  
 Grants And Aids - Local Economic  
 Development Initiatives

Immediately following Specific Appropriation 2367A, DELETE:

Belle Glade Business Park.....	450,000
and insert in lieu thereof:	
Belle Glade Business Park.....	350,000
Car Control Clinic Pilot Program - Palm Beach, Broward, Miami-Dade.....	100,000

Rep. Barreiro moved the adoption of the amendment, which was adopted.

**Profile Amendment 43** was withdrawn.

Representative(s) Arza offered the following:

(Amendment Bar Code: 990078)

**Profile Amendment 44—**

In Section: 05 On Page: 235 Specific Appropriation: 2045  
 DELETE INSERT

TRANSPORTATION, DEPARTMENT OF  
Transportation Systems Development  
Program: Public Transportation

In Section 05 On Page 235  
 2045 Fixed Capital Outlay  
 Transportation Outreach Program

From State Transportation (Primary) Trust Fund	119,800,000	119,700,000
---	-------------	-------------

Following Specific Appropriation 2045, DELETE:

Realignment of Metromover Guideway in Downtown Miami..... 480,000

and insert in lieu thereof:

Realignment of Metromover Guideway in Downtown Miami..... 380,000

Program: Highway And Bridge Construction

2011 In Section 05 On Page 232 Special Categories Transfer To The State Transportation Trust Fund

From General Revenue Fund 92,100,000 92,000,000

COMMUNITY AFFAIRS, DEPARTMENT OF Program: Housing And Community Development Affordable Housing And Neighborhood Redevelopment

1597B In Section 05 On Page 191 Special Categories Grants And Aids - Community Development Services Projects

From General Revenue Fund 2,488,750 2,588,750

At the end of existing proviso language, following Specific Appropriation 1597B, INSERT:

Homestead Fiber Optic Network ..... 100,000

Rep. Arza moved the adoption of the amendment, which was adopted.

Representative(s) Andrews offered the following:

(Amendment Bar Code: 990085)

Profile Amendment 45—

In Section: 06 On Page: 269 Specific Appropriation: 2364 DELETE INSERT

GOVERNOR, EXECUTIVE OFFICE OF THE Program: Office Of Tourism, Trade And Economic Development Economic Development Programs And Projects

2364 In Section 06 On Page 269 Lump Sum Business Expansion, Retention, And Recruitment

DELETE the following proviso after Specific Appropriation 2364:

Enterprise Florida-Expansion, Retention & Recruitment..... 3,420,000

and insert in lieu thereof:

Enterprise Florida-Expansion, Retention & Recruitment..... 3,220,000 Florida Manufacturing Technology Center..... 200,000

Rep. Andrews moved the adoption of the amendment.

Representative(s) Andrews offered the following:

(Amendment Bar Code: 990093)

Profile Substitute Amendment 45—

In Section: 06 On Page: 271 Specific Appropriation: 2367A DELETE INSERT

GOVERNOR, EXECUTIVE OFFICE OF THE Program: Office Of Tourism, Trade And Economic Development Economic Development Programs And Projects

2367A In Section 06 On Page 271 Special Categories Grants And Aids - Local Economic Development Initiatives

From General Revenue Fund 9,425,400 9,458,400

Immediately following Specific Appropriation 2367A, DELETE:

LaBelle Airport Economic Development Project..... 400,000

and insert in lieu thereof:

LaBelle Airport Economic Development Project..... 233,000 Florida Manufacturing Technology Center..... 200,000

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF Program: Florida Highway Patrol Highway Safety

2382 In Section 06 On Page 273 Expenses

From General Revenue Fund 8,949,054 8,916,054

Rep. Andrews moved the adoption of the substitute amendment, which was adopted.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 990084)

Profile Amendment 46—

In Section: 06 On Page: 271 Specific Appropriation: 2367A DELETE INSERT

GOVERNOR, EXECUTIVE OFFICE OF THE Program: Office Of Tourism, Trade And Economic Development Economic Development Programs And Projects

2367A In Section 06 On Page 271 Special Categories Grants And Aids - Local Economic Development Initiatives

Following Specific Appropriation 2367A, DELETE:

Futures Unlimited Immokalee Workforce Demonstration Project.. 150,000 Florida Empowerment Zone Act..... 150,000

and insert in lieu thereof:

Futures Unlimited Immokalee Workforce Demonstration Project... 75,000 Florida Empowerment Zone Act..... 225,000

Rep. Goodlette moved the adoption of the amendment, which was adopted.

Representative(s) Cantens offered the following:

(Amendment Bar Code: 990070)

Profile Amendment 47—

In Section: 05 On Page: 191 Specific Appropriation: 1597B DELETE INSERT

COMMUNITY AFFAIRS, DEPARTMENT OF
Program: Housing And Community
Development
Affordable Housing And Neighborhood
Redevelopment

In Section 05 On Page 191
1597B Special Categories
Grants And Aids - Community Development
Services Projects

Immediately following Specific Appropriation 1597B, DELETE:

Bird Road Neighborhood & Cultural Redevelopment - Dade.... 550,000

and insert in lieu thereof:

Bird Road Neighborhood & Cultural Redevelopment - Dade.... 525,000
Red Cross Center - Dade..... 25,000

Rep. Cantens moved the adoption of the amendment, which was
adopted.

Prefile Amendments 48, 49, and 50 were withdrawn.

Representative(s) Sobel and Gottlieb offered the following:

(Amendment Bar Code: 990081)

Prefile Amendment 51—

In Section: 05 On Page: 191 Specific Appropriation: 1597B
DELETE INSERT

COMMUNITY AFFAIRS, DEPARTMENT OF
Program: Housing And Community
Development
Affordable Housing And Neighborhood
Redevelopment

In Section 05 On Page 191
1597B Special Categories
Grants And Aids - Community Development
Services Projects

DELETE the following proviso after Specific Appropriation 1597B:

Community Outreach - Broward..... 100,000

and insert in lieu thereof:

Community Outreach - Broward..... 50,000
Art & Cultural Center for At Risk Kids & Seniors ..... 50,000

Rep. Sobel moved the adoption of the amendment, which was adopted.

Prefile Amendment 52 was withdrawn.

Representative(s) Harper offered the following:

(Amendment Bar Code: 990087)

Prefile Amendment 53—

In Section: 05 On Page: 235 Specific Appropriation: 2045
DELETE INSERT

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Development
Program: Public Transportation

In Section 05 On Page 235
2045 Fixed Capital Outlay
Transportation Outreach Program

At the end of existing proviso language, following Specific
Appropriation 2045, INSERT:

From the list of projects funded in Specific Appropriation 2045, an
amount of 10% shall be deducted from each project to provide \$11.9
million in funding for District 4 Transportation Projects.

Rep. Harper moved the adoption of the amendment.

On motion by Rep. Paul, the amendment was laid on the table.

Representative(s) Smith, Gannon, and Harper offered the following:

(Amendment Bar Code: 990088)

Prefile Amendment 54—

In Section: 06 On Page: 323 Specific Appropriation: 2898A
DELETE INSERT

STATE, DEPARTMENT OF, AND SECRETARY OF
STATE
Program: Elections
Election Records, Laws And Codes

In Section 06 On Page 323
2898A Special Categories
Voting Systems Assistance

From General Revenue Fund 23,000,000 30,400,000

Immediately following Specific Appropriation 2898A, INSERT:

From the funds in Specific Appropriation 2898A, \$23,000,000 shall be
applied to the costs of obtaining voting systems for counties,
\$3,000,000 shall be used to design a statewide on-line voter
registration database, and \$4,400,000 shall be allocated on a pro-rata
basis to each county, based on the number of registered voter per county
as of October 2001, to be used for voter education.

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Development
Program: Public Transportation

In Section 05 On Page 235
2045 Fixed Capital Outlay
Transportation Outreach Program

From State Transportation (Primary) 119,800,000 112,400,000
Trust Fund

Immediately following Specific Appropriation 2045, DELETE:

Relocate Airport - Panama City..... 9,000,000
Metropolitan Area Mass Transit Initiative..... 20,000,000

and insert in lieu thereof:

Relocate Airport - Panama City..... 6,000,000
Metropolitan Area Mass Transit Initiative..... 15,600,000

Program: Highway And Bridge Construction

In Section 05 On Page 232
2011 Special Categories
Transfer To The State Transportation
Trust Fund

From General Revenue Fund 92,100,000 84,700,000

Rep. Smith moved the adoption of the amendment, which failed of
adoption. The vote was:

Session Vote Sequence: 72

Yeas—39

Ausley Betancourt Bullard Diaz de la Portilla
Bendross-Mindingall Brutus Cusack Fields

Frankel	Holloway	Meadows	Siplin
Gannon	Jennings	Peterman	Smith
Gelber	Joyner	Rich	Sobel
Gottlieb	Justice	Richardson	Weissman
Greenstein	Kosmas	Ritter	Wiles
Harper	Lerner	Romeo	Wilson
Henriquez	Machek	Ryan	Wishner
Heyman	McGriff	Seiler	

From the funds in Specific Appropriation 577A, \$200,000 in non-recurring General Revenue is provided for the Haitian American Association Against Cancer, Inc. in Dade County.

Rep. Brutus moved the adoption of the amendment, which was adopted.

Representative(s) Bendross-Mindingall and Maygarden offered the following:

(Amendment Bar Code: 990053)

**Profile Amendment 58—**

In Section: 03 On Page: 060 Specific Appropriation: 319A	DELETE	INSERT
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CHILDREN AND FAMILIES, DEPARTMENT OF Administration  
Program: Support Services  
Assistant Secretary For Administration

319A	In Section 03 On Page 060 Data Processing Services Children And Families Data Center		
	From General Revenue Fund	42,644,702	42,619,702

HEALTH, DEPARTMENT OF  
Program: Community Public Health  
County Health Departments Local Health Needs

580B	In Section 03 On Page 091 Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Family Health Facilities		
	From General Revenue Fund	4,300,000	4,325,000

At the end of existing proviso language, following Specific Appropriation 580B, INSERT:

Main Center Renovation.....25,000

Rep. Bendross-Mindingall moved the adoption of the amendment, which was adopted.

Representative(s) Joyner, Gottlieb, Stansel, Gelber, Heyman, Henriquez, Rich, and Romeo offered the following:

(Amendment Bar Code: 990046)

**Profile Amendment 59—**

In Section: 03 On Page: 046 Specific Appropriation: 237	DELETE	INSERT
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AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Health Care Services  
Executive Direction And Support Services

237	In Section 03 On Page 046 Special Categories Medicaid Fiscal Contract		
	From General Revenue Fund	11,492,667	11,585,538
	From Administrative Trust Fund	36,049,942	36,257,137
	From Refugee Assistance Trust Fund	100,480	106,666

Medicaid Services To Individuals

242	In Section 03 On Page 047 Special Categories Adult Dental, Visual And Hearing Services		
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**Nays—72**

The Chair	Brown	Haridopolos	Mealor
Alexander	Brummer	Harrell	Melvin
Allen	Byrd	Harrington	Miller
Argenziano	Cantens	Hart	Murman
Arza	Carassas	Hogan	Needelman
Attkisson	Clarke	Johnson	Negron
Atwater	Crow	Kallinger	Paul
Baker	Davis	Kilmer	Pickens
Ball	Detert	Kottkamp	Prieguez
Barreiro	Diaz-Balart	Kravitz	Ross
Baxley	Dockery	Kyle	Rubio
Bean	Farkas	Lacasa	Russell
Bennett	Fasano	Littlefield	Simmons
Bense	Flanagan	Lynn	Spratt
Benson	Garcia	Mack	Stansel
Berfield	Gardiner	Mahon	Trovillion
Bilirakis	Goodlette	Mayfield	Wallace
Bowen	Green	Maygarden	Waters

Votes after roll call:

Yeas—Bucher, Slosberg

Nays—Fiorentino

**Profile Amendments 55 and 56** were withdrawn.

Representative(s) Brutus and Maygarden offered the following:

(Amendment Bar Code: 990048)

**Profile Amendment 57—**

In Section: 03 On Page: 091 Specific Appropriation: 580A	DELETE	INSERT
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HEALTH, DEPARTMENT OF  
Program: Community Public Health  
County Health Departments Local Health Needs

580A	In Section 03 On Page 091 Fixed Capital Outlay Construction, Renovation, And Equipment - County Health Departments		
	From General Revenue Fund	1,275,000	1,075,000

In Section 03, on Page 91, DELETE the following:

Community Health Department 80th Terrace Clinic Replacement in Dade County.....	250,000
--	---------

and insert in lieu thereof:

Community Health Department 80th Terrace Clinic Replacement in Dade County.....	50,000
--	--------

577A	In Section 03 On Page 090 Aid To Local Governments Community Health Initiatives		
	From General Revenue Fund	5,280,210	5,480,210

At the end of existing proviso language, following Specific Appropriation 577A, INSERT:

From General Revenue Fund	13,721,034
From Tobacco Settlement Trust Fund	2,000,000
From Medical Care Trust Fund	20,377,783
From Refugee Assistance Trust Fund	584,116

Immediately following Specific Appropriation 242, INSERT:

Funds in Specific Appropriation 242 shall provide services to individuals, including individuals over 21 years of age, who qualify to receive adult dental, visual and hearing services under the state Medicaid program.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of Program: State Grants/K-12 Programs - FEFP

4A In Section 01 On Page 001 Aid To Local Governments Grants And Aids - District Lottery And School Recognition Program

From Educational Enhancement Trust Fund	280,609,000	243,609,000
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DELETE the proviso immediately following Specific Appropriation 4A:

a) One half of the funds in Specific Appropriation 4A shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) The remaining one half of the funds provided in Specific Appropriation 4A shall be used to fund financial awards pursuant to provisions of s. 231.2905, F.S., relating to the Florida School Recognition Program, and to fund the provisions of s. 236.08106, F.S. relating to the Excellent Teaching Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of \$100 per student in each qualifying school. From the funds appropriated in Specific Appropriations 4A and 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall develop a process such that estimated payments for the School Recognition program and Excellent Teaching program shall be determined by December 31, 2001, so that the balance of funds shall be allocated for the District Lottery program.

and insert in lieu thereof:

a) \$140,304,500 of the funds in Specific Appropriation 4A shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and

procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) \$103,304,500 of the funds provided in Specific Appropriation 4A shall be used to fund the provisions of s. 236.08106, F.S. relating to the Excellent Teaching Program. From the funds appropriated in Specific Appropriations 4A and 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall develop a process such that estimated payments for the Excellent Teaching program shall be determined by December 31, 2001, so that the balance of funds shall be allocated for the District Lottery program.

Program: Private Colleges And Universities

78 In Section 02 On Page 014 Special Categories Florida Resident Access Grant

From General Revenue Fund	70,830,388	33,830,388
From Educational Enhancement Trust Fund		37,000,000

Rep. Joyner moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 73

Yeas—41

Ausley	Gottlieb	Lerner	Siplin
Bendross-Mindingall	Greenstein	Machek	Slosberg
Betancourt	Harper	McGriff	Smith
Brutus	Henriquez	Meadows	Sobel
Bucher	Heyman	Peterman	Weissman
Bullard	Holloway	Rich	Wiles
Cusack	Jennings	Richardson	Wilson
Fields	Joyner	Ritter	Wishner
Frankel	Justice	Romeo	
Gannon	Kosmas	Ryan	
Gelber	Lee	Seiler	

Nays—74

The Chair	Atwater	Bense	Byrd
Alexander	Baker	Benson	Cantens
Allen	Ball	Berfield	Carassas
Andrews	Barreiro	Bilirakis	Clarke
Argenziano	Baxley	Bowen	Crow
Arza	Bean	Brown	Davis
Attkisson	Bennett	Brunner	Detert

Diaz de la Portilla	Haridopolos	Mack	Prieguez
Diaz-Balart	Harrell	Mahon	Ross
Dockery	Hart	Mayfield	Rubio
Farkas	Hogan	Maygarden	Russell
Fasano	Johnson	Mealor	Simmons
Fiorentino	Kallinger	Melvin	Spratt
Flanagan	Kilmer	Miller	Stansel
Garcia	Kottkamp	Murman	Trovillion
Gardiner	Kravitz	Needelman	Wallace
Gibson	Kyle	Negron	Waters
Goodlette	Lacasa	Paul	
Green	Lynn	Pickens	

Representative(s) Sobel, Peterman, Macheck, and Gelber offered the following:

(Amendment Bar Code: 990047)

**Prefile Amendment 60—**

In Section: 03 On Page: 046 Specific Appropriation: 234  
DELETE INSERT

AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Health Care Services  
Executive Direction And Support Services

234	In Section 03 On Page 046 Special Categories Pharmaceutical Expense Assistance		
	From General Revenue Fund	51,103,531	121,103,531

At the end of existing proviso language, following Specific Appropriation 234, INSERT:

Funds from Specific Appropriation 234 will allow an additional 61,000 seniors to receive assistance with purchasing prescribed medications.

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Public Schools, Division Of  
Program: State Grants/K-12 Programs -  
FEFP

4A	In Section 01 On Page 001 Aid To Local Governments Grants And Aids - District Lottery And School Recognition Program		
	From Educational Enhancement Trust Fund	280,609,000	210,609,000

DELETE the proviso immediately following Specific Appropriation 4A:

a) One half of the funds in Specific Appropriation 4A shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) The remaining one half of the funds provided in Specific Appropriation 4A shall be used to fund financial awards pursuant to

provisions of s. 231.2905, F.S., relating to the Florida School Recognition Program, and to fund the provisions of s. 236.08106, F.S. relating to the Excellent Teaching Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of \$100 per student in each qualifying school. From the funds appropriated in Specific Appropriations 4A and 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall develop a process such that estimated payments for the School Recognition program and Excellent Teaching program shall be determined by December 31, 2001, so that the balance of funds shall be allocated for the District Lottery program.

and insert in lieu thereof:

a) \$140,304,500 of the funds in Specific Appropriation 4A shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) \$70,304,500 of the funds provided in Specific Appropriation 4A shall be used to fund the provisions of s. 236.08106, F.S. relating to the Excellent Teaching Program. From the funds appropriated in Specific Appropriations 4A and 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall develop a process such that estimated payments for the Excellent Teaching program shall be determined by December 31, 2001, so that the balance of funds shall be allocated for the District Lottery program.

Program: Private Colleges And  
Universities

78	In Section 02 On Page 014 Special Categories Florida Resident Access Grant		
	From General Revenue Fund	70,830,388	830,388
	From Educational Enhancement Trust Fund		70,000,000

Rep. Sobel moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 74

Yeas—41

Ausley	Gottlieb	Lerner	Siplin
Bendross-Mindingall	Greenstein	Machek	Slosberg
Betancourt	Harper	McGriff	Smith
Brutus	Henriquez	Meadows	Sobel
Bucher	Heyman	Peterman	Weissman
Bullard	Holloway	Rich	Wiles
Cusack	Jennings	Richardson	Wilson
Fields	Joyner	Ritter	Wishner
Frankel	Justice	Romeo	
Gannon	Kosmas	Ryan	
Gelber	Lee	Seiler	

Nays—77

The Chair	Brummer	Haridopolos	Melvin
Alexander	Byrd	Harrell	Miller
Allen	Cantens	Harrington	Murman
Andrews	Carassas	Hart	Needelman
Argenziano	Clarke	Hogan	Negron
Arza	Crow	Johnson	Paul
Attkisson	Davis	Jordan	Pickens
Atwater	Detert	Kallinger	Prieguez
Baker	Diaz de la Portilla	Kendrick	Ross
Ball	Diaz-Balart	Kilmer	Rubio
Barreiro	Dockery	Kottkamp	Russell
Baxley	Farkas	Kravitz	Simmons
Bean	Fasano	Kyle	Spratt
Bennett	Fiorentino	Lacasa	Stansel
Bense	Flanagan	Lynn	Trovillion
Benson	Garcia	Mack	Wallace
Berfield	Gardiner	Mahon	Waters
Bilirakis	Gibson	Mayfield	
Bowen	Goodlette	Maygarden	
Brown	Green	Mealor	

Representative(s) Brutus and Gannon offered the following:

(Amendment Bar Code: 990049)

Profile Amendment 61—

In Section: 01 On Page: 001 Specific Appropriation: 4A  
DELETE INSERT

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Public Schools, Division Of  
Program: State Grants/K-12 Programs -  
FEFP

4A In Section 01 On Page 001  
Aid To Local Governments  
Grants And Aids - District Lottery And  
School Recognition Program

From Educational Enhancement Trust Fund	280,609,000	209,778,612
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DELETE the proviso immediately following Specific Appropriation 4A:

a) One half of the funds in Specific Appropriation 4A shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan.

The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) The remaining one half of the funds provided in Specific Appropriation 4A shall be used to fund financial awards pursuant to provisions of s. 231.2905, F.S., relating to the Florida School Recognition Program, and to fund the provisions of s. 236.08106, F.S. relating to the Excellent Teaching Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of \$100 per student in each qualifying school. From the funds appropriated in Specific Appropriations 4A and 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall develop a process such that estimated payments for the School Recognition program and Excellent Teaching program shall be determined by December 31, 2001, so that the balance of funds shall be allocated for the District Lottery program.

and insert in lieu thereof:

a) \$140,304,500 of the funds in Specific Appropriation 4A shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) \$69,474,112 of the funds provided in Specific Appropriation 4A shall be used to fund the provisions of s. 236.08106, F.S. relating to the Excellent Teaching Program. From the funds appropriated in Specific Appropriations 4A and 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall develop a process such that estimated payments for the Excellent Teaching program shall be determined by December 31, 2001, so that the balance of funds shall be allocated for the District Lottery program.

Program: Private Colleges And Universities



78 In Section 02 On Page 014  
 Special Categories  
 Florida Resident Access Grant

From General Revenue Fund	70,830,388	0
From Educational Enhancement Trust Fund		70,830,388

AGENCY FOR HEALTH CARE ADMINISTRATION  
 Program: Health Care Services  
 Medicaid Long Term Care

278A In Section 03 On Page 054  
 Lump Sum  
 Nursing Home Quality Improvement - Direct Care Staff

From General Revenue Fund	100,000,000
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Immediately following Specific Appropriation 278A, INSERT:

Funds from Specific Appropriation 278A are provided to the Agency for Health Care Administration. The agency shall require that a portion of each nursing facility's Medicaid rate be used exclusively for wage and benefit increase, staff increases, and training on a continual basis, for nursing home direct care staff. Such funds shall be used only for actual wage or benefit improvements. Eligible staff members include all direct care workers (including RNs, LPNs, and CNAs) and all dietary, housekeeping, laundry, and maintenance workers. Temporary, contract, agency, and pool employees are excluded. The agency shall develop cost-reporting systems to ensure that the funds the agency has required to be used for wage and benefit increases for direct care staff are used for this purpose. On January 1 of each year, the agency shall report to the Legislature the effect of such wage and benefit increases for employees in nursing facilities in this state.

Rep. Brutus moved the adoption of the amendment.

Rep. Goodlette suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 75].

The question recurred on the adoption of **Profile Amendment 61**, which failed of adoption. The vote was:

Session Vote Sequence: 76

Yeas—32

Bendross-Mindingall	Gannon	Joyner	Richardson
Betancourt	Gelber	Kosmas	Ryan
Brutus	Gottlieb	Lee	Siplin
Bucher	Greenstein	Lerner	Slosberg
Bullard	Harper	Machek	Smith
Cusack	Henriquez	McGriff	Sobel
Fields	Heyman	Peterman	Weissman
Frankel	Holloway	Rich	Wilson

Nays—80

The Chair	Berfield	Fiorentino	Kilmer
Alexander	Bilirakis	Flanagan	Kottkamp
Allen	Bowen	Garcia	Kravitz
Andrews	Brown	Gardiner	Kyle
Argenziano	Brummer	Gibson	Lacasa
Arza	Byrd	Goodlette	Lynn
Attkisson	Cantens	Green	Mack
Atwater	Carassas	Haridopolos	Mahon
Baker	Clarke	Harrell	Mayfield
Ball	Crow	Harrington	Maygarden
Barreiro	Davis	Hart	Meadows
Baxley	Detert	Hogan	Mealor
Bean	Diaz de la Portilla	Johnson	Melvin
Bennett	Dockery	Justice	Miller
Bense	Farkas	Kallinger	Murman
Benson	Fasano	Kendrick	Needelman

Negron	Ritter	Russell	Stansel
Paul	Romeo	Seiler	Trovillion
Pickens	Ross	Simmons	Wallace
Prieguez	Rubio	Spratt	Waters

Votes after roll call:  
 Yeas—Ausley, Wishner  
 Nays—Wiles  
 Yeas to Nays—Greenstein

Representative(s) Farkas and Maygarden offered the following:

(Amendment Bar Code: 990050)

**Profile Amendment 62—**

In Section: 03 On Page: 088 Specific Appropriation: 551  
 DELETE INSERT

HEALTH, DEPARTMENT OF  
 Program: Community Public Health  
 Infectious Disease Prevention And Control

551 In Section 03 On Page 088  
 Special Categories  
 Grants And Aids - Contracted Services

Immediately following Specific Appropriation 551, INSERT:

Funds from Specific Appropriation 551, Grants and Aids - Contracted Services, may be used by the Department of Health in order to contract with a research institute, specializing in the study, cure, and prevention of chronic and debilitating diseases, for the development, production and implementation of a statewide chronic disease prevention and awareness initiative.

Rep. Farkas moved the adoption of the amendment, which was adopted.

Representative(s) Rich, Harper, and Lee offered the following:

(Amendment Bar Code: 990051)

**Profile Amendment 63—**

In Section: 03 On Page: 080 Specific Appropriation: 476  
 DELETE INSERT

ELDER AFFAIRS, DEPARTMENT OF  
 Program: Services To Elders Program  
 Home And Community Services

476 In Section 03 On Page 080  
 Lump Sum  
 Home And Community Services Long Term Care Options

From General Revenue Fund	5,000,000	27,000,000
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At the end of existing proviso language, following Specific Appropriation 476, INSERT:

Funds from Specific Appropriation 476 shall be used to continue services under the Home and Community Based initiatives.

TRANSPORTATION, DEPARTMENT OF  
 Transportation Systems Development  
 Program: Highway And Bridge Construction

2011 In Section 05 On Page 232  
 Special Categories  
 Transfer To The State Transportation Trust Fund

From General Revenue Fund 92,100,000 70,100,000  
 Program: Public Transportation  
 In Section 05 On Page 235  
 2045 Fixed Capital Outlay  
 Transportation Outreach Program  
 From State Transportation (Primary) Trust Fund 119,800,000 97,800,000

Transfer To The State Transportation Trust Fund  
 From General Revenue Fund 92,100,000 91,600,000  
 Program: Public Transportation  
 In Section 05 On Page 235  
 2045 Fixed Capital Outlay  
 Transportation Outreach Program  
 From State Transportation (Primary) Trust Fund 119,800,000 119,300,000

In Section 05, on Page 235, DELETE the following:

Metro Parkway Extension (SR 739)..... 15,000,000  
 Relocate Airport - Panama City..... 9,000,000

In Section 05, on Page 235, DELETE the following:

I-65 Hurricane Evacuation Study..... 1,000,000

and insert in lieu thereof:

Metro Parkway Extension (SR 739)..... 2,000,000

and insert in lieu thereof:

I-65 Hurricane Evacuation Study..... 500,000

Rep. Rich moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 77

Yeas—37

Ausley	Gelber	Machek	Slosberg
Bendross-Mindingall	Greenstein	McGriff	Smith
Betancourt	Henriquez	Meadows	Sobel
Brutus	Heyman	Peterman	Weissman
Bucher	Holloway	Rich	Wiles
Bullard	Joyner	Richardson	Wilson
Cusack	Justice	Romeo	Wishner
Fields	Kosmas	Ryan	
Frankel	Lee	Seiler	
Gannon	Lerner	Siplin	

HEALTH, DEPARTMENT OF  
 Program: Children's Medical Services  
 Children's Special Health Care

In Section 03 On Page 095  
 608A Special Categories  
 Children's Cardiac Program  
 From General Revenue Fund 437,163 937,163

Rep. McGriff moved the adoption of the amendment.

Representative(s) Maygarden, McGriff, and Greenstein offered the following:

(Amendment Bar Code: 990065)

**Prefile Substitute Amendment 64—**

In Section: 03 On Page: 095 Specific Appropriation: 608A  
 DELETE INSERT

HEALTH, DEPARTMENT OF  
 Program: Children's Medical Services  
 Children's Special Health Care

In Section 03 On Page 095  
 608A Special Categories  
 Children's Cardiac Program  
 From General Revenue Fund 437,163 837,163

CHILDREN AND FAMILIES, DEPARTMENT OF  
 Administration  
 Program: Support Services  
 Assistant Secretary For Administration

In Section 03 On Page 060  
 319A Data Processing Services  
 Children And Families Data Center  
 From General Revenue Fund 42,644,702 42,244,702

Rep. McGriff moved the adoption of the substitute amendment, which was adopted.

Representative(s) Kosmas, Bendross-Mindingall, and Lerner offered the following:

(Amendment Bar Code: 990054)

**Prefile Amendment 65—**

In Section: 03 On Page: 078 Specific Appropriation: 459A  
 DELETE INSERT

Nays—75

The Chair	Brown	Green	Mealor
Alexander	Brummer	Haridopolos	Melvin
Allen	Byrd	Harrell	Miller
Andrews	Cantens	Harrington	Murman
Argenziano	Clarke	Hart	Needelman
Arza	Crow	Hogan	Negron
Attkisson	Davis	Johnson	Paul
Atwater	Detert	Jordan	Pickens
Baker	Diaz de la Portilla	Kallinger	Prieguez
Ball	Diaz-Balart	Kilmer	Ross
Barreiro	Dockery	Kottkamp	Rubio
Baxley	Farkas	Kravitz	Russell
Bean	Fasano	Kyle	Simmons
Bennett	Fiorentino	Lacasa	Spratt
Bense	Flanagan	Lynn	Stansel
Benson	Garcia	Mack	Trovillion
Berfield	Gardiner	Mahon	Wallace
Bilirakis	Gibson	Mayfield	Waters
Bowen	Goodlette	Maygarden	

Representative(s) McGriff and Greenstein offered the following:

(Amendment Bar Code: 990052)

**Prefile Amendment 64—**

In Section: 05 On Page: 232 Specific Appropriation: 2011  
 DELETE INSERT

TRANSPORTATION, DEPARTMENT OF  
 Transportation Systems Development  
 Program: Highway And Bridge Construction

In Section 05 On Page 232  
 2011 Special Categories

CHILDREN AND FAMILIES, DEPARTMENT OF Services
Program: Economic Self Sufficiency Program
Work And Gain Economic Self-Sufficiency (Wages) And Employment Supports

459A In Section 03 On Page 078
Special Categories
Grants And Aids - Child Care - Wages
From General Revenue Fund 91,813,336 42,813,336

459C Special Categories
Grants And Aids - Child Care Quality Initiatives
From General Revenue Fund 49,000,000

Immediately following Specific Appropriation 459C, INSERT:

Funds from Specific Appropriation 459C are provided for the implementation of Child Care Quality Initiatives:

- \$10 million for the Child Care Executive Partnership
- \$3.2 million for school aged child care coordinators and competitive funding for coalitions to increase quality of school age child care in their areas
- \$2 million for child care physical and behavioral health consultants
- \$2 million for the TEACH (Teacher Education and Compensation Helps) Program - will provide an additional 1,200 scholarships to the TEACH recipients
- \$32 million to serve an additional 10,000 children who need quality child care

Rep. Kosmas moved the adoption of the amendment.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 990064)

Profile Substitute Amendment 65—

In Section: 03 On Page: 078 Specific Appropriation: 459A
DELETE INSERT

CHILDREN AND FAMILIES, DEPARTMENT OF Services
Program: Economic Self Sufficiency Program
Work And Gain Economic Self-Sufficiency (Wages) And Employment Supports

459A In Section 03 On Page 078
Special Categories
Grants And Aids - Child Care - Wages

At the end of existing proviso language, following Specific Appropriation 459A, INSERT:

From funds in Specific Appropriation 459A, up to \$1,500,000 is provided for the nationally recognized T.E.A.C.H. Program. The department is authorized to contract with the agency that is licensed to administer the T.E.A.C.H. Program in Florida.

Funds in Specific Appropriation 459A may be used to enhance the quality of child care by providing a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent or the amount required to reach the provider's private pay rate, whichever is less.

459B Special Categories
Grants And Aids - Child Care - Working Poor And At-Risk Families

Following Specific Appropriation 459B, INSERT:

From funds in Specific Appropriation 459B, up to \$1,500,000 is provided for the nationally recognized T.E.A.C.H. Program. The department is authorized to contract with the agency that is licensed to administer the T.E.A.C.H. Program in Florida.

From funds in Specific Appropriation 459B, up to \$10 million may be used as match to provide services to low income families at or below 200 percent of poverty who participate in the Child Care Executive Partnership Program as defined in s. 409.178, Florida Statutes. Up to 25 percent of the \$10 million may be used by the Child Care Executive Partnership to match funds on a statewide basis, administered through the statewide resource and referral agency.

Funds in Specific Appropriation 459B may be used to enhance the quality of child care by providing a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent or the amount required to reach the provider's private pay rate, whichever is less.

Rep. Maygarden moved the adoption of the substitute amendment, which was adopted.

REPRESENTATIVE BALL IN THE CHAIR

Representative(s) Garcia and Maygarden offered the following:

(Amendment Bar Code: 990055)

Profile Amendment 66—

In Section: 03 On Page: 060 Specific Appropriation: 319A
DELETE INSERT

CHILDREN AND FAMILIES, DEPARTMENT OF Administration
Program: Support Services
Assistant Secretary For Administration

319A In Section 03 On Page 060
Data Processing Services
Children And Families Data Center
From General Revenue Fund 42,644,702 42,594,702

Services
Program: Family Safety Program
Program Management And Compliance

362A In Section 03 On Page 065
Special Categories
Child Welfare Initiatives
From General Revenue Fund 915,465 965,465

At the end of existing proviso language, following Specific Appropriation 362A, INSERT:

From the funds in Specific Appropriation 362A, \$50,000 in non-recurring General Revenue is provided for a Domestic Violence Shelter for Hispanic Women and Children in Dade County.

Rep. Garcia moved the adoption of the amendment, which was adopted.

Representative(s) Diaz de la Portilla and Maygarden offered the following:

(Amendment Bar Code: 990056)

Profile Amendment 67—

In Section: 03 On Page: 060 Specific Appropriation: 319A
DELETE INSERT

CHILDREN AND FAMILIES, DEPARTMENT OF Administration  
Program: Support Services  
Assistant Secretary For Administration

319A In Section 03 On Page 060  
Data Processing Services  
Children And Families Data Center  
  
From General Revenue Fund 42,644,702 42,619,702

HEALTH, DEPARTMENT OF  
Program: Community Public Health  
County Health Departments Local Health Needs

577A In Section 03 On Page 090  
Aid To Local Governments  
Community Health Initiatives  
  
From General Revenue Fund 5,280,210 5,305,210

At the end of existing proviso language, following Specific Appropriation 577A, INSERT:

From the funds in Specific Appropriation 577A, \$25,000 in non-recurring General Revenue is provided to the Kiwanis Clinic in Dade County.

Rep. Diaz de la Portilla moved the adoption of the amendment, which was adopted.

**Profile Amendment 68** was withdrawn.

Representative(s) Brummer and Maygarden offered the following:

(Amendment Bar Code: 990058)

**Profile Amendment 69**—

In Section: 03 On Page: 062 Specific Appropriation: 337  
DELETE INSERT

CHILDREN AND FAMILIES, DEPARTMENT OF Services  
Program: Family Safety Program  
Adult Protection

337 In Section 03 On Page 062  
Special Categories  
Grants And Aids - Domestic Violence Program

Following Specific Appropriation 337, INSERT:

From the funds in Specific Appropriation 337, \$347,521 from the Federal Grants Trust Fund is provided to the Harbor House in Orange County.

Rep. Brummer moved the adoption of the amendment, which was adopted.

Representative(s) Jennings and Maygarden offered the following:

(Amendment Bar Code: 990059)

**Profile Amendment 70**—

In Section: 03 On Page: 078 Specific Appropriation: 459A  
DELETE INSERT

CHILDREN AND FAMILIES, DEPARTMENT OF Services  
Program: Economic Self Sufficiency Program  
Work And Gain Economic Self-Sufficiency (Wages) And Employment Supports

In Section 03 On Page 078  
459A Special Categories  
Grants And Aids - Child Care - Wages

At the end of existing proviso language, following Specific Appropriation 459A, INSERT:

From the funds in Specific Appropriation 459A, \$1,000,000 shall be designated to School Readiness Coalitions for a pilot program in Alachua, Marion, Dade, Escambia, Bay and Orange counties to provide a 2-year child care services program for three year olds. Up to 10% of these funds may be used for an evaluation tool to measure results.

Rep. Jennings moved the adoption of the amendment, which was adopted.

Representative(s) Harper offered the following:

(Amendment Bar Code: 990060)

**Profile Amendment 71**—

In Section: 03 On Page: 080 Specific Appropriation: 476  
DELETE INSERT

ELDER AFFAIRS, DEPARTMENT OF  
Program: Services To Elders Program  
Home And Community Services

476 In Section 03 On Page 080  
Lump Sum  
Home And Community Services Long Term Care Options

Following Specific Appropriation 476, INSERT:

Funds in Specific Appropriation 476 shall be used for the Home and Community Based Services Waiver and the Assisted Living Facilities Waiver, and shall be allotted as determined by the department pursuant to the provisions of Chapter 216, Florida Statutes. In allocating funds and slots in Specific Appropriation 476 for the Assisted Living Facilities Waivers, priority consideration shall be given to slots that are available in areas where services are coordinated through a public housing program.

Rep. Harper moved the adoption of the amendment.

On motion by Rep. Harper, further consideration of **Profile Amendment 71** was temporarily postponed under Rule 11.10.

Representative(s) Diaz de la Portilla and Maygarden offered the following:

(Amendment Bar Code: 990061)

**Profile Amendment 72**—

In Section: 03 On Page: 060 Specific Appropriation: 319A  
DELETE INSERT

CHILDREN AND FAMILIES, DEPARTMENT OF Administration  
Program: Support Services  
Assistant Secretary For Administration

319A In Section 03 On Page 060  
Data Processing Services  
Children And Families Data Center  
  
From General Revenue Fund 42,644,702 42,444,702

Services  
Program: Substance Abuse Program  
Child Substance Abuse Prevention, Evaluation And Treatment Services

430 In Section 03 On Page 074  
Special Categories



the University of South Florida, and other participating SUS Universities for refund matching for Lucent Technologies - Bell Laboratories, or other qualifying industries, and shall be released only after certification to the Office of Tourism, Trade and Economic Development that the requirements of s.212.08 (5) (j) 6, Florida Statutes, have been met by the certified business entity.

and insert in lieu thereof:

From the funds in Specific Appropriation 193, \$5,800,000 from the General Revenue Fund is provided to the University of Central Florida, the University of South Florida, and other participating SUS Universities for refund matching for Lucent Technologies - Bell Laboratories, or other qualifying industries, and shall be released only after certification to the Office of Tourism, Trade and Economic Development that the requirements of s.212.08 (5) (j) 6, Florida Statutes, have been met by the certified business entity.

194 Lump Sum
Educational And General Activities
From General Revenue Fund 1,300,165,828 1,301,165,828

In Section 02, on Page 38, after "Internet Coast - FAU" INSERT the following:

17. \$1,000,000 for the Whitney Lab - UF

Rep. Wiles moved the adoption of the amendment, which failed of adoption.

Representative(s) Wiles, Frankel, Kosmas, Wilson, and Heyman offered the following:

(Amendment Bar Code: 990018)

Profile Amendment 78—

In Section: 03 On Page: 046 Specific Appropriation: 234
DELETED INSERT
AGENCY FOR HEALTH CARE ADMINISTRATION
Program: Health Care Services
Executive Direction And Support Services
In Section 03 On Page 046
234 Special Categories
Pharmaceutical Expense Assistance
From Working Capital Fund 100,000,000
Medicaid Long Term Care
In Section 03 On Page 054
278A Lump Sum
Nursing Home Staffing
From Working Capital Fund 100,000,000
EDUCATION, DEPARTMENT OF, AND
COMMISSIONER OF EDUCATION
Public Schools, Division Of
Program: State Oversight & Assistance -
Public Schools
In Section 02 On Page 019
117A Lump Sum
Teacher Salary Increases
From Working Capital Fund 100,000,000
In Section 32 On Page 343

On Page 343, INSERT between Sections 31 & 32 a new Section 32 and renumber subsequent sections:

Section 32. Funds provided in Specific Appropriations 234, 278A, and 117A from the Working Capital Fund are contingent upon no legislation becoming law that would reduce collections from current tax revenues (intangible tax and others) by more than \$300,000,000 in Fiscal Year 2001-2002.

Rep. Wiles moved the adoption of the amendment.

Point of Order

Rep. Lacasa raised a point of order, under Rule 12.5(a) that the amendment failed to reduce a corresponding line item in the budget in order to accommodate the expenditure.

Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, in speaking to the point, stated that Profile Amendment 78 by Rep. Wiles and others appeared to increase the budget by 300 million dollars from the Working Capital Fund and provide funding to three program areas. The amendment did not provide funding through a corresponding decrease in other line items and attempted to take funding from the Working Capital Fund that is not included in the General Appropriations Act. Rep. Goodlette recommended that the amendment be ruled out of order pursuant to House Rule 12.5(a).

The Chair [Rep. Ball] ruled the point well taken and the amendment out of order.

THE SPEAKER IN THE CHAIR

Motion

Rep. Wiles moved to waive the rules to admit Profile Amendment 78, the Chair's ruling notwithstanding, which was not agreed to by the required two-thirds vote. The vote was:

Session Vote Sequence: 79

Yeas—42

Ausley Gottlieb Lee Seiler
Bendross-Mindingall Greenstein Lerner Siplin
Betancourt Harper Machek Slosberg
Brutus Henriquez McGriff Smith
Bucher Heyman Meadows Sobel
Bullard Holloway Peterman Stansel
Cusack Jennings Rich Weissman
Fields Joyner Richardson Wiles
Frankel Justice Ritter Wishner
Gannon Kendrick Romeo
Gelber Kosmas Ryan

Nays—73

The Chair Brummer Haridopolos Melvin
Alexander Cantens Harrell Miller
Allen Carassas Harrington Murman
Andrews Clarke Hart Needelman
Argenziano Crow Hogan Negron
Arza Davis Johnson Paul
Attkisson Detert Jordan Pickens
Atwater Diaz de la Portilla Kallinger Prieguez
Baker Diaz-Balart Kilmer Ross
Ball Dockery Kottkamp Rubio
Barreiro Farkas Kravitz Russell
Baxley Fasano Kyle Simmons
Bean Fiorentino Lacasa Spratt
Bense Flanagan Lynn Trovillion
Benson Garcia Mack Wallace
Berfield Gardiner Mahon Waters
Bilirakis Gibson Mayfield
Bowen Goodlette Goygarden
Brown Green Mealor

Representative(s) Frankel, Richardson, Justice, and Harper offered the following:

From Educational Enhancement Trust 24,764,000 500,000 Fund

(Amendment Bar Code: 990019)

Prefile Amendment 79—

In Section: 01 On Page: 001 Specific Appropriation: 4A DELETE INSERT

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of Program: State Grants/K-12 Programs - FEFP

In Section 01 On Page 001 4A Aid To Local Governments Grants And Aids - District Lottery And School Recognition Program

From Educational Enhancement Trust 280,609,000 0 Fund

Immediately following Specific Appropriation 4A, DELETE:

Funds in Specific Appropriation 4A are provided as enhancement funds for school districts and shall be allocated as follows:

a) One half of the funds in Specific Appropriation 4A shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) The remaining one half of the funds provided in Specific Appropriation 4A shall be used to fund financial awards pursuant to provisions of s. 231.2905, F.S., relating to the Florida School Recognition Program, and to fund the provisions of s. 236.08106, F.S. relating to the Excellent Teaching Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of \$100 per student in each qualifying school. From the funds appropriated in Specific Appropriations 4A and 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall develop a process such that estimated payments for the School Recognition program and Excellent Teaching program shall be determined by December 31, 2001, so that the balance of funds shall be allocated for the District Lottery program.

Program: State Grants K/12 Program - Non FEFP

In Section 01 On Page 002 6A Aid To Local Governments Grants And Aids - Teacher Recruitment And Retention

DELETE the proviso immediately following Specific Appropriation 6A:

From the funds in Specific Appropriation 6A, \$24,264,000 is provided to make the recruitment and retention of the best possible qualified teacher for every classroom a priority for the state and for each school district. These funds may be used in a variety of ways, depending on the specific need of each district. Funds may be used to implement recommendations of the Task Force on Florida's Education Workforce including scholarships for teachers. Funds may also be used to provide a signing bonus of at least \$1,000 for classroom teachers hired for the first time in Florida. These signing bonuses would be available for out of state teachers entering Florida and for individuals from Florida entering the teaching profession. Teachers eligible for signing bonuses include all personnel defined in s. 228.041(9)(a), Florida Statutes. Funds may be used to provide other bonuses to classroom teachers such as teachers in schools with a performance grade of "D" or "F", and outstanding teachers who would otherwise leave. These funds shall be allocated on each district's share of total unweighted FTE.

From the funds in Specific Appropriation 6A, \$500,000 shall be transferred to the Executive Office of the Governor to provide a state level web site for teacher recruitment and referral.

and insert in lieu thereof:

From the funds in Specific Appropriation 6A, \$500,000 is provided for the state level web site for teacher recruitment and referral.

Program: State Oversight & Assistance - Public Schools

In Section 02 On Page 018 112 Special Categories Assessment And Evaluation

From General Revenue Fund 32,153,192 0 From Principal State School Trust Fund 5,700,000 5,700,000 From Sophomore Level Test Trust Fund 782,107 782,107 From Teacher Certification Examination Trust Fund 3,605,776 3,605,776

In Section 02, on Page 18, DELETE the following:

Funds in Specific Appropriation 112 shall be used by the Commissioner of Education in FY 2001-2002, to enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into the next, and may be paid from the appropriations of either or both fiscal years. For the Florida Comprehensive Assessment Test, only firms which can provide test results by no less than two weeks before the end of the school year shall be considered.

Funds in Specific Appropriation 112 may be used for research and analysis of existing data available through Florida's education, evaluation and assessment programs.

The Commissioner of Education is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services and related materials developed pursuant to state statutes.

From funds in Specific Appropriation 112, \$1,600,000 from the General Revenue Fund is provided for the statewide administration to all tenth grade students of the preliminary SAT or ACT college entrance examinations. Test results will provide each high school with a database of student assessment data to be used by guidance counselors to identify students who are ready or who need additional work to be prepared to enroll and be successful in advanced placement and other higher level college preparatory courses. Each school district shall choose either the PSAT or ACT. School districts

shall submit documentation of the number of students taking examinations to the Commissioner of Education. The department shall pay the cost of the preliminary college entrance examinations directly to the providers.

From funds in Specific Appropriation 112, \$1,639,764 from the General Revenue Fund is provided for the administration of School Readiness Uniform Screening. Funds shall be used for the purchase of the test instruments, training, scoring and systems processing. The results of such assessment shall become part of each student's record in the automated student database and shall identify by code the early childhood provider during the year prior to enrollment in kindergarten.

and insert in lieu thereof:

From funds in Specific Appropriation 112, \$750,000 from the Principal State School Trust Fund shall be used to conduct an independent review of the Florida Comprehensive Assessment Test to determine if the instrument is suitable to fairly assess adequate student progress, adequate school performance, and adequate teacher performance. The review shall include, but is not limited to, a determination as to whether the test is a reliable and valid instrument; whether it is aligned adequately with the Sunshine State Standards; whether it accurately and fairly measures what students have learned independent of their socioeconomic background and readiness for the subject matter being studied; whether the test can accurately reflect annual student learning gains within a school; and whether it can accurately evaluate teacher performance. The Office of Program Policy Analysis and Government Accountability (OPPAGA), in consultation with the Department of Education, shall conduct a national search and request for proposals to identify suitable independent, research organization, or organizations, to conduct the review. The office shall provide the Florida House of Representatives and the Florida Senate with quarterly updates of their progress.

The Commissioner of Education is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services and related materials developed pursuant to state statutes. Any revenue received shall be used for assessment and evaluation.

From funds in Specific Appropriation 112, \$1,600,000 from the Principal State School Trust Fund is provided for the statewide administration to all tenth grade students of the preliminary SAT or ACT college entrance examinations. Test results will provide each high school with a database of student assessment data to be used by guidance counselors to identify students who are ready or who need additional work to be prepared to enroll and be successful in advanced placement and other higher level college preparatory courses. Each school district shall choose either the PSAT or ACT. School districts shall submit documentation of the number of students taking examinations to the Commissioner of Education. The department shall pay the cost of the preliminary college entrance examinations directly to the providers.

From funds in Specific Appropriation 112, \$1,639,764 from the Principal State School Trust Fund is provided for the administration of School Readiness Uniform Screening. Funds shall be used for the purchase of the test instruments, training, scoring and systems processing.

Program: State Grants/K-12 Programs - FEFP

4B In Section 01 On Page 002 Aid To Local Governments Grants and Aids - District Lottery and Excellent Teaching

From Educational Enhancement Trust Fund 167,026,192

In Section 01 On Page 001

Immediately following Specific Appropriation 4B, INSERT:

Funds in Specific Appropriation 4B are provided as enhancement funds for school districts and shall be allocated as follows:

a) \$140,304,500 in Specific Appropriation 4B shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) \$26,721,692 of the funds provided in Specific Appropriation 4B shall be used to fund the provisions of s. 236.08106, F.S. relating to the Excellent Teaching Program. From the funds appropriated in Specific Appropriations 4B and 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall develop a process such that estimated payments for the Excellent Teaching program shall be determined by December 31, 2001, so that the balance of funds shall be allocated for the District Lottery program.

In Section 02 On Page 022 118A Aid To Local Governments G/A - Teacher Salary Improvement

From General Revenue Fund 32,153,192

In Section 02 On Page 001

Following Specific Appropriation 118A, INSERT:

Funds in Specific Appropriation 118A and 4C are allocated to school districts based on WFTE X DCD.

4C In Section 01 On Page 002 Aid To Local Governments G/A - Teacher Salary Improvement

From Educational Enhancement Trust Fund 137,846,808

Following Specific Appropriation 4C, INSERT:

Funds in Specific Appropriations 4C and 118A are allocated to school districts based on WFTE X DCD.

Rep. Frankel moved the adoption of the amendment, which failed of adoption. The vote was:



Session Vote Sequence: 80

Yeas—41

Ausley	Gottlieb	Lerner	Siplin
Bendross-Mindingall	Greenstein	Machek	Slosberg
Betancourt	Harper	McGriff	Smith
Brutus	Henriquez	Meadows	Sobel
Bucher	Heyman	Peterman	Weissman
Bullard	Holloway	Rich	Wiles
Cusack	Jennings	Richardson	Wilson
Fields	Joyner	Ritter	Wishner
Frankel	Justice	Romeo	
Gannon	Kosmas	Ryan	
Gelber	Lee	Seiler	

Nays—71

The Chair	Brown	Goodlette	Mayfield
Alexander	Brummer	Green	Maygarden
Allen	Byrd	Haridopolos	Mealor
Andrews	Cantens	Harrell	Melvin
Argenziano	Carassas	Hart	Miller
Arza	Clarke	Hogan	Murman
Attkisson	Crow	Johnson	Needelman
Atwater	Davis	Jordan	Negron
Baker	Detert	Kallinger	Pickens
Ball	Diaz de la Portilla	Kendrick	Ross
Barreiro	Diaz-Balart	Kilmer	Rubio
Baxley	Dockery	Kottkamp	Russell
Bean	Farkas	Kravitz	Spratt
Bense	Fasano	Kyle	Stansel
Benson	Fiorentino	Lacasa	Trovillion
Berfield	Flanagan	Lynn	Wallace
Bilirakis	Gardiner	Mack	Waters
Bowen	Gibson	Mahon	

Representative(s) Andrews offered the following:

(Amendment Bar Code: 990009)

**Profile Amendment 80—**

In Section: 02 On Page: 019 Specific Appropriation: 118  
DELETE INSERT

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Public Schools, Division Of  
Program: State Grants/K-12 Programs -  
FEFP

118 In Section 02 On Page 019  
Aid To Local Governments  
Grants And Aids - Florida Educational  
Finance Program

From General Revenue Fund	6,447,569,123	6,385,169,123
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118A In Section 02 On Page 022  
Aid To Local Governments  
Grants And Aids - Public School  
Technology

From General Revenue Fund	62,400,000
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Rep. Andrews moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 81

Yeas—54

Alexander	Andrews	Ausley	Bean
Allen	Attkisson	Baxley	Bendross-Mindingall

Betancourt	Harper	Lerner	Simmons
Brutus	Hart	Machek	Siplin
Bucher	Henriquez	McGriff	Slosberg
Bullard	Heyman	Meadows	Smith
Cusack	Hogan	Melvin	Sobel
Diaz de la Portilla	Holloway	Peterman	Wallace
Fields	Jennings	Rich	Weissman
Frankel	Joyner	Ritter	Wiles
Gannon	Justice	Romeo	Wilson
Gelber	Kendrick	Ross	Wishner
Gottlieb	Kosmas	Ryan	
Greenstein	Lee	Seiler	

Nays—57

The Chair	Cantens	Haridopolos	Murman
Argenziano	Carassas	Harrell	Needelman
Arza	Clarke	Harrington	Negron
Atwater	Crow	Johnson	Paul
Baker	Davis	Jordan	Pickens
Ball	Detert	Kallinger	Richardson
Barreiro	Diaz-Balart	Kilmer	Rubio
Bense	Dockery	Kottkamp	Russell
Benson	Farkas	Kravitz	Spratt
Berfield	Fasano	Kyle	Stansel
Bilirakis	Flanagan	Lynn	Trovillion
Bowen	Gardiner	Mack	Waters
Brown	Gibson	Maygarden	
Brummer	Goodlette	Mealor	
Byrd	Green	Miller	

Votes after roll call:

Yeas—Fiorentino

Representative(s) Gelber, Harper, Lerner, Rich, Romeo, and Bucher offered the following:

(Amendment Bar Code: 990020)

**Profile Amendment 81—**

In Section: 01 On Page: 001 Specific Appropriation: 4A  
DELETE INSERT

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Public Schools, Division Of  
Program: State Grants/K-12 Programs -  
FEFP

4A In Section 01 On Page 001  
Aid To Local Governments  
Grants And Aids - District Lottery And  
School Recognition Program

From Educational Enhancement Trust Fund	280,609,000	0
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Immediately following Specific Appropriation 4A, DELETE:

Funds in Specific Appropriation 4A are provided as enhancement funds for school districts and shall be allocated as follows:

a) One half of the funds in Specific Appropriation 4A shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are

measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) The remaining one half of the funds provided in Specific Appropriation 4A shall be used to fund financial awards pursuant to provisions of s. 231.2905, F.S., relating to the Florida School Recognition Program, and to fund the provisions of s. 236.08106, F.S. relating to the Excellent Teaching Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of \$100 per student in each qualifying school. From the funds appropriated in Specific Appropriations 4A and 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall develop a process such that estimated payments for the School Recognition program and Excellent Teaching program shall be determined by December 31, 2001, so that the balance of funds shall be allocated for the District Lottery program.

In Section 01 On Page 002  
4B Aid To Local Governments  
Grants and Aids - District Lottery and  
Excellent Teaching  
  
From Educational Enhancement Trust 180,609,000  
Fund

In Section 01 On Page 001

Following Specific Appropriation 4B, INSERT:

Funds in Specific Appropriation 4B are provided as enhancement funds for school districts and shall be allocated as follows:

a) \$140,304,500 of the funds in Specific Appropriation 4B shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) \$40,304,500 of the funds provided in Specific Appropriation 4B shall be used to fund the provisions of s. 236.08106, F.S. relating to the Excellent Teaching Program. From the funds appropriated in Specific Appropriations 4B and 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in

paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall develop a process such that estimated payments for the Excellent Teaching program shall be determined by December 31, 2001, so that the balance of funds shall be allocated for the District Lottery program.

In Section 01 On Page 002  
4C Aid To Local Governments  
Grants And Aids - Class Size Reduction  
  
From Educational Enhancement Trust 100,000,000  
Fund

Following Specific Appropriation 4C, INSERT:

Funds in Specific Appropriation 4C are provided for hiring teachers to reduce class size in Kindergarten through Grade 3 as specified in s. 236.687, F.S.

Rep. Gelber moved the adoption of the amendment.

Representative(s) Lerner offered the following:

(Amendment Bar Code: 990022)

**Prefile Substitute Amendment 81—**

In Section: 01 On Page: 001 Specific Appropriation: 1  
DELETE INSERT

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Program: Education - Fixed Capital Outlay

In Section 01 On Page 001  
1 Fixed Capital Outlay  
Classrooms First And 1997 School Capital  
Outlay Bond Programs - Operating Funds  
And Debt Service

At the end of existing proviso language, following Specific Appropriation 1, INSERT:

From the funds provided in Specific Appropriation 1 for the School Infrastructure Thrift Program as established in s.235.2155, F.S., any unobligated funds on July 1, 2001 shall be directed to the Classrooms First 1997 School Capital Outlay Bond Program so that school districts may benefit from the increased availability of bond proceeds to finance school construction.

Rep. Lerner moved the adoption of the substitute amendment, which failed of adoption. The vote was:

Session Vote Sequence: 82

Yeas—41

Ausley	Gottlieb	Lee	Seiler
Bendross-Mindingall	Greenstein	Lerner	Siplin
Betancourt	Harper	Machek	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Weissman
Bullard	Hogan	Peterman	Wiles
Cusack	Holloway	Rich	Wilson
Fields	Jennings	Richardson	Wishner
Frankel	Joyner	Ritter	
Gannon	Justice	Romeo	
Gelber	Kosmas	Ryan	

Nays—73

The Chair	Andrews	Attkisson	Ball
Alexander	Argenziano	Atwater	Barreiro
Allen	Arza	Baker	Baxley

Bean	Dockery	Kallinger	Needelman
Bense	Farkas	Kendrick	Negron
Benson	Fasano	Kilmer	Paul
Berfield	Fiorentino	Kottkamp	Pickens
Bilirakis	Flanagan	Kravitz	Prieguez
Bowen	Garcia	Kyle	Rubio
Brown	Gardiner	Lacasa	Russell
Brummer	Gibson	Lynn	Simmons
Byrd	Goodlette	Mack	Spratt
Cantens	Green	Mahon	Stansel
Clarke	Haridopolos	Mayfield	Trovillion
Crow	Harrell	Maygarden	Wallace
Davis	Harrington	Mealor	Waters
Detert	Hart	Melvin	
Diaz de la Portilla	Johnson	Miller	
Diaz-Balart	Jordan	Murman	

In Section 02 On Page 026  
 143 Special Categories  
 Teacher Professional Development  
 From General Revenue Fund 1,438,000 0

Immediately following Specific Appropriation 143, DELETE:  
 From funds in Specific Appropriation 143, \$363,000 is provided to the Florida Association of District School Superintendents for district superintendent and district leader in-service training; \$300,000 to the Florida School Boards Association for school board member inservice training; \$500,000 for the Flight to Your Future Teacher Resource and Activity Center at Embry-Riddle Aeronautical University for math/science enhancement; and \$275,000 to the Florida Humanities Council.

146 Special Categories  
 Grants And Aids - Exceptional Education  
 From General Revenue Fund 2,651,336 4,089,336

Votes after roll call:  
 Yeas—Sobel

The question recurred on the adoption of **Prefile Amendment 81**, which failed of adoption. The vote was:

Immediately following Specific Appropriation 146, DELETE:  
 From the funds in Specific Appropriation 146, from General Revenue, \$74,623 is provided for the Pre-Kindergarten Handicapped Information System, \$523,574 for the Network of Centers for Severely Emotionally Disturbed, \$1,412,852 for the Florida Diagnostic and Learning Resource Centers, \$168,606 for Resource Materials for the Hearing Impaired, \$210,899 for Visually Handicapped Resources, \$25,000 for Very Special Arts, and \$235,782 for the Governor's Summer Program for the Gifted.

Session Vote Sequence: 83

Yeas—43

Ausley	Gottlieb	Lee	Seiler
Bendross-Mindingall	Greenstein	Lerner	Siplin
Betancourt	Harper	Machek	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wilson
Gannon	Kendrick	Romeo	Wishner
Gelber	Kosmas	Ryan	

and insert in lieu thereof:

From the funds in Specific Appropriation 146, from General Revenue, \$115,096 is provided for the Pre-Kindergarten Handicapped Information System, \$807,544 for the Network of Centers for Severely Emotionally Disturbed, \$2,179,138 for the Florida Diagnostic and Learning Resource Centers, \$260,053 for Resource Materials for the Hearing Impaired, \$325,284 for Visually Handicapped Resources, \$38,559 for Very Special Arts, and \$363,662 for the Governor's Summer Program for the Gifted.

Nays—70

The Chair	Brown	Green	Melvin
Alexander	Brummer	Harrell	Miller
Allen	Byrd	Harrington	Murman
Andrews	Cantens	Hart	Needelman
Argenziano	Carassas	Hogan	Negron
Arza	Clarke	Johnson	Paul
Attkisson	Crow	Jordan	Pickens
Atwater	Detert	Kallinger	Prieguez
Baker	Diaz de la Portilla	Kilmer	Ross
Ball	Diaz-Balart	Kottkamp	Rubio
Barreiro	Dockery	Kyle	Russell
Baxley	Farkas	Lacasa	Simmons
Bean	Fasano	Lynn	Spratt
Bense	Fiorentino	Mack	Trovillion
Benson	Flanagan	Mahon	Wallace
Berfield	Gardiner	Mayfield	Waters
Bilirakis	Gibson	Maygarden	
Bowen	Goodlette	Mealor	

Rep. Andrews moved the adoption of the amendment, which failed of adoption.

Representative(s) Cusack, Romeo, Meadows, Gelber, and Rich offered the following:

(Amendment Bar Code: 990021)

**Prefile Amendment 83—**

In Section: 01 On Page: 001 Specific Appropriation: 4A  
 DELETE INSERT

EDUCATION, DEPARTMENT OF, AND  
 COMMISSIONER OF EDUCATION  
 Public Schools, Division Of  
 Program: State Grants/K-12 Programs -  
 FEFP

4A In Section 01 On Page 001  
 Aid To Local Governments  
 Grants And Aids - District Lottery And  
 School Recognition Program  
 From Educational Enhancement Trust 280,609,000 0  
 Fund

Representative(s) Andrews offered the following:

(Amendment Bar Code: 990013)

**Prefile Amendment 82—**

In Section: 02 On Page: 026 Specific Appropriation: 143  
 DELETE INSERT

EDUCATION, DEPARTMENT OF, AND  
 COMMISSIONER OF EDUCATION  
 Public Schools, Division Of  
 Program: State Grants K/12 Program - Non  
 FEFP

Immediately following Specific Appropriation 4A, DELETE:  
 Funds in Specific Appropriation 4A are provided as enhancement funds for school districts and shall be allocated as follows:  
 a) One half of the funds in Specific Appropriation 4A shall be allocated by prorating the amount of the appropriation on each

district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) The remaining one half of the funds provided in Specific Appropriation 4A shall be used to fund financial awards pursuant to provisions of s. 231.2905, F.S., relating to the Florida School Recognition Program, and to fund the provisions of s. 236.08106, F.S. relating to the Excellent Teaching Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of \$100 per student in each qualifying school. From the funds appropriated in Specific Appropriations 4A and 127, payment shall be made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall develop a process such that estimated payments for the School Recognition program and Excellent Teaching program shall be determined by December 31, 2001, so that the balance of funds shall be allocated for the District Lottery program.

4B Aid To Local Governments
Grants and Aids - District Lottery and
Excellent Teaching
From Educational Enhancement Trust 180,609,000
Fund

Following Specific Appropriation 4B, INSERT:

Funds in Specific Appropriation 4B are provided as enhancement funds for school districts and shall be allocated as follows:

a) \$140,304,500 of the funds in Specific Appropriation 4B shall be allocated by prorating the amount of the appropriation on each district's K-12 base funding entitlement. Prior to the expenditure of these funds, each district shall establish policies and procedures that define enhancement and the types of expenditures that will be consistent with that definition. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2001, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council or, in the absence of such, at the discretion of the staff and parents of the school. A portion of these funds shall be used for implementing the school improvement plan. The improvement plan shall include performance indicators which are measurable. Funding for use by the school advisory councils shall be allocated directly to the school advisory councils and shall be earmarked for the councils' use. Council funds are not subject to override by the principal or interim approvals by school district staff. Council funds must be accounted for and are subject to being audited on a yearly basis.

b) \$40,304,500 of the funds provided in Specific Appropriation 4B shall be used to fund the provisions of s. 236.08106, F.S. relating to the Excellent Teaching Program. From the funds appropriated in Specific Appropriations 4B and 127, payment shall be

made to school districts in the amount of the employer's share of Social Security and Medicare taxes (7.65%) for those teachers who qualify for national board certification and receive bonus amounts consistent with the provisions of s. 236.08106, F.S.

c) Any funds remaining after the obligations in paragraph (b) have been fully met shall be allocated to all school districts as provided in paragraph (a), and shall be subject to the expenditure requirements of that paragraph.

The Commissioner of Education shall develop a process such that estimated payments for the Excellent Teaching program shall be determined by December 31, 2001, so that the balance of funds shall be allocated for the District Lottery program.

Program: State Grants K/12 Program - Non FEFP
In Section 01 On Page 002
4C Special Categories
Grants And Aids - Pre-School Projects
From Educational Enhancement Trust 100,000,000
Fund

Rep. Romeo moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 84

Yeas—42

- Ausley Gannon Kosmas Seiler
Barreiro Gelber Lee Siplin
Bendross-Mindingall Gottlieb Lerner Slosberg
Betancourt Greenstein Macheck Smith
Brutus Harper McGriff Sobel
Bucher Henriquez Meadows Weissman
Bullard Heyman Peterman Wiles
Cusack Holloway Rich Wilson
Diaz de la Portilla Jennings Richardson Wishner
Fields Joyner Romeo
Frankel Justice Ryan

Nays—70

- The Chair Carassas Hart Miller
Alexander Clarke Hogan Murman
Argenziano Davis Johnson Needelman
Arza Detert Jordan Negron
Attkisson Diaz-Balart Kallinger Paul
Atwater Dockery Kendrick Pickens
Baker Farkas Kilmer Prieguez
Ball Fasano Kottkamp Ross
Baxley Fiorentino Kravitz Rubio
Bean Flanagan Kyle Russell
Bense Garcia Lacasa Simmons
Benson Gardiner Lynn Spratt
Berfield Gibson Mack Stansel
Bilirakis Goodlette Mahon Trovillion
Bowen Green Mayfield Wallace
Brown Haridopolos Maygarden Waters
Brunner Harrell Mealor
Byrd Harrington Melvin

Votes after roll call:

Nays—Andrews

Representative(s) Kendrick offered the following:

(Amendment Bar Code: 990066)

Prefile Amendment 84—

In Section: 31 On Page: 343 Specific Appropriation:

In Section 31 On Page 343

On page 343, between Section 31 and Section 32, INSERT:

Section 32. For the purposes of expenditure of funds appropriated in this act, a contract for services, request for proposal, or invitation to bid between an agency of this state and a contract vendor succeeding to the operation of a program or function of an agency of this state may not be executed unless the vendor is a corporation that is domiciled in this state or that will maintain a significant business presence in this state for the duration of the contract. For the purposes of this section, the term "significant business presence" means a retention of substantially all of the filled positions previously assigned the state agency at substantially the same total cash equivalent of salaries and benefits.

(RENUMBER SUBSEQUENT SECTIONS)

Rep. Kendrick moved the adoption of the amendment. Subsequently, **Profile Amendment 84** was withdrawn.

Representative(s) Ausley, Richardson, and Kendrick offered the following:

(Amendment Bar Code: 990067)

**Profile Amendment 85—**

In Section: 29 On Page: 343 Specific Appropriation:

DELETE INSERT

In Section 29 On Page 343

On page 343 delete all of Section 29 and renumber subsequent sections.

MANAGEMENT SERVICES, DEPARTMENT OF  
Workforce Programs  
Program: Human Resource Management

2657A In Section 06 On Page 300  
Lump Sum  
Retraining of Displaced State Employees

From Services Trust Fund 15,000,000

Rep. Ausley moved the adoption of the amendment.

Representative(s) Negron offered the following:

(Amendment Bar Code: 990069)

**Profile Substitute Amendment 85—**

In Section: 29 On Page: 343 Specific Appropriation:

DELETE INSERT

In Section 29 On Page 343

In Section 29, On Page 343, add to existing language

The Agency for Workforce Innovation, through its existing programs, shall provide all available assistance to any state employee who is displaced as a result of the outsourcing of the human resource services.

Rep. Negron moved the adoption of the substitute amendment, which was adopted. The vote was:

Session Vote Sequence: 85

Yeas—73

The Chair	Atwater	Bense	Brummer
Alexander	Baker	Benson	Byrd
Allen	Ball	Berfield	Cantens
Argenziano	Barreiro	Bilirakis	Carassas
Arza	Baxley	Bowen	Clarke
Attkisson	Bean	Brown	Crow

Davis	Green	Lacasa	Pickens
Detert	Haridopolos	Lynn	Prieguez
Diaz de la Portilla	Harrell	Mack	Ross
Diaz-Balart	Harrington	Mahon	Rubio
Dockery	Hart	Mayfield	Russell
Farkas	Hogan	Maygarden	Simmons
Fasano	Johnson	Mealor	Spratt
Fiorentino	Jordan	Melvin	Trovillion
Flanagan	Kallinger	Miller	Wallace
Garcia	Kilmer	Murman	Waters
Gardiner	Kottkamp	Needelman	
Gibson	Kravitz	Negron	
Goodlette	Kyle	Paul	

Nays—40

Ausley	Gelber	Lee	Seiler
Bendross-Mindingall	Gottlieb	Lerner	Siplin
Betancourt	Greenstein	Machek	Slosberg
Brutus	Harper	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Ritter	Wiles
Frankel	Justice	Romeo	Wilson
Gannon	Kendrick	Ryan	Wishner

Votes after roll call:

Yeas—Andrews

**Profile Amendment 86** was withdrawn.

**Profile Amendments 36 and 71** were abandoned.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**Resolution**

On motion by Rep. Byrd, the rules were waived and—

**HR 9007**—A resolution designating Representative Jerry G. Melvin as “Dean of the Florida House of Representatives.”

WHEREAS, in 1968, Jerry G. Melvin, of Fort Walton Beach, was elected to the Florida House of Representatives by the residents of District 7, a post to which he was reelected for five consecutive terms and in which he untiringly devoted himself to the constituents of that district and, later, to those of District 5, until his voluntary retirement in 1978, and

WHEREAS, during this time as a member of the House, Representative Melvin served as chair of the Committee on Retirement, Personnel & Claims, and was the founding chair of the Committee on Tourism and Economic Development, and

WHEREAS, in 1994, after a 16-year absence, Jerry G. Melvin was again elected to the House of Representatives, at this point to represent District 4, and, since his return to state government, Representative Melvin has served two consecutive terms as chair of the Committee on Education Innovation and is currently chair of the Council for Lifelong Learning, and

WHEREAS, with a total of 16 years of service, Representative Jerry G. Melvin is the senior member of the House of Representatives in terms of service, and

WHEREAS, the designation of “Dean” is a time-honored title that is traditionally reserved for the longest-serving member of the House of Representatives, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the members of the House of Representatives are pleased to recognize Representative Jerry G. Melvin, of Fort Walton Beach, for his long and distinguished service to the people of this state and are honored to confer upon him the title of “Dean of the Florida House of

Representatives" for the 2000-2002 biennium and to extend to him their heartiest congratulations on his achievement of this milestone.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Representative Jerry G. Melvin as a tangible token of this designation and of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Benson, the resolution was adopted.

On motion by Rep. Benson, the board was opened [Session Vote Sequence: 86] and the following Members were recorded as cosponsors of the resolution, along with Rep. Benson: Reps. Alexander, Allen, Andrews, Argenziano, Arza, Attkisson, Atwater, Ausley, Baker, Ball, Barreiro, Baxley, Bean, Bendross-Mindingall, Bense, Berfield, Betancourt, Bilirakis, Bowen, Brown, Brummer, Brutus, Bullard, Byrd, Cantens, Carassas, Clarke, Crow, Cusack, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Dockery, Farkas, Fasano, Feeney, Fields, Fiorentino, Flanagan, Frankel, Gannon, Gardiner, Gelber, Gibson, Goodlette, Gottlieb, Green, Greenstein, Haridopolos, Harrell, Harrington, Hart, Henriquez, Heyman, Hogan, Holloway, Jennings, Johnson, Jordan, Joyner, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kottkamp, Kravitz, Kyle, Lacasa, Lynn, Machek, Mack, Mahon, Mayfield, Maygarden, McGriff, Meadows, Mealor, Miller, Murman, Needelman, Negron, Paul, Peterman, Pickens, Prieguez, Richardson, Ritter, Romeo, Ross, Rubio, Russell, Ryan, Seiler, Simmons, Siplin, Slosberg, Smith, Sobel, Spratt, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, and Wishner.

### Continuation of Special Order Calendar

**HB 1809**—A bill to be entitled An act implementing the 2001-2002 General Appropriations Act; providing legislative intent; amending s. 236.081, F.S., relating to the Florida Education Finance Program; revising calculation of additional full-time equivalent membership based on the Advanced International Certificate of Education Program; revising the basis of the quality assurance guarantee; providing for future reversion to current text; amending s. 240.116, F.S.; eliminating restriction of the Advanced International Certificate of Education Program to a pilot program; providing for future reversion to current text; amending s. 240.35, F.S.; including technology fees within the calculation of the range of fees allowed to be adopted by each community college board of trustees; providing for future reversion to current text; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer some positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; authorizing the Department of Legal Affairs to transfer certain funds between trust funds; amending s. 925.037, F.S.; providing that the state courts system shall allocate conflict counsel funds among certain counties; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for future reversion to current text; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing matching funds for the administration of such program; amending s. 25.402, F.S.; revising use and distribution of funds in the County Article V Trust Fund; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; amending s. 373.59, F.S.; requiring release of certain

moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 259.032, F.S.; authorizing the appropriation of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor recreation grants; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; providing procedures and requirements for the outsourcing of human resource services for all state agencies; amending s. 287.1345, F.S.; providing for use of funds in the Grants and Donations Trust Fund of the Department of Management Services for technology initiatives; authorizing the Departments of Insurance, Education, Business and Professional Regulation, Management Services, and Labor and Employment Security and the Agencies for Workforce Innovation and Health Care Administration to transfer positions and funds to comply with the General Appropriations Act; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund to improve, and increase the number of, disaster shelters in the state and improve local disaster preparedness; authorizing certain agencies to contract or subcontract with faith-based organizations under certain programs or allow faith-based organizations to accept certificates, warrants, or other forms of disbursement under certain programs under certain circumstances; specifying eligibility of faith-based organizations; providing certain protections for faith-based organizations; requiring certain agencies to prepare implementation plans and submit the plans to the Governor and the Legislature; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; adopting state agency program performance measures and standards; providing that the performance measures and standards are directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

—was read the second time by title.

Representative(s) Wiles offered the following:

(Amendment Bar Code: 552493)

**Amendment 1 (with title amendment)**—On page 9, between lines 26 and 27 of the bill

insert:

Section 7. In order to implement Specific Appropriation 118 of of the 2001-2002 General Appropriations Act, subsection (8) of section 229.57, Florida Statutes, is amended to read:

229.57 Student assessment program.—

(8) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.—*For purposes of determining school performance, student performance should be based on a student's annual learning gains when the gain can be measured with an accurate and consistent assessment system. Currently, the statewide assessment system cannot measure a year's worth of knowledge because not all grades are tested and there is not sufficient data to create a baseline to measure improvement. Therefore, it is the intent of the Legislature that an alternative system should be created until 2 years of assessment data are available to start measuring actual student learning gains.* School performance grade category designations itemized in subsection (7) shall be based on the following:

(a) Timeframes.—

1. School performance grade category designations shall be based on one school year of performance.

2. In school years 1998-1999 and 1999-2000, a school's performance grade category designation shall be determined by the student achievement levels on the FCAT, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with state board rule.

3. In the 2000-2001 school year, a school's performance grade category designation shall be *determined as follows: based on a combination of student achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other appropriate performance data, including, but not limited to, dropout rate and student readiness for college.*

a. *Elementary schools.—*

(I) *Sixty percent of the performance grade shall be derived from a composite of the FCAT scores for grades 4 and 5, and the percentage of kindergarten through grade 2 classes for which there is a ratio of one teacher to twenty students.*

(II) *Twenty percent of the performance grade shall be derived from an assessment by the school advisory committee of the progress toward the goals of the school improvement plan.*

(III) *Twenty percent of the performance grade shall be derived from an assessment of parental involvement and school safety programs and initiatives, to be weighted at ten percent each.*

b. *Middle schools.—*

(I) *Sixty percent of the performance grade shall be derived from the grade 8 FCAT scores.*

(II) *Twenty percent of the performance grade shall be derived from an assessment by the school advisory committee of the progress toward the goals of the school improvement plan.*

(III) *Twenty percent of the performance grade shall be derived from an assessment of parental involvement and school safety programs and initiatives, to be weighted at ten percent each.*

c. *High schools.—*

(I) *Sixty percent of the performance grade shall be derived from a composite of the grade 10 FCAT scores, and the school's overall dropout and graduation rate, which shall be weighted at thirty percent each.*

(II) *Twenty percent of the performance grade shall be derived from an assessment by the school advisory committee of the progress toward the goals of the school improvement plan.*

(III) *Twenty percent of the performance grade shall be derived from an assessment of parental involvement and school safety programs and initiatives, to be weighted at ten percent each.*

*In order to implement subparagraph 3., the Department of Education shall determine and disseminate the standardized method by which school advisory committees shall make their assessments pursuant to this subparagraph and the department shall determine a process for submission of documentation and standards for assessment of parental involvement, school safety, and bonus point factors.*

4. Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation shall be based on student learning gains as measured by annual FCAT assessments in grades 3 through 10, and on other appropriate performance data, including, but not limited to, dropout rate, cohort graduation rate, and student readiness for college.

(b) Student assessment data.—Student assessment data used in determining school performance grade categories shall include:

1. The median scores of all eligible students enrolled in the school who have been assessed on the FCAT.

2. The median scores of all eligible students enrolled in the school who have been assessed on the FCAT and who have scored at or in the lowest 25th percentile of the state in the previous school year.

The Department of Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students. The state board shall adopt appropriate criteria for each school performance grade category. The criteria must also give added weight to student achievement in reading.

Schools designated as performance grade category "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students who have scored among the lowest 25 percent of students in the state as well as by the overall population of students in the school.

Section 8. *The amendment of subsection (8) of section 229.57, Florida Statutes, by this act shall expire on July 1, 2002, and the text of said subsection shall revert to that in existence on June 30, 2001, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this act.*

And the title is amended as follows:

On page 1, line 20, after the semicolon,

insert: *modifying the method of determining school performance grade category designations in the 2000-2001 school year; providing for future reversion to current text;*

Rep. Wiles moved the adoption of the amendment.

**Point of Order**

Rep. Lynn raised a point of order, under Rule 12.9, that the amendment was not germane.

Further consideration of the amendment, with pending point of order, was temporarily postponed.

**Amendment 2** was withdrawn.

Representative(s) Gottlieb and Bucher offered the following:

(Amendment Bar Code: 262081)

**Amendment 3**—On page 29, line 1 through page 30, line 26 remove from the bill: all of said lines

insert:

(3) *Any agency or political subdivision of this state continues to have the authority to contract with faith-based organizations or to allow faith-based organizations to accept certificates, warrants, or other forms of disbursement under any program, on the same basis as any other nongovernmental provider, without impairing the religious character of such organizations. Any faith-based organization may act as a subcontractor in the delivery of services under any program, on the same basis as any other nongovernmental provider, without impairing the religious character of such organization.*

(4) *Each program to which this act is applicable shall be operated in compliance with federal requirements applicable to the particular program, and consistent with the Establishment and Free Exercise Clauses of the United States Constitution and s. 3, Art. I of the State Constitution.*

(5) *As a requirement for eligibility as a contractor, subcontractor or provider, any faith-based organization shall provide services through a non-profit corporate which is "not pervasively sectarian."*

(6) *Any faith-based organization continues to be eligible as a contractor or subcontractor, on the same basis as any other nongovernmental organization, to provide assistance or to accept certificates, warrants, or other forms of disbursement under any program. Any agency of this state or any political subdivision of this state receiving funds under any program shall not discriminate against any organization which is or applies to be a contractor to provide assistance, or which accepts certificates, warrants, or other forms of disbursement, on the basis that the organization has a religious character.*

(7)(a) *A faith-based organization which has entered into a contract with an agency or political subdivision of this state, or which accepts certificates, warrants, or other forms of disbursement described in subsection (1), shall retain its independence from state and local governments, in regard to the organization's control over the definition,*

development, practice, and expression of its religious beliefs. However, nothing in this act shall be construed to create an exemption from the provisions of s.24, Article I of the State Constitution with respect to any faith-based organization that contracts with the state to provide services or that accepts certificates, warrants or other forms of disbursement under any program, and the provisions of chapter 119 and chapter 286 shall apply as appropriate.

(b) An agency or any political subdivision of this state shall not require a faith-based organization to alter its form of internal governance or remove religious art, icons, scripture, or other symbols in order to be eligible to contract to provide assistance, or to accept certificates, warrants, or other forms of disbursement, funded under a program.

(8) Each agency which administers any program described in this section shall prepare a plan to implement this section and, no later than September 1, 2001, shall submit a copy of the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(9) Any contractor or provider that has received a contract to provide services under any program may continue to employ faith-based organizations as subcontractors on the same basis as any other nongovernmental provider.

(10) Any agency that contracts with a faith-based or community organization shall establish and include in the contract, performance standards and other accountability measures for all services delivered as part of the program. The performance standards shall be established on the same basis as those required of any other contractor, subcontractor, provider, or the state. If the agency determines that it is reasonable, the standards shall include, but are not limited to, standards regarding service quality, client satisfaction, cost efficiency, and fiscal accountability. Faith-based and community organizations must be given the same reasonable opportunity to achieve the established standards as any other contractor, subcontractor, provider, or the state. If a faith-based or community organization fails to meet the appropriate performance standards, the agency awarding the contract shall take any appropriate action necessary to protect the interests of the state on the same basis as it would for any other contractor, subcontractor, provider, or the state. Such actions may include, but are not limited to, imposition of a requirement for corrective action, imposition of financial sanctions, notifications sent to the board of directors or other governing body, or termination of the contract. Except when an agency determines it is not reasonable, any agency that administers any program described in this section shall include in any client services contract a requirement that contractors or providers prepare plans describing their implementation of this section. Such plan shall include a disclosure of the administrative costs associated with the program or service to be provided. A failure to deliver such plans, if required, may be considered by the agency as a material breach of the contract that may result in cancellation of the contract.

(11) Any contractor or provider receiving state funds shall have established a separate 501(c)(3) organization for the purposes of receiving such funds and for administration, record keeping, accounting and other necessary functions relating to the usage of such funds.

(12) This section is repealed on July 1, 2002.

Rep. Gottlieb moved the adoption of the amendment.

On motion by Rep. Gottlieb, under Rule 12.2(c), the following late-filed substitute amendment was considered.

Representative(s) Gottlieb, Gannon, Sobel, Wishner, Weissman, Heyman, Rich, Betancourt and Bucher offered the following:

(Amendment Bar Code: 603935)

**Substitute Amendment 3 (with title amendment)**—On page 28, line 16 through page 30, line 26 remove from the bill: all of said lines

and insert in lieu thereof:

And the title is amended as follows:

On page 4, lines 2-13 remove from the title of the bill: all of said lines

and insert in lieu thereof: disaster preparedness; providing

Rep. Gottlieb moved the adoption of the substitute amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 3**, which was withdrawn.

Subsequently, Rep. Lynn withdrew the point of order on **Amendment 1**.

The question recurred on the adoption of **Amendment 1**, which failed of adoption. The vote was:

Session Vote Sequence: 87

Yeas—45

Ausley	Greenstein	Lee	Siplin
Bendross-Mindingall	Harper	Lerner	Slosberg
Betancourt	Henriquez	Machek	Smith
Bucher	Heyman	McGriff	Sobel
Bullard	Holloway	Meadows	Stansel
Cusack	Jennings	Peterman	Weissman
Davis	Jordan	Rich	Wiles
Fields	Joyner	Richardson	Wilson
Frankel	Justice	Ritter	Wishner
Gannon	Kendrick	Romeo	
Gelber	Kosmas	Ryan	
Gottlieb	Kravitz	Seiler	

Nays—70

The Chair	Brown	Green	Melvin
Alexander	Brummer	Haridopolos	Miller
Allen	Byrd	Harrell	Murman
Andrews	Cantens	Harrington	Needelman
Argenziano	Carassas	Hart	Negron
Arza	Clarke	Hogan	Paul
Attkisson	Crow	Johnson	Pickens
Atwater	Detert	Kallinger	Prieguez
Baker	Diaz de la Portilla	Kilmer	Ross
Ball	Diaz-Balart	Kottkamp	Rubio
Barreiro	Dockery	Kyle	Russell
Baxley	Farkas	Lacasa	Simmons
Bean	Fasano	Lynn	Spratt
Bense	Fiorentino	Mack	Trovillion
Benson	Flanagan	Mahon	Wallace
Berfield	Gardiner	Gayfield	Waters
Bilirakis	Gibson	Maygarden	
Bowen	Goodlette	Mealor	

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**Motion**

On motion by Rep. Murman, staff of the Fiscal Responsibility Council was allowed to make technical corrections to appropriations and implementing bills, as well as any conforming changes necessary to incorporate amendments adopted today.

**HB 1741**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 39.3065, F.S.; adding Seminole County to list of counties whose sheriffs provide protective investigative services; amending s. 393.063, F.S.; modifying the definition of "support coordinator" in provisions relating to developmental disabilities; amending s. 393.0651, F.S.; removing requirement for support coordinator review of individual or family support plans; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the



Department of Community Affairs; providing for transfer of certain funds to the Department of Children and Family Services for the prevention of domestic and sexual violence; repealing s. 402.185, F.S., relating to certification forward of certain unused funds of the Department of Children and Family Services; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1753**—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.8132, F.S.; deleting the requirement to provide choice counseling to eligible applicants under the Medikids program component; amending s. 409.815, F.S.; correcting a cross reference; amending s. 409.903, F.S.; revising Medicaid eligibility requirements for pregnant women and children under age 1; amending s. 409.904, F.S.; revising Medicaid eligibility requirements for certain elderly or disabled persons; revising Medicaid eligibility requirements of postpartum women for family planning services; authorizing payment for health insurance premiums of Medicaid-eligible individuals under certain circumstances; amending s. 409.905, F.S.; updating and revising provisions relating to hospital inpatient behavioral health services provided pursuant to a federally approved waiver; expanding provision of such services statewide; amending s. 409.906, F.S.; deleting adult denture services as optional Medicaid services and restricting authorized hearing and visual services to children; providing additional requirements for authorized intermediate care services; adding assistive care services as an optional Medicaid service for certain recipients; amending s. 409.9065, F.S.; correcting a cross reference; amending s. 409.908, F.S.; providing for reimbursement of hospital inpatient and outpatient services at certain rates; permitting reimbursement for certain Medicaid services based on competitive bidding; deleting redundant provisions; prohibiting increases in reimbursement rates to nursing homes associated with changes in ownership; precluding premium adjustments to managed care organizations under certain circumstances; revising provisions relating to physician reimbursement and the reimbursement fee schedule; deleting certain preferential Medicaid payments for dually eligible recipients; authorizing competitive procurement of transportation services or the securing through waivers of federal financing of transportation services at certain rates; correcting a cross reference; authorizing public schools affiliated with Florida universities to separately enroll in the Medicaid certified school match program and certify local expenditures; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.91195, F.S.; revising provisions relating to the membership of the Medicaid Pharmaceutical and Therapeutics Committee; providing for development and distribution of a restricted drug formulary for Medicaid providers; amending s. 409.9116, F.S.; modifying the formula for disproportionate share/financial assistance distributions to rural hospitals; amending s. 409.912, F.S.; authorizing continued reimbursement of substance abuse treatment services on a fee-for-service basis under certain conditions; expanding Medicaid managed care behavioral health services statewide; deleting requirement for choice counseling; deleting authorization to test new marketing initiatives relating to managed care options; deleting a restriction on adjustment of capitation rates; permitting competitive bidding for certain services; modifying reimbursement to pharmacies; permitting use of a restricted drug formulary, authorizing exemptions therefrom, and authorizing negotiation of supplemental rebates from manufacturers pursuant thereto; requiring prescriptions for Medicaid recipients to be on certain standardized forms; amending s. 409.915, F.S.; increasing county contributions to Medicaid for inpatient hospitalization; exempting counties from contributing toward the cost of inpatient services provided by certain hospitals and for special Medicaid payments under certain conditions; repealing s. 636.0145, F.S., relating to requirement for licensure of certain entities contracting with Medicaid to provide mental health care services in certain counties pursuant to federal waiver, to conform to changes made in this act; providing a finding of important state interest; providing an effective date.

—was read the second time by title.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 103563)

**Amendment 1 (with title amendment)**—On page 5, line 12, through page 9, line 24

remove from the bill: all of said lines

and insert in lieu thereof:

Section 3. Subsection (1) of section 409.904, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid-eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) A person who is age 65 or older or is determined to be disabled, whose income is at or below 90 100 percent of federal poverty level, and whose assets do not exceed established limitations.

(9) A Medicaid-eligible individual for the individual's health insurance premiums, if the agency determines that such payments are cost-effective.

Section 4. Subsection (5) of section 409.905, Florida Statutes, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(5) HOSPITAL INPATIENT SERVICES.—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under ~~part I of~~ chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

(a) The agency is authorized to implement reimbursement and utilization management reforms in order to comply with any limitations or directions in the General Appropriations Act, which may include, but are not limited to: prior authorization for inpatient psychiatric days; *prior authorization for nonemergency hospital inpatient admissions*; enhanced utilization and concurrent review programs for highly utilized services; reduction or elimination of covered days of service; adjusting reimbursement ceilings for variable costs; adjusting reimbursement ceilings for fixed and property costs; and implementing target rates of increase.

(b) A licensed hospital maintained primarily for the care and treatment of patients having mental disorders or mental diseases is not eligible to participate in the hospital inpatient portion of the Medicaid program except as provided ~~under in~~ federal law or pursuant to a ~~federally approved waiver. However, the department shall apply for a waiver, within 9 months after June 5, 1991,~~ designed to provide ~~behavioral health hospitalization services for mental health reasons~~ to children and adults in the most cost-effective and lowest cost setting possible. Such waiver shall include a request for the opportunity to pay for care in hospitals known under federal law as "institutions for mental

disease" or "IMD's." The *behavioral health* waiver proposal shall propose no additional aggregate cost to the state or Federal Government, ~~and shall be conducted in Hillsborough County, Highlands County, Hardee County, Manatee County, and Polk County. Implementation of the behavioral health waiver proposal shall not be the basis for adjusting a hospital's Medicaid inpatient or outpatient rate.~~ The waiver proposal may incorporate competitive bidding for hospital services, comprehensive brokering, prepaid capitated arrangements, or other mechanisms deemed by the department to show promise in reducing the cost of acute care and increasing the effectiveness of preventive care. ~~When developing the waiver proposal, the department shall take into account price, quality, accessibility, linkages of the hospital to community services and family support programs, plans of the hospital to ensure the earliest discharge possible, and the comprehensiveness of the mental health and other health care services offered by participating providers.~~

(c) ~~The agency for Health Care Administration shall adjust a hospital's current inpatient per diem rate to reflect the cost of serving the Medicaid population at that institution if:~~

1. The hospital experiences an increase in Medicaid caseload by more than 25 percent in any year, primarily resulting from the closure of a hospital in the same service area occurring after July 1, 1995; or

2. The hospital's Medicaid per diem rate is at least 25 percent below the Medicaid per patient cost for that year.

~~No later than November 1, 2000, the agency must provide estimated costs for any adjustment in a hospital inpatient per diem pursuant to this paragraph to the Executive Office of the Governor, the House of Representatives General Appropriations Committee, and the Senate Budget Committee. Before the agency implements a change in a hospital's inpatient per diem rate pursuant to this paragraph, the Legislature must have specifically appropriated sufficient funds in the 2001-2002 General Appropriations Act to support the increase in cost as estimated by the agency. This paragraph is repealed on July 1, 2001.~~

And the title is amended as follows:

On page 1, lines 8-15,  
remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 409.904, F.S.; revising Medicaid eligibility requirements for certain elderly or disabled persons; authorizing payment for

Rep. Maygarden moved the adoption of the amendment, which was adopted.

Representative(s) Kosmas offered the following:

(Amendment Bar Code: 352763)

**Amendment 2 (with title amendment)**—On page 36, line 28 through page 39, line 2,  
remove from the bill: all of said lines

and insert in lieu thereof:

Section 10. Section 409.91195, Florida Statutes, is amended to read:

409.91195 Medicaid Pharmaceutical and Therapeutics Committee; *Medicaid restricted drug formulary*.—There is created a Medicaid Pharmaceutical and Therapeutics Committee *in accordance with federal requirements for the purpose of developing a Medicaid restricted drug formulary for prescriptions exceeding four (4) brand name drugs per patient per month. The committee shall develop and implement a voluntary Medicaid preferred prescribed drug designation program.* The program established under this section shall provide information to Medicaid providers on medically appropriate and cost-efficient prescription drug therapies through the development and publication of a *Medicaid restricted drug formulary voluntary Medicaid preferred prescribed drug list*.

(1) The Medicaid Pharmaceutical and Therapeutics Committee shall be comprised of nine members appointed as follows: one practicing

physician licensed under chapter 458, appointed by the Speaker of the House of Representatives from a list of recommendations from the Florida Medical Association; one practicing physician licensed under chapter 459, appointed by the Speaker of the House of Representatives from a list of recommendations from the Florida Osteopathic Medical Association; one practicing physician licensed under chapter 458, appointed by the President of the Senate from a list of recommendations from the Florida Academy of Family Physicians; one practicing podiatric physician licensed under chapter 461, appointed by the President of the Senate from a list of recommendations from the Florida Podiatric Medical Association; one trauma surgeon licensed under chapter 458, appointed by the Speaker of the House of Representatives from a list of recommendations from the American College of Surgeons; one practicing dentist licensed under chapter 466, appointed by the President of the Senate from a list of recommendations from the Florida Dental Association; one practicing pharmacist licensed under chapter 465, appointed by the Governor from a list of recommendations from the Florida Pharmacy Association; one practicing pharmacist licensed under chapter 465, appointed by the Governor from a list of recommendations from the Florida Society of Health System Pharmacists; and one health care professional with expertise in clinical pharmacology appointed by the Governor from a list of recommendations from the Pharmaceutical Research and Manufacturers Association. The members shall be appointed to serve for terms of 2 years from the date of their appointment. Members may be appointed to more than one term. The Agency for Health Care Administration shall serve as staff for the committee and assist them with all ministerial duties.

(2) ~~With the advice of Upon recommendation by the committee, the Agency for Health Care Administration shall establish a Medicaid restricted drug formulary the voluntary Medicaid preferred prescribed drug list. Upon further recommendation by the committee, the agency shall add to, delete from, or modify the list. The committee shall also review requests for additions to, deletions from, or modifications of the formulary as presented to it by the agency; and, upon further recommendation by the committee, the agency shall add to, delete from, or modify the formulary as appropriate list. The list shall be adopted by the committee in consultation with medical specialists, when appropriate, using the following criteria: use of the list shall be voluntary by providers and the list must provide for medically appropriate drug therapies for Medicaid patients which achieve cost savings in the Medicaid program.~~

(3) The Agency for Health Care Administration shall publish and disseminate the *Medicaid restricted drug formulary voluntary Medicaid preferred prescribed drug list* to all Medicaid *prescribing* providers in the state.

And the title is amended as follows:

On page 2, lines 26-28,  
remove from the title of the bill: all of said lines

and insert in lieu thereof: providing for development and

Rep. Kosmas moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

On motion by Rep. Maygarden, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 832057)

**Amendment 3**—On page 24, line 21 of the bill, after the period insert: *Before the agency implements competitive bidding for any Medicaid service, the Legislature must specifically authorize the change in reimbursement methodology for that service in the General Appropriations Act.*

Rep. Maygarden moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1727**—A bill to be entitled An act relating to community care for the elderly; amending s. 430.203, F.S.; redefining the term “lead agency”; removing the requirement of mandatory case management; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

On motion by Rep. Diaz-Balart, consideration of **HB 1739** was temporarily postponed under Rule 11.10.

**HB 1715**—A bill to be entitled An act relating to the recreational user permit fee; amending s. 372.57, F.S.; revising provisions relating to the recreational user permit fee to hunt, fish, or otherwise use certain land leased from private owners; removing a provision that provides for reduction of the permit fee based on the prior year’s landowner payment for certain property in the private landowner payment program; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1739**—A bill to be entitled An act relating to the central voter file; amending s. 98.0975, F.S.; modifying requirements of the Division of Elections with respect to the information on persons included in the central voter file to be reported to the county supervisors of elections; eliminating the requirement for the division to annually contract with a private entity to provide list maintenance duties on the central voter file; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1711**—A bill to be entitled An act relating to construction management for nonstate entities; repealing s. 255.31(3), F.S.; eliminating the authority of the Department of Management Services to enter into contracts with nonstate entities for construction management services; repealing s. 235.017(2)(e), F.S., to conform; providing an effective date.

—was read the second time by title.

REPRESENTATIVE DIAZ-BALART IN THE CHAIR

Representative(s) Frankel and Kendrick offered the following:

(Amendment Bar Code: 931903)

**Amendment 1 (with title amendment)**—On page 1, lines 13-15, remove from the bill: all of said lines and insert in lieu thereof:

Section 1. *The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study comparing the cost of managing construction projects for municipalities, school boards, school districts, authorities, other political subdivisions, and community colleges by the Department of Management Services pursuant to s. 255.31(3), F.S., to the cost of contracting with another public or private provider. The study shall be completed by January 1, 2002.*

And the title is amended as follows:

On page 1, lines 3-8, remove from the title of the bill: all of said lines

and insert in lieu thereof: nonstate entities; requiring a study by October 1; providing an

Rep. Kendrick moved the adoption of the amendment, which failed of adoption.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1719**—A bill to be entitled An act relating to the Department of Management Services; amending s. 287.16, F.S.; revising language with

respect to the powers and duties of the department; authorizing the department to contract for the maintenance of motor vehicles; deleting reference to special purpose aircraft with respect to an annual report to the Legislature; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

Consideration of **HB 1761** was temporarily postponed under Rule 11.10.

**HB 1729**—A bill to be entitled An act relating to the Department of Corrections; transferring the Office for Certification and Monitoring of Batterers’ Intervention Programs from the Department of Corrections to the Department of Children and Family Services; amending ss. 741.32 and 741.325, F.S.; revising references to conform to the transfer of the office; amending s. 921.0024, F.S.; removing the Department of Corrections’ responsibility for preparing sentencing scoresheets; renumbering and amending s. 945.76, F.S.; transferring authority for certain fee assessment and collection from the Department of Corrections to the Department of Children and Family Services; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

On motion by Rep. Byrd, the rules were waived and the House moved to—

Resolutions

**HR 9013**—A resolution commemorating March 27, 2001, as Lake County Day.

WHEREAS, Lake County was carved out of Sumter and Orange Counties in June of 1887 and with 954 square miles of land it is the 17th largest county in the state, and

WHEREAS, in addition to many other firsts, Lake County was the first county in the State of Florida to organize a County Chamber of Commerce, and the first in the United States to have its own county flag, and

WHEREAS, the county was named for its 250 named lakes and 1,735 bodies of water which served the people of the county as a transportation system in its early days, and

WHEREAS, the county has always been blessed with a thriving citrus industry, beautiful rolling hills, and wonderful recreational opportunities, and

WHEREAS, the most enduring natural resource of Lake County has always been its people who have always welcomed visitors and new residents alike with heartfelt warmth, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives of the State of Florida hereby declares Tuesday, March 27, 2001, as Lake County Day and joins the citizens of Lake County in commemorating that date in recognition of the contributions made by Lake County to the great State of Florida.

—was read the second time by title. On motion by Rep. Baker, the resolution was adopted.

THE SPEAKER IN THE CHAIR

By Representative Harrell—

**HR 9019**—A resolution designating March 30, 2001, as “Florida Doctors’ Day.”

WHEREAS, often expending long, unpredictable hours while endeavoring to balance the conflicting demands of their professions with the need to be active, positive participants in the lives of their families, physicians devote themselves daily to caring for the health and well-being of people in all segments of our society, and

WHEREAS, first observed in 1933 by a group in Winder, Georgia, as a tribute to their physician spouses, Doctors' Day also commemorates the first administration of anesthesia by a physician in 1842, and, as an indication of the high regard in which he held medical doctors, President George H.W. Bush in 1990 designated an official day of recognition for the members of this profession, and

WHEREAS, the mission of the Florida Medical Association is to serve as an advocate for physicians and their patients, to promote the public health, to ensure high standards in medical education, practice, and ethics, and to enhance the quality and availability of health care, and Doctors' Day provides an opportunity for patients and physicians alike to set aside the distractions of today's often-contentious health care environment and focus on the extraordinary calling of medicine, and

WHEREAS, the Florida Medical Association has for many years sponsored the "Doctor of the Day" program, in which, during the regular legislative sessions, both the House of Representatives and the Senate select a volunteer physician to be on duty at the Capitol on the days the legislators are in session, and

WHEREAS, over the years, the red carnation has become the symbol of Doctors' Day, denoting the qualities of love, charity, sacrifice, bravery, and courage, and is being worn on this day by physicians and their spouses visiting the Capitol, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to pay tribute to those physicians wearing red carnations, to their spouses, and to their colleagues throughout the state, and hereby designates Friday, March 30, 2001, as "Florida Doctors' Day" in recognition of the selfless service afforded by these dedicated professionals to the people of Florida.

—was read the first time by title and the second time by title. On motion by Rep. Harrell, the resolution was adopted.

By Representative Melvin—

**HR 9021**—A resolution recognizing the Governor's High School All-Stars.

WHEREAS, in introducing the Governor's High School All-Stars program, Governor Jeb Bush commented, "It is important for our state to recognize the many high school students throughout Florida who are doing all the right things," and

WHEREAS, starting with the 1999-2000 school year, one high school junior from each of Florida's public school districts has been chosen annually by a panel comprised of not less than one teacher, one administrator, one parent, one community leader, and two high school seniors who will be charged with the task of determining which students among the state's many fine young people best exemplify excellence of character based on academic success, good behavior, leadership skills, and service to their community, and

WHEREAS, the Governor's High School All-Stars for 2000-2001 and the school districts they represent are as follows: Christopher Olson, Alachua County; Terrence Blake Iverson, Baker County; Caleb Phillips, Bay County; Heather Whytsell, Bradford County; Erin Riley, Brevard County; Torey Alston, Broward County; Joni Goodman, Calhoun County; Matthew Hips, Charlotte County; Chester Wheeler, Citrus County; Matthew Stephen Gill, Clay County; Jeremy Richard Martin, Collier County; John Raymond Woodley, Jr., Columbia County; Sarah Hackney, DeSoto County; Lacey Anderson, Dixie County; Courtney Janae Patterson, Duval County; Thomas Philpot, Escambia County; Tamara Gibson, Flagler County; James Curtis Chisolm, Franklin County; Meshia Dionne Cooper, Gadsden County; Timothy Brent Owens, Gilchrist County; Sarah A. Hammock, Glades County; Elizabeth Curry, Gulf County; Timothea Scott, Hamilton County; Ninfa Calli Skipper, Hardee County; Travis Reaves, Hendry County; Joey Fierro, Hernando County; Ashley Belcher, Highlands County; Charity Wright, Hillsborough County; Maclyn Lowery, Holmes County; Amy Lynn Cutright, Indian River County; Kari Anderson, Jackson County;

Kimberly Peck, Jefferson County; Jillian Ward, Lafayette County; John Faryna, Lake County; Renee Faried, Lee County; Jennifer N. Coughlin, Leon County; Michael Paul Weinar, Levy County; Ashley Hill, Liberty County; Michael Norwood, Madison County; Emme Edwards, Manatee County; Austin J. Paramore, Marion County; Mary Gribbon, Martin County; Chloe Good, Miami-Dade County; Joseph James Meixell, Monroe County; R. Mitchell Spearrin, Nassau County; Jane King, Okaloosa County; Ginger Larson, Okeechobee County; Kristen Soltis, Orange County; Megan Mume, Osceola County; Katherine Patten, Palm Beach County; Lauren Jeanette Dillard, Pasco County; Nicole Bagley, Pinellas County; Natalie Wright, Polk County; Rion Neal Smith, Putnam County; Melissa Gordon, Santa Rosa County; Ajay Dave, Sarasota County; Jennifer DeAngelo, Seminole County; Brandon Kaufman, St. Johns County; Amy Cohen, St. Lucie County; John Holloman, Sumter County; Kiran Patel, Suwannee County; Tedrick Rollings, Taylor County; Howard Jeff Peacock, Union County; Lee Kouvousis, Volusia County; Becton James Roddenberry, Wakulla County; Jennifer Ann Hogg, Walton County; and Richard Miller, Jr., Washington County, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives enthusiastically endorses Governor Jeb Bush in his recognition of the outstanding young people designated as the Governor's High School All-Stars for 2000-2001, congratulates them on possessing the qualities of character which have led to their selection, and wishes them utmost success in the years to come.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to each High School All-Star as a tangible token of the sentiments expressed herein.

—was read the first time by title and the second time by title. On motion by Rep. Melvin, the resolution was adopted.

By Representative Bense—

**HR 9029**—A resolution designating March 31, 2001, as "Convoy of Hope Day" in Bay County.

WHEREAS, Convoy of Hope is a national humanitarian resource group dedicated to offering hope to and improving the lives of men, women, and children of all ages, incomes, races, backgrounds, and beliefs, and

WHEREAS, numerous local churches, civic leaders, and community organizations have joined forces to participate in the Convoy of Hope in a united effort to better conditions and enhance the future of all citizens of Bay County, and

WHEREAS, in addition to making available free haircuts and lunches on Convoy of Hope Day and providing special entertainment for children, the effort will contribute more than 35,000 pounds of food and grocery items to families and homeless individuals throughout the area, as well as complimentary health screenings, including medical and dental exams, and

WHEREAS, by uniting in the efforts to sponsor Convoy of Hope, the residents of the cities of Bay County and the surrounding areas expect to make a positive impact on thousands of individuals, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to designate March 31, 2001, as "Convoy of Hope Day" in Bay County, to acknowledge the admirable efforts of all those working together to make the event a reality, and to urge all citizens to participate in this worthy endeavor.

—was read the first time by title and the second time by title. On motion by Rep. Bense, the resolution was adopted.

## Messages from the Senate

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS/HB 141 and HB 1083.

*Faye W. Blanton, Secretary*

The above bills were ordered enrolled.

## Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 11:00 a.m., Monday, April 2. The motion was agreed to.

## Recorded Votes

Rep. Bullard:

Yeas—CS/HB 409; CS/HB 501; Amendment 1 to Substitute Amendment 1 to HB 1083; HB 1083

Nays—HB 369

Rep. Kosmas:

Yeas—CS/HB 275

## Prime Sponsors

HB 651—Ball

HJR 951—Kyle

HB 1419—Maygarden

## Cosponsors

CS/HB 11—Atwater

HB 57—Murman

CS/HB 67—Crow, Cusack, Simmons, Wiles

HB 93—Wiles

HB 189—Cantens, Hart, Miller, Stansel

CS/HB 277—Brutus

CS/CS/HB 303—Littlefield

HB 313—Baxley, Garcia, Prieguez, Rubio

CS/HB 409—Lynn

HB 505—Byrd

HB 553—Trovillion

HB 651—Wiles

HB 811—Bilirakis, Gibson, Harrell, Kravitz

HB 991—Argenziano, Richardson

HB 1007—Slosberg

HB 1037—Flanagan

HB 1077—Alexander, Fiorentino, Haridopolos, Johnson, Melvin

HB 1091—Mahon

HB 1095—Gelber, Smith

HB 1173—Allen, Ball, Bennett, Bucher, Heyman, Holloway

HB 1203—Bullard

HB 1419—Bense, Benson, Brown, Miller, Stansel

HB 1505—Cusack, Greenstein, Meadows, Smith

HB 1525—Crow

HB 1593—Greenstein, Rich, Smith

## Withdrawals as Cosponsor

HB 69—Meadows

## Introduction and Reference

By Representatives Melvin and Bean—

**HB 1765**—A bill to be entitled An act relating to adult offender supervision; creating the Interstate Compact for Adult Offender Supervision; providing a short title; providing purpose and responsibilities for states entering into the compact; providing definitions; creating the Interstate Commission for Adult Offender Supervision; providing responsibilities, powers, and duties of the

commission; providing for membership, meetings, and establishment of an executive committee; providing for organization and operation of the commission; providing for election of officers, retention of staff, and maintenance of corporate records; providing for immunity from liability under certain circumstances and providing for defense and indemnification; providing procedures for voting; requiring the commission to meet annually; providing public notice requirements for meetings; authorizing disclosure of certain records and information to law enforcement agencies; providing for closure of commission meetings under certain circumstances; requiring collection of data with regard to interstate movement of offenders; requiring rulemaking by the commission; providing for oversight, dispute resolution, and enforcement by the commission; requiring an annual assessment by the commission to cover certain costs; requiring accounting by the commission; establishing eligibility for compacting states; providing an initial effective date for the compact and for amendments thereto; providing for withdrawal, default, judicial enforcement, and termination of the compact; providing for severability and construction; providing for binding effect of the compact and effect of other laws thereon; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Healthy Communities.

By Representative Melvin—

**HB 1767**—A bill to be entitled An act relating to attorneys at law; repealing s. 454.021, F.S., relating to the admission of attorneys to practice law; creating s. 454.024, F.S.; creating the Board of Law Practice within the Department of Business and Professional Regulation; creating s. 454.025, F.S.; providing powers and duties of the board; providing for rules; amending ss. 20.165, 454.026, 454.23, and 454.31, F.S., to conform; providing for adoption of some and repeal of other current rules relating to regulation of the practice of law; providing for transfer of files, records, property, and assets, including liabilities attaching thereto, of The Florida Bar and the Florida Board of Bar Examiners to the Board of Law Practice and the Florida Supreme Court; providing for establishment of The Florida Bar as a private, not-for-profit corporation chartered by the Legislature; providing for abolishment of the Florida Board of Bar Examiners; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on Judicial Oversight; State Administration; and Council for Smarter Government.

By Representative Melvin—

**HB 1769**—A bill to be entitled An act relating to lobbying; amending s. 11.062, F.S.; prohibiting the use of public or private funds by certain governmental entities for retaining a lobbyist; providing penalties; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on State Administration; and Council for Smarter Government.

By Representative Melvin—

**HB 1771**—A bill to be entitled An act relating to confidentiality of juvenile records; amending s. 985.04, F.S.; expanding disclosure provisions to include all arrest reports relating to juveniles; reenacting ss. 985.212(1)(b) and 985.31(4)(k), F.S., to incorporate the amendment to s. 985.04, F.S., in references thereto; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Juvenile Justice; and Council for Smarter Government.

By Representatives Melvin, Kilmer, Brown, and Miller—

**HB 1773**—A bill to be entitled An act relating to education; creating professional development academies to meet the human resource

development needs of professional educators, schools, and school districts; providing that appropriated funds must be allocated by the Commissioner of Education unless otherwise provided in an appropriations act; providing eligibility requirements for startup funds; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on Education Innovation; Education Appropriations; and Council for Lifelong Learning.

By Representative Melvin—

**HB 1775**—A bill to be entitled An act relating to workers' compensation; amending ss. 61.13 and 440.22, F.S.; specifying nonapplication of a workers' compensation exemption from creditors' claims to child support; amending s. 61.30, F.S.; clarifying inclusion of all workers' compensation benefits and settlements in child support calculations; amending ss. 112.19 and 112.191, F.S., to conform to deleting a definition of catastrophic injury; amending s. 440.02, F.S.; revising definitions; amending s. 440.05, F.S.; providing for substantial revision of election of exemption provisions; providing for application solely to sole proprietors, partners, or officers of corporations; revising requirements, procedures, and limitations; excluding from exemption eligibility persons and entities engaged in the construction industry; amending s. 440.09, F.S.; excluding compensation from impairment ratings for psychiatric impairments from coverage; amending s. 440.10, F.S., to conform; amending s. 440.13, F.S.; providing a limitation on certain hourly rates for a family member under certain circumstances; authorizing carriers to provide certain financial incentives for certain purposes; providing a definition; clarifying independent medical examination provisions; specifying certain physician's actions as an independent medical examination for certain purposes; providing for admissibility of certain evaluations and reports into evidence in certain proceedings; amending s. 440.14, F.S.; specifying employee responsibility for providing concurrent employment earnings in certain wage calculations; amending s. 440.15, F.S.; limiting eligibility for permanent total disability; revising permanent impairment benefits provisions; revising the rate for benefit payments; amending s. 440.185, F.S.; clarifying certain notice requirements; amending s. 440.191, F.S.; revising provisions relating to the Employee Assistance and Ombudsman Office; authorizing participation in early intervention programs; providing for determinations of certain medical-only claims; deleting a prohibition against an employee filing a petition for benefits under certain circumstances; providing additional requirements for filing such a petition; amending s. 440.192, F.S.; revising and clarifying various provisions relating to a petition for benefits; deleting a service by certified mail requirement for filing a petition for benefits; revising requirements for a petition for benefits; deleting a petition requirement for certification of good faith effort to resolve the dispute; amending s. 440.20, F.S.; providing criteria for satisfaction of an employer's obligation to pay compensation; providing for direct deposit of compensation; authorizing a judge of compensation claims to not hold a hearing under certain circumstances; revising procedures and requirements for hearings by judges of compensation claims; amending s. 440.25, F.S.; revising procedures and requirements for mediation and hearings; providing for a motion to dismiss for lack of prosecution; prohibiting award of interest on unpaid medical bills; amending s. 440.29, F.S.; providing for receipt into evidence certain peer review reports and independent medical examinations; amending s. 440.34, F.S.; prohibiting award of attorney's fees on certain issues; deleting criteria for determining award of attorney's fees; deleting entitlement for claimant recovery of attorney fees; limiting attorney's fees under certain circumstances; deleting a prohibition against a judge of compensation claims entering certain orders; amending s. 440.39, F.S.; providing construction relating to an employer's duty to preserve certain evidence; amending s. 440.42, F.S.; specifying expiration of certain insurance policies; amending s. 440.4416, F.S.; substantially revising Workers' Compensation Oversight Board provisions; replacing the board with the Workers' Compensation Appeals Commission; creating the commission; providing for appointment of commissioners; providing for salaries and benefits for commissioners; providing for powers, duties,

and responsibilities of the commission; providing for a presiding commissioner; providing for duties and responsibilities of the presiding commissioner; providing for appointment of a commission clerk; providing duties and responsibilities of the clerk; authorizing the commission and clerk to charge fees for certain purposes; amending s. 440.45, F.S.; transferring the Office of Judges of Compensation Claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; providing for statewide nominating commission determinations of judges of compensation claims satisfactory performance; providing for legislative review; providing for the Governor's appointment of certain judges of compensation claims under certain circumstances; requiring the office to provide certain performance review data to the commission; requiring the office to provide draft rules to the Governor and Legislature for certain actions; amending s. 627.311, F.S.; providing for funding certain deficits through certain policyholder surpluses; amending s. 627.914, F.S.; providing for the department to adopt rules for use by self-insurance funds for certain purposes; deleting certain annual reporting information requirements for insurers; applying certain insurer related provisions to self-insurance funds; deleting a reporting requirement of the Division of Workers' Compensation; repealing ss. 440.02(37) and 440.13(1)(d), F.S., relating to a definition of catastrophic injury; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on Insurance; State Administration; and Transportation & Economic Development Appropriations.

By Representative Murman—

**HB 1777**—A bill to be entitled An act relating to educational facilities; amending s. 847.001, F.S.; adding and revising definitions; creating s. 847.0134, F.S.; prohibiting the location of adult entertainment establishments within a specified distance of a school; providing a criminal penalty; providing an exception; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Healthy Communities.

By Representative Machek—

**HB 1779**—A bill to be entitled An act relating to community college funding; amending s. 240.359, F.S.; revising the method of determining the annual apportionment to each community college from state funds; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on Colleges & Universities; State Administration; Education Appropriations; and Fiscal Responsibility Council.

By Representative Machek—

**HB 1781**—A bill to be entitled An act relating to state motor vehicles; amending s. 287.17, F.S.; providing that vehicles assigned to state law enforcement officers and employees are covered by state collision insurance during certain off-duty activities; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on State Administration; Crime Prevention, Corrections & Safety; General Government Appropriations; and Council for Smarter Government.

By Representative Brutus—

**HB 1783**—A bill to be entitled An act relating to the State University System; amending s. 240.289, F.S.; prohibiting certain rules relating to credit cards, charge cards, and debit cards; authorizing universities to absorb certain costs relating to the use of such cards; authorizing universities to accept payment by such cards at various locations or by

electronic means; authorizing certain contracts relating to the acceptance of such cards; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on Banking; Colleges & Universities; and Council for Lifelong Learning.

By Representative Haridopolos—

**HB 1785**—A bill to be entitled An act relating to the City of Satellite Beach, Brevard County; amending s. 1 of the city's charter; redefining the boundaries of the city; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs; and Council for Smarter Government.

By Representative Berfield—

**HB 1787**—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining “additive product”; revising the definitions of “motor vehicle service agreement” and “salesperson”; amending s. 634.044, F.S.; including part inventories among the allowable assets of a service agreement company; amending s. 634.137, F.S.; providing for submission of financial reports to the Department of Insurance in a computer-readable form; amending s. 634.171, F.S.; providing that a motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the company; repealing s. 634.281, F.S., which provides that service agreement companies and their salespersons shall be subject to pt. X of ch. 626, F.S., relating to viatical settlements; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle service agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s. 634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.301, F.S.; revising the definition of “home warranty”; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.313, F.S.; providing for submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.336, F.S.; including advertising, offering, or providing a free home warranty as an inducement to specified purchases or sales among acts or practices which constitute unfair methods of competition and unfair or deceptive acts or practices; amending s. 634.415, F.S.; providing for submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service

warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices which constitute unfair methods of competition and unfair or deceptive acts or practices; amending ss. 624.124 and 628.4615, F.S.; correcting cross references; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on Insurance; Agriculture & Consumer Affairs; and Council for Competitive Commerce.

By Representative Garcia—

**HB 1789**—A bill to be entitled An act relating to enterprise zone designation; requiring designation of an enterprise zone in the City of Hialeah under certain circumstances notwithstanding certain limitations; providing requirements; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on Economic Development & International Trade; Business Regulation; and Council for Competitive Commerce.

By Representative Sobel—

**HB 1791**—A bill to be entitled An act relating to child custody; creating the “Vivian Trout Parental Kidnapping Prevention Act”; authorizing the court to issue a protective custody warrant to secure the recovery of an unlawfully detained child; providing for the court to order the appearance of parties; providing for serving a protective custody warrant; requiring payment of the expenses of a party directed to appear before the court; providing definitions; authorizing the court to issue an emergency protective order under certain circumstances; providing requirements for notice; prohibiting the detention or concealment of a child from the lawful custodian or a person with a right to visitation; providing penalties; requiring that the court consider certain aggravating factors when sentencing a person for such violation; specifying certain mitigating factors; providing for payment of restitution to the state attorney or victim; providing certain exceptions to application of the act; specifying circumstances under which a law enforcement officer may take a child into protective custody; providing for the court to issue orders with respect to conflicting custodial orders; providing for determining jurisdiction; providing for enforcement; providing for review of a court order; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on Judicial Oversight; Crime Prevention, Corrections & Safety; Child & Family Security; and Council for Smarter Government.

By Representative Needelman—

**HB 1793**—A bill to be entitled An act relating to solid waste; amending s. 165.061, F.S.; clarifying provisions relating to standards for incorporation, merger, and dissolution of local governments with regard to solid waste contracts; amending s. 403.706, F.S.; requiring materials recovery facilities and facilities that process construction and demolition debris to maintain certain records; providing an exception; amending s. 403.7063, F.S.; granting rights of enforcement to certain private companies with regard to solid waste franchise collection agreements; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on Local Government & Veterans Affairs; Natural Resources & Environmental Protection; Fiscal Policy & Resources; and Council for Smarter Government.

By Representatives Hogan and Garcia—

**HB 1795**—A bill to be entitled An act relating to utility poles; requiring each utility using public rights-of-way to allow apparatus to

be attached to its poles and to provide electric service for the apparatus; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on Utilities & Telecommunications; State Administration; and Council for Ready Infrastructure.

By Representatives Melvin, Benson, Miller, Bense, Brown, and Maygarden—

**HCR 1797**—A concurrent resolution naming the legislative clinic in honor of Dr. Edward G. Haskell, Jr.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Rules, Ethics & Elections.

By the Committee on Child & Family Security; Representative Detert—

**HB 1799**—A bill to be entitled An act relating to integrated children's crisis stabilization unit/juvenile addictions receiving facility services; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on Health Promotion; Health & Human Services Appropriations; and Council for Healthy Communities.

By the Committee on Colleges & Universities; Representative Kilmer—

**HB 1801**—A bill to be entitled An act relating to state universities; authorizing a bachelor of science in nursing degree program at the University of West Florida; authorizing a master's in social work degree program at Florida Atlantic University; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Insurance; Representatives Waters, Melvin, Brown, Berfield, Kallinger, McGriff, Clarke, Simmons, Sobel, Ross, Negron, Fields, and Wiles—

**HB 1803**—A bill to be entitled An act relating to workers' compensation; amending s. 61.14, F.S.; requiring judges of compensation claims to consider the interests of the worker and the worker's dependents when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; deleting a physician eligibility requirement; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; amending s. 440.14, F.S.; providing criteria for including lost wages from concurrent employment in determinations of pay; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and

procedures for filing petitions for benefits; authorizing the division to adopt a petition for benefits form by rule; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; providing for a response to petition instead of a notice of denial for certain purposes; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; revising the period for payment; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; deleting participation by the Division of Workers' Compensation in certain indigency petitions; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.34, F.S.; including responses to petitions under certain attorney's fees provisions and limitations; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross reference; amending s. 440.45, F.S.; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; requiring the Office of the Judges of Compensation Claims to adopt certain additional rules; providing additional criteria for such rules; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to impose a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; amending s. 440.49, F.S., to conform; repealing s. 440.45(3), F.S., relating to judges of compensation claims serving as docketing judges; repealing s. 440.49(2)(f) and (g), (13), and (14), F.S., relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation; repealing s. 440.59(2), F.S., relating to required quarterly reports; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Insurance; Representatives Waters, Brown, Negron, Wiles, Simmons, Fields, Sobel, Ross, Clarke, Melvin, McGriff, Berfield, Kallinger, and Lee—

**HB 1805**—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public records requirements for personally identifying information contained in motor vehicle crash reports for 60 days following a motor vehicle crash; providing exceptions; providing for future review and repeal; providing criminal penalties for unlawful disclosure of confidential information; providing criminal penalties for unlawfully obtaining or attempting to obtain confidential information; providing a finding of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

**HB 1807**—Introduced March 29

**HB 1809**—Introduced March 29

By the Committee on Information Technology; Representatives Hart, Mack, Mealor, and Wallace—

**HB 1811**—A bill to be entitled An act relating to information technology; amending s. 20.22, F.S.; creating the State Technology Office within the Department of Management Services; requiring the office to operate and manage the Technology Resource Center; amending s. 110.205, F.S.; providing that specified officers within the State Technology Office are exempt from career service; providing that the office shall set the salaries and benefits for such officers in



accordance with the rules of the Senior Management Service; providing for the personal secretary to specified officers within the State Technology Office to be exempt from career service; providing for all managers, supervisors, and confidential employees of the State Technology Office to be exempt from career service; providing that the office shall set the salaries and benefits for those positions in accordance with the rules of the Selected Exempt Service; amending s. 186.022, F.S.; revising the entities required to annually develop and submit an information technology strategic plan; providing for the State Technology Office to administer and approve development of information technology strategic plans; amending s. 216.013, F.S.; revising provisions relating to the review of long-range program plans for executive agencies by the Executive Office of the Governor; providing that the Executive Office of the Governor shall consider the findings of the State Technology Office with respect to the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; amending s. 216.0446, F.S., relating to review of agency information resources management needs; eliminating the Technology Review Workgroup; providing for assumption of the duties of the Technology Review Workgroup by the State Technology Office; requiring the reporting of specified information to the Executive Office of the Governor; providing powers and duties of the State Technology Office; amending s. 216.181, F.S., relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original approved operating budget for specified information technology projects or initiatives; amending s. 216.235, F.S.; transferring specified responsibilities with respect to the Innovation Investment Program Act from the Department of Management Services to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the membership of the State Innovation Committee; amending s. 216.292, F.S.; authorizing state agencies to transfer positions and appropriations for fiscal year 2001-2002 for the purpose of consolidating information technology resources to the State Technology Office; amending s. 282.005, F.S.; revising legislative findings and intent with respect to the Information Resources Management Act of 1997; providing that the State Technology Office has primary responsibility and accountability for information technology matters within the state; amending and renumbering s. 282.303, F.S.; revising definitions; defining "information technology"; amending s. 282.102, F.S.; revising powers and duties of the State Technology Office; providing that the office shall be a separate budget entity within the Department of Management Services; providing that the Chief Information Officer shall be an agency head; authorizing the office to perform, in consultation with a state agency, the enterprise resource planning and management for the agency; authorizing the office to apply for, receive, and hold specified patents, copyrights, trademarks, and service marks; authorizing the office to purchase, lease, hold, sell, transfer, license, and dispose of specified real, personal, and intellectual property; providing for deposit of specified fees in the Law Enforcement Radio Operating Trust Fund; amending s. 282.103, F.S., to conform; authorizing the State Technology Office to grant an agency exemption from required use of specified SUNCOM Network services; amending s. 282.104, F.S., to conform; amending s. 282.105, F.S., to conform; amending s. 282.106, F.S., to conform; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; providing conforming amendments; renaming the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Radio Operating Trust Fund; requiring the office to establish policies, procedures, and standards for a comprehensive plan for a statewide radio communications system; eliminating provisions relating to establishment and funding of specified positions; amending s. 282.111, F.S., to conform; amending s. 282.20, F.S., relating to the Technology Resource Center; providing conforming amendments; removing provisions relating to the acceptance of new customers by the center; authorizing the center to spend funds in the reserve account of the Technology Enterprise Operating Trust Fund; amending s. 282.21, F.S., to conform; amending s. 282.22, F.S.; revising terminology; removing specified restrictions on the office's authority to sell services; creating s. 282.23, F.S.; authorizing the State Technology Office, in consultation with the Department of Management Services, to establish a State Strategic Information Technology Alliance; providing purposes of the

alliance; providing for the establishment of policies and procedures; repealing s. 282.3041, F.S., which provides that the head of each state agency is responsible and accountable for enterprise resource planning and management within the agency; amending s. 282.3055, F.S.; authorizing the Chief Information Officer to appoint or contract for Agency Chief Information Officers to assist in carrying out enterprise resource planning and management responsibilities; amending s. 282.3063, F.S.; requiring Agency Chief Information Officers to prepare and submit an Agency Annual Enterprise Resource Planning and Management Report; amending s. 282.315, F.S.; renaming the Chief Information Officers Council as the Agency Chief Information Officers Council; revising the voting membership of the council; amending s. 282.318, F.S., to conform; amending s. 282.322, F.S.; eliminating provisions relating to the special monitoring process for designated information resources management projects; requiring the Enterprise Project Management Office of the State Technology Office to report on, monitor, and assess risk levels of specified high-risk technology projects; requiring certain state agencies to transfer described positions and administrative support personnel to the State Technology Office by specified dates; providing limits on the number of positions and administrative support personnel transferred; providing that the State Technology Office and the relevant agencies are authorized to request subsequent transfers of positions, subject to approval by the Legislative Budget Commission; providing requirements with respect to transferred resources which were dedicated to a federally funded system; providing appropriations; repealing s. 282.404, F.S.; abolishing the Florida Geographic Information Board within the State Technology Office; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Fiscal Policy & Resources; and Council for Ready Infrastructure.

By the Fiscal Responsibility Council; Representative Lynn—

**HB 1813**—A bill to be entitled An act relating to public school funding; amending s. 236.081, F.S.; deleting the calculation of full-time equivalent membership with respect to community college or university dual enrollment; amending s. 236.083, F.S., relating to funds for student transportation; conforming provisions; amending s. 239.115, F.S., relating to funds for operation of adult general education and vocational education programs; conforming provisions; amending s. 240.1161, F.S., relating to interinstitutional articulation agreements; conforming provisions; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Lifelong Learning.

By Representatives Miller, Maygarden, Melvin, and Benson—

**HB 1815**—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing a revised definition of "disciplinary action"; providing an extended probationary period for entry-level communications dispatcher positions; expanding training program provisions; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs.

By the Fiscal Responsibility Council; Representative Cantens—

**HB 1817**—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.1255, F.S.; providing and limiting arbitration of disputes by the Division of Florida Land Sales, Condominiums, and Mobile Homes to those regarding elections and the recall of board members; deleting reference to voluntary mediation; providing for the resolution of certain other complaints at the local level; providing exemptions; requiring the continuation of arbitration of cases

filed by a certain date; providing a contingent appropriation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Judicial Oversight; and Council for Smarter Government.

By the Committee on Insurance; Representatives Waters, Heyman, Brown, Negron, Wiles, Simmons, McGriff, Melvin, Berfield, Kallinger, Lee, Fields, Ross, and Sobel—

**HB 1819**—A bill to be entitled An act relating to insurance and illegal use of public records; amending s. 119.10, F.S.; providing a criminal penalty for use of certain report information for commercial solicitation; creating s. 456.0375, F.S.; providing a definition; requiring registration of certain clinics; providing requirements; requiring medical directors for certain clinics; providing duties and responsibilities of medical directors; authorizing the Department of Insurance to adopt rules for certain purposes; providing for enforcement; amending s. 626.989, F.S.; clarifying immunity from civil actions provisions; amending s. 627.732, F.S.; providing a definition; amending s. 627.736, F.S.; revising provisions relating to personal injury protection benefits; revising provisions for charges for treatments; providing for electronic access to certain information under certain circumstances; prohibiting compilation of and retention of such information; providing presuit notice requirements; providing for civil actions against persons convicted of fraud; amending s. 627.739, F.S.; providing limitations on certain charges by providers; amending s. 817.234, F.S.; prohibiting solicitation of specific persons involved in motor vehicle crashes; specifying certain charges as unlawful and unenforceable; amending s. 324.021, F.S.; correcting a cross reference; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Health Regulation; and Council for Smarter Government.

By the Fiscal Responsibility Council; Representatives Murman, Byrd, Ball, Bense, Cantens, Alexander, Maygarden, Dockery, Greenstein, Kosmas, Crow, Kendrick, Gottlieb, Ryan, Lynn, and Attkisson—

**HB 1821**—A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses; amending s. 121.35, F.S.; changing contribution rates for participants in the optional retirement program of the State University System; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing subsection (2) of s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; providing a finding of important state interest; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Judicial Oversight; Representative Crow—

**HB 1823**—A bill to be entitled An act relating to public guardianship; amending s. 744.1085, F.S.; requiring professional guardians to register with the Statewide Public Guardianship Office; providing a fee; providing for rulemaking; amending s. 744.534, F.S.; reducing the holding period of unclaimed funds held by a guardian from 10 years to 5 years for escheat; requiring that escheat funds from guardianships be used solely to fund the Statewide Public Guardianship Office; amending s. 744.703, F.S.; allowing more than one office of the public guardian to be established in a county or judicial circuit; requiring all offices of public guardian to maintain a staff or contract for certain professional services; creating s. 744.7082, F.S.; providing that the Statewide Public Guardianship Office may affiliate with a direct-support organization; providing for audit of a direct-support organization; defining a direct-support organization; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committees on Fiscal Policy & Resources; Health & Human Services Appropriations; and Council for Smarter Government.

By the Fiscal Responsibility Council; Representative Dockery—

**HB 1825**—A bill to be entitled An act relating to Class C travel; amending s. 112.061, F.S.; eliminating allowances for meals for Class C travel; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Local Government & Veterans Affairs; Representative Sorensen—

**HB 1827**—A bill to be entitled An act relating to special districts; amending s. 189.4042, F.S.; providing that an inactive independent special district that was created by a county or municipality through a referendum may be merged or dissolved by the county or municipality after publication of notice as required for the declaration of the inactive status of a special district; amending s. 189.4044, F.S.; reducing the number of weeks such notice of declaration of inactive status must be published; repealing s. 189.418(3) and (4), F.S., which require each special district to file certain reports, information, and audits with the local governing authority; amending s. 189.419, F.S., to conform; amending s. 189.429, F.S.; providing the effect of the reenactment of existing law pursuant to the required codification of a special district charter; amending s. 218.34, F.S.; deleting a provision that allows the proposed budget of a dependent special district to be budgeted separately; deleting a requirement that the proposed budget of an independent special district located in one county be filed with the county; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Smarter Government.

By the Committee on Transportation; Representative Russell—

**HB 1829**—A bill to be entitled An act relating to motor vehicle titles; providing a short title; amending s. 319.22, F.S.; providing a limitation on an action challenging the validity of a certificate of title issued pursuant to chapter 319, F.S.; amending s. 319.23, F.S.; providing a limitation on the issuance of certain titles; amending s. 319.27, F.S.; including reference to ownership interest with respect to liens on motor vehicles or mobile homes; providing special requirements with respect to ownership interests which are different from that shown on an application for certificate of title; creating s. 319.275, F.S.; providing for interpleader actions for law enforcement alleging possession of a stolen motor vehicle by a good faith purchaser or person duly issued a certificate of title; amending s. 319.32, F.S.; clarifying fees for recording of liens and ownership interests; amending s. 319.323, F.S.; revising language with respect to expedited service on title transfers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Smarter Government.

By the Committee on Natural Resources & Environmental Protection; Representative Harrington—

**HB 1831**—A bill to be entitled An act relating to demineralization concentrate; amending s. 403.0882, F.S.; reorganizing and clarifying provisions relating to discharge of demineralization concentrate; providing legislative findings; providing definitions; directing the Department of Environmental Protection to enter into rulemaking; creating a technical advisory committee to assist in rule development; providing permitting requirements relating to failure of toxicity tests due to naturally occurring constituents; providing for discharge of demineralization concentrate from small water utility businesses; amending s. 403.061, F.S.; providing an exemption allowing demineralization concentrate mixing zones in Outstanding Florida Waters if specific requirements are met; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Ready Infrastructure.

By the Committee on Judicial Oversight; Representative Crow—

**HB 1833**—A bill to be entitled An act relating to duration of real property liens; amending s. 55.10, F.S.; revising the period of duration of certain liens; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Smarter Government.

By the Committee on Judicial Oversight; Representative Crow—

**HB 1835**—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; exempting transfers of homestead real property that create a tenancy by the entireties from the tax on deeds and other instruments relating to real property or interests therein; revising the exemption from said tax for conveyances pursuant to an action for dissolution of marriage; removing application to conveyances between spouses and removing a provision for refund when the conveyance occurs 1 year before such dissolution; providing that a certificate of title issued by a clerk of court in a judicial sale of real property pursuant to foreclosure proceedings shall be subject to said tax; providing for the method of computation of the tax when the certificate of title is issued to the party in whose favor a judgment of foreclosure is granted; providing for retroactive application; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Smarter Government.

By the Committee on General Government Appropriations; Representatives Dockery and Greenstein—

**HB 1837**—A bill to be entitled An act relating to trust funds; re-creating the State Personnel System Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery and Greenstein—

**HB 1839**—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on General Government Appropriations; Representatives Dockery and Greenstein—

**HB 1841**—A bill to be entitled An act relating to trust funds; re-creating the Supervision Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Health Regulation; Representatives Farkas, Sobel, Alexander, Ritter, Harrell, and Wishner—

**HB 1843**—A bill to be entitled An act relating to nursing; amending s. 240.4075, F.S.; transferring the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health; including public schools, family practice teaching hospitals, and

specialty hospitals for children as eligible facilities under the program; exempting such facilities from the fund-matching requirements of the program; amending s. 240.4076, F.S.; transferring the nursing scholarship program from the Department of Education to the Department of Health; providing requirements under the program for students seeking to qualify for a nursing faculty position and receive credit for work in such a position; including nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program; transferring powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health; amending s. 240.40201, F.S.; granting nursing students priority in receiving a Florida Bright Futures Scholarship; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 464.008, F.S.; revising education requirements for licensure by examination; amending s. 464.009, F.S.; revising requirements for licensure by endorsement; requiring submission of fingerprints for a criminal history check and a fee to cover the costs of such check; providing for an electronic applicant notification process; amending s. 464.0205, F.S.; deleting the application and processing fee for applicants for a retired volunteer nurse certificate; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Health & Human Services Appropriations; and Council for Healthy Communities.

By the Committee on Information Technology; Representatives Hart, Mack, Wallace, Gelber, Jennings, Mealor, Gannon, and Harrell—

**HB 1845**—A bill to be entitled An act relating to the criminal use of personal identification information; amending s. 817.568, F.S.; revising the definition of “harass”; deleting the definitions of “individual” and “person”; revising the definition of “personal identification information”; adding an offense for obtaining or using personal identification information without authorization; revising the provision for offense of harassment by use of personal identification information; revising the provision for offense of fraudulent use of personal identification information; adding a provision for reclassifying offenses involving unlawful use of a public record; revising the provision authorizing sentencing court to order restitution; adding a provision for venue; amending s. 775.15, F.S.; adding a provision extending the period within which prosecutions may be commenced; amending s. 921.0022, F.S.; revising the Florida Criminal Punishment Code Offense Severity Ranking Chart to include fraudulent use of personal identification information; amending s. 921.0024, F.S.; revising the Florida Criminal Punishment Code to increase sentencing points for unlawful use of a public record in committing an offense under s. 817.568, F.S.; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Crime Prevention, Corrections & Safety; and Council for Ready Infrastructure.

By the Committee on Workforce & Technical Skills; Representatives Andrews, Bennett, Baker, Fields, Murman, Melvin, Bendross-Mindingall, and Greenstein—

**HB 1847**—A bill to be entitled An act relating to technological and economic development; creating s. 288.9521, F.S.; creating the Sunshine State Commission on Intellectual Capital, Product Design, and Commercialization; providing for membership; providing purposes; requiring the commission to develop a plan; requiring an annual report to the Legislature; providing commission goals; providing for an executive director and staff; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bennett—

**HB 1849**—A bill to be entitled An act relating to the Manatee County Mosquito Control District; codifying, reenacting, amending, and

repealing special acts relating to the district; providing a charter; providing for formation as an independent special district; providing boundaries of the district; providing for the election of commissioners and operation of the district in accordance with ch. 388, F.S.; providing for district powers, functions, and duties; providing for construction and effect; providing for an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bennett—

**HB 1851**—A bill to be entitled An act relating to the Manatee County Fire Prevention Code Enforcement Board and the Manatee County Fire Marshal Appeals Board; amending section 3 of chapter 85-461, Laws of Florida, as amended; providing a revised date of repeal; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Judicial Oversight; Representative Goodlette—

**HB 1853**—A bill to be entitled An act relating to claims by foreign governments; providing legislative findings and intent; creating s. 69.20, F.S.; defining the term “foreign government”; creating s. 69.21, F.S.; specifying procedures to be followed by a foreign government in a civil court action to recover certain costs; creating s. 69.22, F.S.; providing applicability; creating s. 69.23, F.S.; providing grounds for nonrecognition of a foreign judgment; providing severability; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

**HR 9019**—Adopted earlier today

**HR 9021**—Adopted earlier today

By Representative Flanagan—

**HR 9023**—A resolution honoring Mr. William Russell Mote.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Melvin, Miller, and Brown—

**HR 9025**—A resolution honoring the Plew Elementary Knowledge Masters team.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Justice—

**HR 9027**—A resolution honoring the Phi Theta Kappa 2001 All-Florida Academic Team members.

First reading by publication (Art. III, s. 7, Florida Constitution).

**HR 9029**—Adopted earlier today

By Representative Littlefield—

**HR 9031**—A resolution designating the month of March 2001 as “Colorectal Cancer Awareness Month.”

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representatives Hart and Bense—

**HR 9033**—A resolution designating April 2, 2001, as “Space Day in Florida.”

First reading by publication (Art. III, s. 7, Florida Constitution).

### First Reading of Council and Committee Substitutes by Publication

By the Council for Lifelong Learning; Representatives Kilmer and Richardson—

**CS/HB 1**—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against their nonexempt assessed property value; specifying funding eligibility of certain projects; providing for future repeal of such eligibility provision; providing an effective date.

By the Council for Competitive Commerce; Committee on Banking; Representatives Prieguez, Cantens, Gottlieb, and Siplin—

**CS/CS/HB 107**—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103, 717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.1101, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, and 717.129, F.S.; changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner's representatives and receiving and making payments to an owner or owner's representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner's representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; revising provisions relating to escheat of certain property to the state; revising provisions relating to entitlement to, procedures for payment or assignment of, or distributions of certain proceeds; amending s. 215.965, F.S., to conform; amending s. 493.6101, F.S., to conform; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

By the Council for Smarter Government; Committee on Banking; Representative Cantens—

**CS/CS/HB 109**—A bill to be entitled An act relating to consumer collection practices; amending s. 559.72, F.S.; specifying additional prohibited practices in collecting consumer debts; providing penalties; amending s. 559.77, F.S.; revising civil remedies; providing for increased statutory damages under certain circumstances; providing for absence of liability under certain circumstances; specifying a time certain for bringing certain actions; specifying application of federal precedent regarding corresponding federal law; providing an effective date.

By the Committee on Natural Resources & Environmental Protection; Representative Detert—

**CS/HB 111**—A bill to be entitled An act relating to marine biotechnology research, training, and industry development; establishing the Florida Marine Biotechnology Research, Training, and Development Program; providing legislative intent; providing program focus and long-term goals; providing for administration of the program; requiring appointment of a steering committee; providing duties of the steering committee; providing an appropriation; providing for disbursement of funds; providing an exemption regarding contractual services; requiring an annual report to the Legislature; providing for rules; providing for future repeal; providing an effective date.

By the Committee on Judicial Oversight; Representatives Betancourt, Wiles, Kravitz, Lynn, Bucher, and Gannon—

**CS/HB 119**—A bill to be entitled An act relating to character evidence; amending s. 90.404, F.S.; providing that, in certain criminal prosecutions involving domestic violence, evidence of prior convictions for or acts resulting in an injunction for domestic violence by the defendant may be admissible; providing an effective date.

By the Committee on Health Promotion; Representatives Argenziano, Kosmas, Fiorentino, Littlefield, and Dockery—

**CS/HB 133**—A bill to be entitled An act relating to the pharmacy discount program; amending s. 409.906, F.S.; authorizing as a new optional Medicaid service the pharmacy discount program, to be administered by the Agency for Health Care Administration; directing the Agency for Health Care Administration to seek a federal Medicaid waiver for the pharmacy discount program; specifying program eligibility and eligibility determination; specifying the means of deriving the subsidy for program participants; providing an effective date.

By the Committee on Natural Resources & Environmental Protection; Representatives Argenziano, Russell, and Gibson—

**CS/HB 161**—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for an advisory group to the council; providing for a report to the Legislature; requiring the Southwest Florida Water Management District to provide staff for the council; providing for a Citrus/Hernando Waterways restoration program; providing program tasks; providing for award of contracts subject to an appropriation of funds; providing for demonstration restoration projects; providing appropriations; providing effective dates.

By the Committee on General Education; Representatives Fiorentino, Meadows, Justice, Bilirakis, Rich, Richardson, Farkas, Bean, Cusack, and Kravitz—

**CS/HB 183**—A bill to be entitled An act relating to trust funds; creating s. 236.12265, F.S.; creating the Florida Academic Improvement Trust Fund within the Department of Education; providing sources of funds; specifying uses of funds; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on General Education; Representatives Fiorentino, Meadows, Justice, Bilirakis, Rich, Richardson, Farkas, Bean, and Kravitz—

**CS/HB 185**—A bill to be entitled An act relating to Florida Academic Improvement Trust Fund matching grants; creating s. 236.1226, F.S.; creating the Florida Academic Improvement Trust Fund matching grant program; providing legislative intent; requiring the Commissioner of Education to specify certain procedures; specifying uses of funds; providing for disbursement of funds; providing for administration of funds; providing an effective date.

By the Committee on Business Regulation; Representative Maygarden—

**CS/HB 187**—A bill to be entitled An act relating to alcoholic beverage container sizes; amending s. 563.06, F.S.; removing current restrictions

on malt beverage containers under a specified size; creating s. 564.055, F.S.; providing container size restrictions on cider; providing an effective date.

By the Committee on Judicial Oversight; Representatives Trovillion and Crow—

**CS/HB 199**—A bill to be entitled An act relating to substance abuse treatment programs; providing goals for treatment-based drug courts; requiring judicial circuits to establish a model of treatment-based drug courts for certain purposes; providing criteria; providing legislative intent; providing certain principles for operating drug courts; establishing a drug court coordinator in each judicial circuit for certain purposes; providing for inclusion of certain programs in such courts; amending s. 910.035, F.S.; providing for transferring persons eligible for participation in drug court treatment programs to other jurisdictions under certain circumstances; providing criteria, requirements, and limitations; amending s. 948.08, F.S.; adding persons charged with specified crimes to the list of persons eligible for admission into a pretrial substance abuse program; creating s. 948.16, F.S.; providing for a misdemeanor pretrial substance abuse education and treatment intervention program; providing for admitting certain persons to the program under certain circumstances; providing for disposition of persons in the program; providing criteria; providing contracting requirements for entities providing such a program; providing an effective date.

By the Council for Smarter Government; Representative Maygarden—

**CS/HB 211**—A bill to be entitled An act relating to the Florida Evidence Code; creating s. 90.4026, F.S.; providing definitions; providing for the inadmissibility of certain statements, writings, or benevolent gestures as evidence in a civil action; providing for the admissibility of certain statements of fault; providing an effective date.

By the Committee on Transportation; Representatives Allen, Rubio, Murman, Gibson, Flanagan, and Mayfield—

**CS/HB 239**—A bill to be entitled An act relating to child restraint requirements; creating the Child Safety Booster Seat Act of 2001; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing for a phase-in period; providing an effective date.

By the Committee on Insurance; Representatives Harrell, Gannon, Argenziano, Green, Clarke, Bowen, Murman, Berfield, Detert, Lynn, Waters, Dockery, Benson, and Kilmer—

**CS/HB 247**—A bill to be entitled An act relating to unfair discrimination in the business of insurance; amending s. 626.9541, F.S.; providing for application to certain additional types of insurers; providing an effective date.

By the Committee on Local Government & Veterans Affairs; Representatives Gibson, Rubio, Byrd, and Diaz de la Portilla—

**CS/HJR 295**—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution, relating to finance and taxation, to allow counties to provide for a reduction in the assessed value of homestead property equal to the increase in such value which results from constructing living quarters for certain persons over the age of 62 years.

By the Committee on Local Government & Veterans Affairs; Representatives Littlefield and Gottlieb—

**CS/HB 305**—A bill to be entitled An act relating to homestead exemption; amending s. 196.031, F.S.; providing that a person who is receiving or claiming the benefit of an ad valorem tax exemption or a tax credit that requires permanent residency in another state for eligibility is not eligible for homestead exemption; providing an exception; providing an effective date.

By the Committee on Tourism; Representatives Garcia, Arza, Diaz de la Portilla, and Alexander—

**CS/HB 337**—A bill to be entitled An act relating to public libraries; amending s. 257.17, F.S.; providing additional conditions for receipt of operating grants; providing conditions for potential loss of eligibility to receive an operating grant; requiring a report to the Division of Library and Information Services of the Department of State; requiring a report to the Legislature; revising a repeal date with respect to authorizing certain municipalities to receive operating grants for libraries; providing an effective date.

By the Committee on Local Government & Veterans Affairs; Representatives Mayfield, Harrell, Brown, Argenziano, Greenstein, Spratt, Melvin, Wiles, Machek, Negron, and Davis—

**CS/HB 339**—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; providing an effective date.

By the Committee on Local Government & Veterans Affairs; Representatives Johnson, Trovillion, and Henriquez—

**CS/HB 345**—A bill to be entitled An act relating to sports industry economic development projects; amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state; providing an effective date.

By the Committee on Education Innovation; Representative Crow—

**CS/HB 357**—A bill to be entitled An act relating to parental consent; amending s. 232.465, F.S.; providing that a student is exempt from certain services under the school health services plan if his or her parent or guardian requests such an exemption in writing; amending s. 234.02, F.S.; limiting transportation of a student to a medical treatment facility without parental consent; providing an effective date.

By the Committee on Utilities & Telecommunications; Representatives Spratt, Kendrick, Stansel, Alexander, Kyle, Harrington, Miller, Sorensen, Bense, Goodlette, Maygarden, Jennings, Flanagan, Smith, and Littlefield—

**CS/HB 371**—A bill to be entitled An act relating to electric utility service interruptions; creating s. 768.138, F.S.; providing electric utilities with an absolute defense in certain actions for certain law enforcement assistance activities under certain circumstances; providing an effective date.

By the Committee on Judicial Oversight; Representatives Kyle, Murman, Paul, Detert, Baxley, Hart, Byrd, Littlefield, Machek,

Alexander, Spratt, Fiorentino, Mayfield, Farkas, Green, Bilirakis, Waters, Brummer, Crow, Kallinger, Kottkamp, Flanagan, Clarke, Bennett, Ross, Bowen, Russell, Harrington, Gannon, Dockery, Mealor, Cusack, Romeo, Johnson, Kosmas, Gibson, Negron, Allen, Lynn, Justice, and Wiles—

**CS/HB 411**—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.003, F.S.; defining the term “proportionate share”; amending s. 723.007, F.S.; providing for imposition of a surcharge on annual fees; amending s. 723.011, F.S.; requiring the Division of Florida Land Sales, Condominiums, and Mobile Homes to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of land comprising mobile home parks; creating s. 723.0610, F.S.; providing for the payment of relocation expenses under certain circumstances; providing a penalty with respect to certain false statements or misstatements of fact; providing an effective date.

By the Committee on Local Government & Veterans Affairs; Representatives Fiorentino, Gannon, Detert, Bense, and Henriquez—

**CS/HB 427**—A bill to be entitled An act relating to homelessness; amending s. 228.041, F.S.; redefining the term “homeless child”; amending ss. 232.03, 232.0315, and 232.032, F.S.; revising the deadline for submission of documents for school registration for children who are homeless; amending s. 420.5087, F.S., relating to the State Apartment Incentive Loan Program; revising the requirements for qualifying to participate in the program; adding the homeless to the list of eligible tenant groups; amending s. 420.511, F.S.; revising reporting requirements of the Florida Housing Finance Corporation; amending s. 420.609, F.S., relating to the Affordable Housing Study Commission; revising the membership of the commission; requiring the commission to analyze how to address the acute need for housing for the homeless; amending s. 420.621, F.S.; redefining the term “homeless”; creating s. 420.622, F.S.; creating the State Office on Homelessness within the Department of Children and Family Services; requiring the Governor to appoint an executive director for the State Office on Homelessness; creating the Council on Homelessness; providing for council membership; providing for council members to be reimbursed for travel expenses; providing for grants for homeless assistance continuums of care; providing grants for homeless housing assistance; prescribing duties and responsibilities of the State Office on Homelessness; requiring the Department of Children and Family Services to adopt rules with input from the Council on Homelessness; requiring an annual report; amending s. 420.623, F.S.; revising the list of organizations that may participate in local homeless coalitions; revising the functions of local homeless coalitions; creating s. 420.624, F.S.; establishing guidelines for local homeless assistance continuum of care; creating s. 420.626, F.S.; establishing guidelines for discharging persons at risk for homelessness from facilities providing mental illness or substance abuse services; amending s. 420.9075, F.S.; expanding the list of partners that counties and cities are encouraged to involve in developing housing assistance plans; amending s. 445.009, F.S.; revising regional workforce boards’ one-stop delivery system; requiring the Office of Program Policy Analysis and Government Accountability to report on homelessness; designating December 21 as “Homeless Persons’ Memorial Day”; providing appropriations; providing an effective date.

By the Council for Ready Infrastructure; Committee on Utilities & Telecommunications; Representatives Prieguez, Diaz de la Portilla, Paul, Littlefield, Ryan, Attkisson, Ritter, Hogan, and Barreiro—

**CS/CS/HB 453**—A bill to be entitled An act relating to guaranteed energy performance savings contracting; amending s. 489.145, F.S.; changing provisions relating to energy efficiency contracting to provisions relating to guaranteed energy performance savings contracting; providing a short title; providing legislative intent; revising definitions, procedures, and contract provisions; providing criteria, requirements, procedures, and limitations for energy performance contracts; providing for program administration and contract review by the Department of Management Services and the Office of the Comptroller; providing an effective date.

By the Committee on Banking; Representative Detert—

**CS/HB 455**—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; defining the term “principal representative”; creating s. 494.00295, F.S.; providing license renewal educational requirements for licensees and principal representatives; amending s. 494.00311, F.S.; expanding the scope of mortgage business schools to include training for certain other persons; amending s. 494.0034, F.S.; adding continuing education requirements for mortgage broker license renewal; amending s. 494.0035, F.S.; requiring brokerage experience requirements for principal brokers; amending s. 494.0061, F.S.; providing educational requirements for mortgage lenders and principal representatives; requiring the designation of a principal representative; requiring testing of such persons; amending s. 494.0062, F.S.; providing educational requirements for correspondent mortgage lenders; requiring the designation of a principal representative; requiring the testing of such persons; amending s. 494.0064, F.S.; requiring licensees to submit certification of completion of certain educational requirements by certain persons; amending s. 494.0067, F.S.; requiring licensees to require loan originators and associates to complete certain continuing education programs; requiring licensees to maintain certain records; providing effective dates.

By the Committee on State Administration; Representatives Brutus, Richardson, Siplin, Diaz-Balart, Lacasa, Mack, and Byrd—

**CS/HB 459**—A bill to be entitled An act relating to restriction on employment of relatives by public officials; amending s. 112.3135, F.S.; eliminating exemptions from the prohibition against employment of relatives by public officials to apply the prohibition to public officials of universities, community colleges districts, and district school boards, for which there are penalties for violation; deleting the definition of “collegial body”; removing provisions that prohibit the appointment, employment, promotion, or advancement of any individual if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member; amending s. 721.05, F.S.; correcting a cross reference, to conform; providing an effective date.

By the Committee on Colleges & Universities; Representatives Baxley, Heyman, and Alexander—

**CS/HB 463**—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program, or a vocational certificate program or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; providing an effective date.

By the Committee on Judicial Oversight; Representatives Lacasa, Rubio, Barreiro, Holloway, Gelber, Betancourt, Bendross-Mindingall, Lerner, Prieguez, Wilson, Brutus, Bullard, Garcia, Cantens, Arza, Diaz-Balart, Sorensen, and Gottlieb—

**CS/HJR 471**—A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors.

By the Committee on Local Government & Veterans Affairs; Representatives Kendrick and Argenziano—

**CS/HB 479**—A bill to be entitled An act relating to the Rainbow Lakes Estates Municipal Service District, an independent special district of the State of Florida in Marion and Levy Counties; codifying the district’s charter, chapter 69-1298, Laws of Florida, as amended, pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Rainbow Lakes Estates Municipal Service District as a single act; repealing all prior special acts related to the Rainbow Lakes Estates Municipal Service District; providing an effective date.

By the Committee on Colleges & Universities; Representatives Gibson, Needelman, Heyman, and Alexander—

**CS/HB 487**—A bill to be entitled An act relating to educational benefits for children of slain law enforcement officers and firefighters; amending ss. 112.19, 112.191, F.S.; providing for graduate or postbaccalaureate educational expenses to be waived for children of officers and firefighters killed in the line of duty; providing for the waiver to apply to a child who attends a state institution as a full-time or part-time student; providing an effective date.

By the Committee on State Administration; Representative Fasano—

**CS/HB 503**—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to adopt rules to maintain the qualified status of the Optional Retirement Program in compliance with the Internal Revenue Code; providing an effective date.

By the Committee on Education Innovation; Representative Henriquez—

**CS/HB 517**—A bill to be entitled An act relating to student financial aid; creating s. 240.40645, F.S.; establishing the Instructional Paraprofessional Tuition Reimbursement Program to provide tuition reimbursements for eligible program participants; providing limitations on the amount, number of semester hours or equivalent quarter hours, and award of such reimbursements; providing eligibility requirements; limiting implementation to the amount funded in the General Appropriations Act; requiring funds appropriated to be deposited in the State Student Financial Assistance Trust Fund; providing an effective date.

By the Committee on Colleges & Universities; Representatives Green and Heyman—

**CS/HB 523**—A bill to be entitled An act relating to nursing student financial assistance programs; amending s. 240.4075, F.S.; including family practice teaching hospitals and specialty hospitals for children as eligible facilities under the Nursing Student Loan Forgiveness Program; exempting such hospitals from the fund-matching requirements of the program; providing for priority of awards when there are insufficient funds for all eligible applicants; amending s. 240.4076, F.S.; including nursing homes, family practice teaching hospitals, and specialty hospitals for children as eligible facilities under the nursing scholarship program; revising loan repayment provisions; providing an effective date.

By the Committee on Fiscal Policy & Resources; Representatives Wallace, Brown, Stansel, Baxley, Brummer, Bennett, Atwater, Baker, Kendrick, Pickens, and Attkisson—

**CS/HB 527**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for industrial machinery and equipment used in expanding spaceport or manufacturing facilities to provide for a full, rather than partial, exemption; providing an effective date.

By the Committee on Business Regulation; Representatives Rubio, Arza, Hart, Heyman, Brutus, and Betancourt—

**CS/HB 541**—A bill to be entitled An act relating to the Beverage Law; amending ss. 562.11 and 562.111, F.S.; providing an exemption for giving or serving to certain underage students alcoholic beverages that are delivered as part of a required curriculum at an accredited institution; providing an exemption for the possession of alcoholic beverages by underage students in specified circumstances; providing an effective date.

By the Committee on Business Regulation; Representatives Harrell, Murman, Maygarden, Wallace, Bennett, and Littlefield—

**CS/HB 547**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing that dues and fees paid to private physical fitness facilities are not subject to the tax; excluding country clubs from the exemption for physical fitness facilities; providing that the exemption does not apply to contracts entered into and financed prior to the effective date of the act; providing an effective date.

By the Fiscal Responsibility Council; Representatives Fasano, Atwater, and Littlefield—

**CS/HB 563**—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41 and 20.435, F.S.; conforming statutory cross references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public-health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; consolidating advisory councils; amending s. 215.5602, F.S.; providing for public-health and biomedical research; providing appropriations; providing an effective date.

By the Committee on Local Government & Veterans Affairs; Representatives Gibson and Rubio—

**CS/HB 573**—A bill to be entitled An act relating to ad valorem taxation; creating s. 193.703, F.S.; providing for a reduction in assessment for living quarters of parents or grandparents of homestead property owners or of their spouses; providing limitations; providing application procedures; providing penalties for making a willfully false statement in the application; providing for adjustment of the assessed value of property when the property owner is no longer eligible for the reduction in assessment; providing a contingent effective date.

By the Committee on Tourism; Representatives Kilmer, Paul, Spratt, Melvin, Diaz de la Portilla, Andrews, Clarke, Russell, Bense, Rubio, Bean, Kendrick, Stansel, Benson, Johnson, Cantens, Argenziano, Detert, Miller, Farkas, Dockery, Hogan, Allen, Baxley, Kallinger, Gibson, Maygarden, Green, Barreiro, Bowen, Needelman, Weissman, Kottkamp, Bullard, Holloway, Davis, Wallace, Crow, Attkisson, and Betancourt—

**CS/HB 591**—A bill to be entitled An act relating to historic preservation; creating the “Florida Historical Monuments and Memorials Protection Act”; prohibiting the relocation, removal, disturbance, or alteration of a monument, memorial, plaque, marker, or historic flag commemorating or memorializing specified wars and military engagements permanently displayed on public property of the state or any of its political subdivisions, except under specified circumstances; prohibiting a person or organization from preventing the public or private body responsible for the protection, preservation, or care of any monument, memorial, plaque, marker, or historic flag from exercising its responsibility to provide such protection, preservation, or care; providing a penalty for violation; prohibiting the renaming or rededication of a street, park, bridge, building, school, preserve, reserve, or other public area of the state or any of its political subdivisions dedicated in memory of or named for any historic figure or event; providing an exception; providing an effective date.

By the Committee on Juvenile Justice; Representatives Harper, Gelber, Barreiro, Richardson, Peterman, and Smith—

**CS/HB 617**—A bill to be entitled An act relating to youthful offenders; amending s. 958.11, F.S.; providing for certain inmates to be assigned to a facility for youthful offenders as a residential assignment if the inmate’s mental or physical vulnerability may jeopardize the inmate’s safety; providing legislative intent with respect to housing all inmates under a specified age in facilities for youthful offenders; providing an effective date.

By the Committee on Agriculture & Consumer Affairs; Representatives Romeo, Gannon, Sobel, Weissman, Peterman, Kendrick, Gibson, Bowen, Stansel, Lerner, and Kottkamp—

**CS/HB 685**—A bill to be entitled An act relating to consumer protection; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term “consumer” for purposes of ch. 501, F.S.; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing exemptions from regulation under part II of ch. 501, F.S., for certain activities regulated by the Public Service Commission; reenacting ss. 501.203 and 501.204, F.S., to incorporate amendments to federal law in references thereto; providing an effective date.

By the Committee on Utilities & Telecommunications; Representative Goodlette—

**CS/HB 699**—A bill to be entitled An act relating to rural electric cooperatives; amending s. 425.09, F.S.; authorizing cooperative bylaws to permit voting by limited proxy for certain purposes and under certain circumstances; providing criteria and limitations; prohibiting voting by general proxy; providing procedures and requirements for appointing limited proxies; providing an effective date.

By the Committee on Natural Resources & Environmental Protection; Representatives Spratt, Alexander, Dockery, Harrington, Greenstein, Cantens, Lacasa, Diaz-Balart, Macheke, Sorensen, Barreiro, Diaz de la Portilla, Gottlieb, Ritter, Attkisson, Mayfield, Garcia, Bendross-Mindingall, Miller, Bennett, Brown, and Littlefield—

**CS/HB 705**—A bill to be entitled An act relating to aquifer storage and recovery wells; creating s. 403.065, F.S.; providing legislative findings; providing for classifications and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for an aquifer storage and recovery well that does not meet primary drinking water standards other than those relating to total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within a specified period; providing rulemaking authority; requiring an annual report by the department; creating s. 373.222, F.S.; providing requirements for certain domestic wells; providing rulemaking authority; providing an effective date.

By the Committee on Agriculture & Consumer Affairs; Representative Stansel—

**CS/HB 717**—A bill to be entitled An act relating to assessment of agricultural property; amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain irrigation systems, litter containment structures, and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value; providing an effective date.

By the Committee on Agriculture & Consumer Affairs; Representatives Stansel, Alexander, Kendrick, and Spratt—

**CS/HB 721**—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing an exemption from public records requirements for certain individual agricultural records reported to the Department of Agriculture and Consumer Services in connection with its duties relating to pollution reduction under the total maximum daily load program for water bodies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.



By the Committee on Natural Resources & Environmental Protection; Representative Argenziano—

**CS/HB 729**—A bill to be entitled An act relating to environmental control; amending s. 403.813, F.S.; creating an exemption from permitting requirements under ch. 403, F.S., for the removal of invasive plants and the removal of organic detrital material from freshwater lakes and rivers under specified conditions; precluding additional state or local approval requirements for floating vessel platforms within boat slips; amending s. 253.12, F.S.; precluding additional state or local approval requirements for floating vessel platforms within boat slips; providing an effective date.

By the Committee on Insurance; Representatives Brown and Ross—

**CS/HB 767**—A bill to be entitled An act relating to structured settlements; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured settlement payment rights; requiring court approval of any such transfer; requiring a court to make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured settlement payment rights; providing for penalties for certain violations of the act; authorizing the state attorney to bring an action for injunctive relief; providing an effective date.

By the Committee on Health Regulation; Representative Rubio—

**CS/HB 771**—A bill to be entitled An act relating to certificate of need; amending s. 408.036, F.S.; providing legislative intent; exempting open heart surgery programs from certificate-of-need review; providing application and licensure requirements; providing for rules of the Agency for Health Care Administration; correcting cross references; providing a grandfather clause; amending ss. 408.0361 and 408.039, F.S.; correcting cross references; amending s. 15 of ch. 2000-318, Laws of Florida; providing new dates for final report to the Governor and Legislature and termination of the certificate-of-need workgroup; providing an effective date.

By the Committee on Information Technology; Representative Mealor—

**CS/HB 789**—A bill to be entitled An act relating to governmental data processing; creating s. 119.084, F.S.; providing definitions; authorizing governmental agencies to acquire, hold, and enforce copyrights for data processing software they create; authorizing sale or license of such software; authorizing establishment of sales price and licensing fee; providing requirements for electronic recordkeeping systems; providing for access to public records maintained in electronic recordkeeping systems; providing for fees to be charged for copying public records maintained in electronic recordkeeping systems; prohibiting contracts for public records databases that impair public access to public records; providing for future review and repeal; providing a finding of public necessity; providing for adoption of rules; providing an effective date.

By the Committee on Claims; Representative Justice—

**CS/HB 795**—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

By the Committee on Transportation; Representative Gardiner—

**CS/HB 807**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; providing that a motorized scooter is not a motor vehicle for traffic control purposes; creating a definition of the term motorized scooter; amending s. 316.06, F.S.; authorizing the

installation of multiparty stop signs on certain roads; providing guidelines for the installation of such signage; amending s. 316.1951, F.S.; revising provisions related to parking vehicles to display for sale; amending s. 316.1975, F.S.; exempting operators of solid waste and recovered materials vehicles from provisions regarding unattended motor vehicles; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; amending s. 316.228, F.S.; requiring strobe lights to be placed on the exterior of a commercial vehicle transporting unprocessed forest products extending more than 4 feet beyond the rear of the vehicle; providing an alternate method for placing strobe lights in certain instances; requiring the use of a red flag on the load; amending s. 316.2397, F.S.; authorizing the emergency response vehicles of the Department of Health to use red flashing lights; amending s. 316.520, F.S.; clarifying that a violation of a provision governing loads on vehicles is a moving rather than a nonmoving violation; amending s. 316.640, F.S.; revising the powers and duties of traffic crash investigation officers; amending s. 319.001, F.S.; providing definitions; amending s. 319.14, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to place a decal on a rebuilt vehicle so as to clarify its identity; providing a penalty for the removal of the decal; amending s. 319.23, F.S.; conforming the requirements for the transfer of ownership on an antique vehicle to that of any other motor vehicle; amending s. 319.28, F.S.; deleting the requirement that a copy of a contract for processing an application for title based on a contractual default be provided; amending s. 319.30, F.S.; clarifying the major component parts of a motor vehicle; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in chapter 316, F.S.; providing that a motorized scooter is not a motor vehicle for registration purposes; amending s. 320.023, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.025, F.S.; conforming the vessel registration law to the motor vehicle registration law; requiring a decal to be affixed to a vessel that is registered under a fictitious name and operated by any law enforcement agency; amending s. 320.05, F.S.; conforming the vessel registration law to the motor vehicle registration law; providing instructions for the release of information regarding a vessel to the public; amending s. 320.055, F.S.; correcting the registration period for nonapportioned vehicles; amending s. 320.06, F.S.; providing for the placement of only one decal rather than two on a license plate; amending s. 320.072, F.S.; reducing the timeframe a registrant can use a previous license plate for the initial registration fee exemption; amending s. 320.0805, F.S.; reducing the timeframe for a personalized license plate to remain out of circulation prior to reassignment; amending s. 320.08056, F.S.; including two more colleges to the discontinuance exemptions provided for collegiate specialty license plates; amending s. 320.08062, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.083, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the Amateur Radio Operator specialty license plate; amending s. 320.089, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the EX-POW or Purple Heart specialty license plate; amending s. 320.18, F.S.; providing for cancellation of license plates and fuel use tax decals for failure to pay motor carrier weight and safety violation penalties; amending s. 320.27, F.S.; redefining the term “motor vehicle auction”; deleting the requirement for a licensee to have the certificate of title or ownership indicia in his or her possession at an auction; deleting a requirement for establishing a pattern of wrongdoing; revising requirements for denial, suspension, or revocation of a motor vehicle dealer license; amending s. 320.64, F.S.; providing additional grounds for denial, suspension, or revocation of vehicle manufacturer’s license; amending s. 320.691, F.S.; creating the Automobile Dealers Industry Advisory Board; amending s. 322.01, F.S.; providing that a motorized scooter is not a motor vehicle for drivers’ licensing purposes; amending s. 322.05, F.S.; correcting a statutory reference regarding the requirements for an individual under 18 years of age to apply for a driver’s license; amending s. 322.081, F.S.; conforming this section to the Florida Single Audit Act; amending s. 322.126, F.S.; revising the requirements for reporting a disability which could affect an individual’s ability to drive a motor vehicle; creating s. 322.222, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to hold a hearing when an individual’s driver’s license has been suspended or revoked due to medical reasons; amending s. 322.25, F.S.; correcting a cross reference; amending s. 322.2615, F.S.; complying with

the USDOT's drunk driving prevention incentive program; reducing the timeframe for a temporary permit that is allotted when an individual is charged with driving with an unlawful blood-alcohol level; amending s. 322.27, F.S.; clarifying the time period for a driver's license revocation of a habitual traffic offender; amending s. 322.28, F.S.; deleting obsolete language regarding the revocation of a driver's license; repealing s. 322.282, F.S., relating to the procedure when the court revokes or suspends license or driving privilege and orders reinstatement; amending s. 322.292, F.S.; adding the requirement that DUI programs must be governmental programs or not-for-profit corporations; amending s. 322.61, F.S.; complying with the Federal Motor Carrier Safety Regulations; adding two more violations for which a commercial motor vehicle may be disqualified of driving privileges; amending s. 322.64, F.S.; reducing the timeframe for a temporary permit allotted when an individual holding a commercial driver's license is charged with an unlawful blood-alcohol level; repealing s. 322.331, F.S., relating to the reinstatement of a license of an habitual traffic offender; amending s. 324.091, F.S.; providing for electronic access to vehicle insurance information; amending s. 328.01, F.S.; deleting the requirement for a copy of a contract upon which a claim of ownership of a vessel is made on a contractual default; amending s. 328.42, F.S.; authorizing the department to deny or cancel any vessel registration, license plate, or fuel use decal when given a dishonored check by the customer; amending s. 328.56, F.S.; deleting the terms "commercial" and "recreational" when referring to vessels operated on the waters of this state; amending s. 328.72, F.S.; deleting the requirements for the transfer of ownership of an antique vessel; amending s. 328.76, F.S.; providing for the appropriation allotted for fiscal year 2000-2001 to be deposited into the Highway Safety Operating Trust Fund; amending s. 713.78, F.S.; adding the insurance company to the list of individuals to be contacted when a vehicle has been towed; repealing s. 681.1096(1), F.S., relating to the Pilot RV Mediation and Arbitration Program, and s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending s. 715.07, F.S.; conforming the vessel registration law to the motor vehicle registration law; defining the term "vessel"; authorizing the removal of an undocumented vessel parked on private property; amending s. 832.09, F.S.; authorizing the department to create a standardized form to be used for notification of satisfaction of a worthless check; providing effective dates.

By the Committee on Insurance; Representatives Murman, Waters, Benson, Harrell, Ritter, Sobel, Slosberg, Farkas, Simmons, Negron, Romeo, Prieguez, Melvin, Kallinger, Ross, Clarke, Bucher, Cusack, Littlefield, Joyner, and Diaz de la Portilla—

**CS/HB 809**—A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.; prohibiting health insurers from requiring contracted health care providers to accept the terms of other health care contracts as a condition of continuation or renewal; amending s. 627.662, F.S.; applying such prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying such prohibition to health maintenance organizations; providing an effective date.

By the Committee on Utilities & Telecommunications; Representative Attkisson—

**CS/HB 949**—A bill to be entitled An act relating to local government regulation of water or wastewater utilities; amending s. 367.171, F.S.; providing for regulation of certain utilities by certain counties; prohibiting exercise of eminent domain by certain governmental entities under certain circumstances; providing an effective date.

By the Committee on Local Government & Veterans Affairs; Representatives Davis and Wiles—

**CS/HB 973**—A bill to be entitled An act relating to totally and permanently disabled persons; amending s. 196.202, F.S.; reducing the number of physicians required to certify a total and permanent disability for certain purposes; providing an effective date.

By the Committee on Tourism; Representatives Rubio, Trovillion, Allen, Justice, Davis, Bullard, Cantens, Barreiro, Heyman, and Prieguez—

**CS/HB 987**—A bill to be entitled An act relating to grants administered by the Division of Cultural Affairs; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant that is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; amending s. 265.286, F.S.; expanding eligibility criteria for the challenge grant program; providing match requirements; prohibiting participation by any programs operated in state-owned cultural facilities not affiliated with the State University System; providing an effective date.

By the Committee on Transportation; Representative Russell—

**CS/HB 1053**—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 206.46, F.S.; raising the statutory cap on the department's required debt service coverage for right-of-way acquisition and bridge construction; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 311.07, F.S.; raising from \$8 million to \$10 million the minimum amount of funds the department makes available to the Florida Seaport Transportation Program; adding seaport security projects to the types of projects eligible for these funds; exempting seaport security projects from matching requirements; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; deleting requirement for legislative approval except for projects requiring more than \$50 million from the State Transportation Trust Fund; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the

department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 337.408, F.S.; specifying dimensions of bus benches, transit shelters, and waste receptacles; giving the Department of Transportation rulemaking authority pertaining to regulating these structures; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; providing that local governments which perform projects for the department are reimbursed promptly; specifying that certain counties that use revenues from a 1-cent local option sales tax for state transportation improvement projects not be penalized by receiving fewer state transportation funds; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; increasing the statutory budgetary amendment caps for certain activities; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting language requiring the department to perform certain railroad regulation tasks which are federal responsibilities; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; providing an effective date.

By the Committee on Natural Resources & Environmental Protection; Representative Needelman—

**CS/HB 1065**—A bill to be entitled An act relating to the placement of rip current warning signs; creating s. 380.275, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the placement of rip current warning signs; providing that the Department of Community Affairs shall direct and coordinate

the program; requiring the development of a uniform rip current warning sign; authorizing the department to coordinate the location, distribution, and erection of rip current warning signs; providing for rules; limiting the liability of participating governmental entities; providing an effective date.

By the Committee on Child & Family Security; Representatives Murman, Argenziano, and Detert—

**CS/HB 1073**—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 394.66, F.S.; providing legislative intent relating to the accreditation and cost-efficiency of substance abuse and mental health service providers; creating s. 394.741, F.S., relating to accreditation requirements for providers of behavioral health care services; defining the term "behavioral health care services"; requiring the accreditation of certain entities to be accepted in lieu of licensure, administrative, and program monitoring requirements; authorizing the adoption of rules; requiring that the Department of Children and Family Services and the Agency for Health Care Administration be allowed access to all accreditation reports, corrective action plans, and performance data submitted to accrediting organizations; authorizing followup monitoring by the department and the agency if major deficiencies are identified through the accreditation process; preserving the right of the department and agency to perform inspections, including contract monitoring; requiring the department and the agency to report to the Legislature on the viability of mandating accreditation and privatizing licensure and monitoring functions; specifying that the accreditation requirements of s. 394.741, F.S., apply to contracted organizations that are already accredited; amending s. 394.90, F.S., relating to substance abuse and mental health services; revising provisions relating to licensure, accreditation, and inspection of facilities, to conform; providing a cross reference; amending s. 397.411, F.S., relating to substance abuse service providers; revising provisions relating to licensure, accreditation, and inspection of facilities, to conform; providing a cross reference; amending ss. 397.403 and 409.1671, F.S.; revising the name of the Commission on Accreditation of Rehabilitation Facilities; providing legislative findings with respect to providing mental health and substance abuse treatment services; requiring the department and the agency to contract for the establishment of two behavioral health care service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance abuse treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the department and the agency; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each service delivery strategy; requiring certain cooperative agreements; providing reporting requirements; authorizing the agency to certify matching funds and seek federal waivers; requiring preparation of an amendment to the state substance abuse and mental health master plan; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; requiring establishment of an interagency workgroup to report on the state substance abuse and mental health master plan; providing membership; providing report requirements; providing an effective date.

By the Committee on Local Government & Veterans Affairs; Representative Byrd—

**CS/HB 1121**—A bill to be entitled An act relating to drivers' licenses; amending s. 322.02, F.S.; directing the Department of Highway Safety and Motor Vehicles to allow any county tax collector that elects to do so to be an exclusive agent of the department, for that county only, to administer driver license services authorized in chapter 322, F.S.; amending s. 322.135, F.S.; providing a schedule of fees to be paid to county tax collectors for services provided by the county tax collector as agent of the Department of Highway Safety and Motor Vehicles; providing an effective date.

By the Committee on Child & Family Security; Representatives Murman, Rich, Lynn, Flanagan, Hogan, Jordan, Bean, Benson, Negron,

Russell, Hart, Green, Ross, Brown, Paul, Simmons, Kravitz, Garcia, Detert, Mahon, Berfield, Baxley, Kallinger, Mealor, and Attkisson—

**CS/HB 1145**—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be placed in licensed residential care and must remain there unless a court determines that it is not in the child's best interest; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term "related services"; providing an additional requirement for eligible lead community-based providers; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676 and 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider or its direct service contract providers; requiring the Department of Children and Family Services to provide the Legislature with a report on the status of the child protection program; providing an effective date.

## Reports of Councils and Standing Committees

### Council Reports

#### Received March 23:

The Council for Competitive Commerce recommends the following pass:

HB 145  
HB 353

**The above bills were placed on the Calendar.**

The Council for Healthy Communities recommends the following pass:

CS/HB 175  
HB 449

**The above bills were placed on the Calendar.**

The Council for Ready Infrastructure recommends the following pass: CS/HB 41

**The above bill was placed on the Calendar.**

#### Received March 26:

The Council for Healthy Communities recommends the following pass:

HB 69, with 1 amendment

HB 1003, with 3 amendments

**The above bills were placed on the Calendar.**

The Council for Smarter Government recommends the following pass:

CS/HB 497  
HB 695

**The above bills were placed on the Calendar.**

The Fiscal Responsibility Council recommends a council substitute for the following:

HB 563

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 563 was laid on the table.**

#### Received March 28:

The Council for Competitive Commerce recommends a council substitute for the following:

CS/HB 107

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 107 was laid on the table.**

The Council for Smarter Government recommends a council substitute for the following:

HB 211

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 211 was laid on the table.**

#### Received March 29:

The Council for Lifelong Learning recommends a council substitute for the following:

HB 1

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1 was laid on the table.**

The Council for Smarter Government recommends a council substitute for the following:

CS/HB 109

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 109 was laid on the table.**

#### Received March 30:

The Council for Ready Infrastructure recommends the following pass:

CS/HB 203  
CS/HB 705

**The above bills were placed on the Calendar.**

The Council for Ready Infrastructure recommends a council substitute for the following:

CS/HB 453

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 453 was laid on the table.**

### Committee Reports

#### Received March 23:

The Committee on Judicial Oversight recommends a committee substitute for the following:

HJR 471

The above committee substitute was referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HJR 471 was laid on the table.

The Committee on Education Innovation recommends the following pass:

HB 577

The above bill was referred to the Committee on Education Appropriations.

The Committee on Colleges & Universities recommends a committee substitute for the following:

HB 463

The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 463 was laid on the table.

The Committee on Colleges & Universities recommends a committee substitute for the following:

HB 523

The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 523 was laid on the table.

The Committee on Health Promotion recommends a committee substitute for the following:

HB 133

The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 133 was laid on the table.

The Committee on Information Technology recommends a committee substitute for the following:

HB 789

The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 789 was laid on the table.

The Committee on Natural Resources & Environmental Protection recommends a committee substitute for the following:

HB 161

The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 161 was laid on the table.

The Committee on Natural Resources & Environmental Protection recommends a committee substitute for the following:

HB 729

The above committee substitute was referred to the Committee on General Government Appropriations, subject to review under Rule 6.3, and, under the rule, HB 729 was laid on the table.

The Committee on Transportation recommends the following pass:  
HB 195

The above bill was referred to the Committee on Agriculture & Consumer Affairs.

The Committee on Judicial Oversight recommends a committee substitute for the following:

HB 411

The above committee substitute was referred to the Committee on Agriculture & Consumer Affairs, subject to review under Rule 6.3, and, under the rule, HB 411 was laid on the table.

The Committee on Banking recommends a committee substitute for the following:

HB 455

The above committee substitute was referred to the Committee on Business Regulation, subject to review under Rule 6.3, and, under the rule, HB 455 was laid on the table.

The Committee on Natural Resources & Environmental Protection recommends a committee substitute for the following:

HB 1065

The above committee substitute was referred to the Committee on Local Government & Veterans Affairs, subject to review under Rule 6.3, and, under the rule, HB 1065 was laid on the table.

Received March 26:

The Committee on Local Government & Veterans Affairs recommends a committee substitute for the following:

HB 339

The above committee substitute was referred to the Council for Healthy Communities, subject to review under Rule 6.3, and, under the rule, HB 339 was laid on the table.

The Committee on Local Government & Veterans Affairs recommends committee substitutes for the following:

HB 305

HB 345

The above committee substitutes were referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HBs 305 and 345 were laid on the table.

The Committee on Natural Resources & Environmental Protection recommends a committee substitute for the following:

HB 705

The above committee substitute was referred to the Committee on General Government Appropriations, subject to review under Rule 6.3, and, under the rule, HB 705 was laid on the table.

The Committee on Business Regulation recommends a committee substitute for the following:

HB 541

The above committee substitute was referred to the Committee on Colleges & Universities, subject to review under Rule 6.3, and, under the rule, HB 541 was laid on the table.

Received March 27:

The Committee on Claims recommends the following pass:

HB 801, with 2 amendments

HB 881, with 3 amendments

HB 893

HB 1195

The above bills were referred to the Procedural & Redistricting Council.

The Committee on Natural Resources & Environmental Protection recommends the following pass:

HB 441, with 1 amendment

The above bill was referred to the Council for Smarter Government.

The Committee on Health Regulation recommends a committee substitute for the following:

HB 771

The above committee substitute was referred to the Council for Healthy Communities, subject to review under Rule 6.3, and, under the rule, HB 771 was laid on the table.

The Committee on Agriculture & Consumer Affairs recommends the following pass:

HB 1155

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Insurance recommends the following pass:  
HB 1219, with 5 amendments

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:

HB 1085

HB 1221, with 1 amendment

**The above bills were referred to the Committee on General Government Appropriations.**

The Committee on Education Innovation recommends a committee substitute for the following:

HB 517

**The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 517 was laid on the table.**

The Committee on Local Government & Veterans Affairs recommends a committee substitute for the following:

HB 973

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 973 was laid on the table.**

The Committee on Child & Family Security recommends a committee substitute for the following:

HB 1145

**The above committee substitute was referred to the Committee on Health & Human Services Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1145 was laid on the table.**

The Committee on Tourism recommends the following pass:

HB 1087, with 4 amendments

**The above bill was referred to the Committee on Business Regulation.**

The Committee on Business Regulation recommends a committee substitute for the following:

HB 187

**The above committee substitute was referred to the Committee on Agriculture & Consumer Affairs, subject to review under Rule 6.3, and, under the rule, HB 187 was laid on the table.**

The Committee on Utilities & Telecommunications recommends a committee substitute for the following:

HB 371

**The above committee substitute was referred to the Committee on Judicial Oversight, subject to review under Rule 6.3, and, under the rule, HB 371 was laid on the table.**

The Committee on Utilities & Telecommunications recommends a committee substitute for the following:

HB 949

**The above committee substitute was referred to the Committee on Local Government & Veterans Affairs, subject to review under Rule 6.3, and, under the rule, HB 949 was laid on the table.**

The Committee on Agriculture & Consumer Affairs recommends a committee substitute for the following:

HB 685

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 685 was laid on the table.**

The Committee on Colleges & Universities recommends a committee substitute for the following:

HB 487

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 487 was laid on the table.**

**Received March 28:**

The Committee on Rules, Ethics & Elections recommends the following pass:

HM 37

HB 559

**The above bills were placed on the Calendar.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 575 (fiscal note attached)

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on General Government Appropriations recommends the following pass:

HB 991 (fiscal note attached)

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 163, with 3 amendments (fiscal note attached)

HB 347 (fiscal note attached)

**The above bills were referred to the Fiscal Responsibility Council.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 1401, with 1 amendment

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 361 (fiscal note attached)

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Health & Human Services Appropriations recommends the following pass:

HB 483, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Judicial Oversight recommends the following pass:  
HB 505

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Juvenile Justice recommends the following pass:  
HB 759  
HB 811

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
CS/HB 789, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on General Government Appropriations recommends the following pass:  
HB 589, with 1 amendment (fiscal note attached)  
CS/HB 705, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on Judicial Oversight recommends the following pass:  
HB 959, with 2 amendments

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Juvenile Justice recommends the following pass:  
CS/HB 203

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:  
HB 489 (fiscal note attached)

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Business Regulation recommends the following pass:  
HB 805, with 1 amendment

**The above bill was referred to the Council for Smarter Government.**

The Committee on General Education recommends the following pass:  
HB 545, with 1 amendment

**The above bill was referred to the Council for Smarter Government.**

The Committee on General Government Appropriations recommends the following pass:  
HB 201 (fiscal note attached)

**The above bill was referred to the Council for Smarter Government.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
HM 1161

**The above bill was referred to the Council for Smarter Government.**

The Committee on State Administration recommends the following pass:  
HB 731  
HB 989, with 1 amendment

**The above bills were referred to the Council for Smarter Government.**

The Committee on Insurance recommends a committee substitute for the following:  
HB 247

**The above committee substitute was referred to the Council for Competitive Commerce, subject to review under Rule 6.3, and, under the rule, HB 247 was laid on the table.**

The Committee on Fiscal Policy & Resources recommends a committee substitute for the following:  
HB 527 (fiscal note attached)

**The above committee substitute was referred to the Fiscal Responsibility Council, subject to review under Rule 6.3, and, under the rule, HB 527 was laid on the table.**

The Committee on Local Government & Veterans Affairs recommends committee substitutes for the following:  
HJR 295  
HB 573

**The above committee substitutes were referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HJR 295 and HB 573 were laid on the table.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:  
HB 375, with 4 amendments

**The above bill was referred to the Committee on Criminal Justice Appropriations.**

The Committee on State Administration recommends the following pass:  
HB 649

**The above bill was referred to the Committee on Criminal Justice Appropriations.**

The Committee on Business Regulation recommends the following pass:  
HB 1207

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Judicial Oversight recommends the following pass:  
HB 601, with 4 amendments  
HB 1009

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Juvenile Justice recommends the following pass:  
HB 65

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
HB 855  
HB 943  
HB 1037

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on State Administration recommends the following pass:  
HB 1151

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Rules, Ethics & Elections recommends the following pass:  
HB 1167

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on Health Regulation recommends the following pass:  
HB 1077

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on General Education recommends committee substitutes for the following:

HB 183  
HB 185

**The above committee substitutes were referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HBs 183 and 185 were laid on the table.**

The Committee on State Administration recommends a committee substitute for the following:

HB 503

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 503 was laid on the table.**

The Committee on Tourism recommends a committee substitute for the following:

HB 337

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 337 was laid on the table.**

The Committee on Child & Family Security recommends a committee substitute for the following:

HB 1073

**The above committee substitute was referred to the Committee on Health & Human Services Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1073 was laid on the table.**

The Committee on Business Regulation recommends the following pass:

HB 533

**The above bill was referred to the Committee on Agriculture & Consumer Affairs.**

The Committee on Business Regulation recommends the following pass:

HB 165

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Judicial Oversight recommends the following pass:  
HB 735

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 1049

**The above bill was referred to the Committee on Economic Development & International Trade.**

The Committee on Rules, Ethics & Elections recommends the following pass:

HB 329, with 1 amendment

**The above bill was referred to the Committee on Health Promotion.**

The Committee on Health Promotion recommends the following pass:  
HB 381, with 1 amendment

**The above bill was referred to the Committee on Insurance.**

The Committee on Health Regulation recommends the following pass:  
HB 235, with 1 amendment

**The above bill was referred to the Committee on Insurance.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 315, with 2 amendments

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on State Administration recommends the following pass:

HB 363

**The above bill was referred to the Committee on Local Government & Veterans Affairs.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 901  
HB 1189, with 3 amendments

**The above bills were referred to the Committee on Natural Resources & Environmental Protection.**

The Committee on Health Regulation recommends the following pass:

HB 193, with 1 amendment  
HB 1067, with 1 amendment

**The above bills were referred to the Committee on State Administration.**

The Committee on Insurance recommends the following pass:

CS/HB 67

**The above bill was referred to the Committee on Transportation.**

The Committee on Judicial Oversight recommends the following pass:  
HB 757, with 1 amendment

**The above bill was referred to the Committee on Transportation.**

The Committee on Judicial Oversight recommends a committee substitute for the following:

HB 199

**The above committee substitute was referred to the Committee on Crime Prevention, Corrections & Safety, subject to review under Rule 6.3, and, under the rule, HB 199 was laid on the table.**

The Committee on Transportation recommends a committee substitute for the following:

HB 239

**The above committee substitute was referred to the Committee on Crime Prevention, Corrections & Safety, subject to review under Rule 6.3, and, under the rule, HB 239 was laid on the table.**

The Committee on State Administration recommends a committee substitute for the following:

HB 459

**The above committee substitute was referred to the Committee on Education Innovation, subject to review under Rule 6.3, and, under the rule, HB 459 was laid on the table.**

The Committee on Insurance recommends a committee substitute for the following:

HB 809

**The above committee substitute was referred to the Committee on Health Promotion, subject to review under Rule 6.3, and, under the rule, HB 809 was laid on the table.**

The Committee on Utilities & Telecommunications recommends the following not pass:



HB 611

**The above bill was laid on the table under the rule.**

**Received March 29:**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 1037 (fiscal note attached)

**The above bill was placed on the Calendar.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 585

HB 835

HB 849, with 1 amendment

HB 851

HB 867, with 1 amendment

HB 887

HB 897

HB 921

HB 923, with 1 amendment

**The above bills were placed on the Calendar.**

The Committee on Utilities & Telecommunications recommends the following pass:

HB 763

**The above bill was placed on the Calendar.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 1219 (fiscal note attached)

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 967, with 1 amendment (fiscal note attached)

HB 1009 (fiscal note attached)

**The above bills were referred to the Fiscal Responsibility Council.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 331 (fiscal note attached)

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Rules, Ethics & Elections recommends the following pass:

HB 189, with 1 amendment

**The above bill was referred to the Procedural & Redistricting Council.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:

HB 595, with 1 amendment

**The above bill was referred to the Council for Smarter Government.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 351 (fiscal note attached)

HB 601 (fiscal note attached)

**The above bills were referred to the Council for Smarter Government.**

The Committee on Economic Development & International Trade recommends the following pass:

HB 1111, with 1 amendment

HB 1215

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:

HB 1489, with 3 amendments

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on Tourism recommends a committee substitute for the following:

HB 987

**The above committee substitute was referred to the Committee on General Government Appropriations, subject to review under Rule 6.3, and, under the rule, HB 987 was laid on the table.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 885

**The above bill was referred to the Committee on Health Regulation.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 929, with 1 amendment

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 903, with 1 amendment

HB 905

**The above bills were referred to the Committee on State Administration.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 777

**The above bill was referred to the Committee on Transportation.**

The Committee on Natural Resources & Environmental Protection recommends a committee substitute for the following:

HB 111

**The above committee substitute was referred to the Committee on Colleges & Universities, subject to review under Rule 6.3, and, under the rule, HB 111 was laid on the table.**

The Committee on Local Government & Veterans Affairs recommends a committee substitute for the following:

HB 427

**The above committee substitute was referred to the Committee on Education Innovation, subject to review under Rule 6.3, and, under the rule, HB 427 was laid on the table.**

The Committee on Tourism recommends a committee substitute for the following:

HB 591

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 591 was laid on the table.**

**Received March 30:**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 531, with 1 amendment  
HB 1539, with 1 amendment

**The above bills were referred to the Council for Competitive Commerce.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:  
HB 1133, with 1 amendment

**The above bill was referred to the Council for Healthy Communities.**

The Committee on State Administration recommends the following pass:  
HB 599, with 1 amendment

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Child & Family Security recommends the following pass:  
HB 1413, with 5 amendments

**The above bill was referred to the Council for Smarter Government.**

The Committee on State Administration recommends the following pass:  
HB 629  
HB 1205, with 1 amendment

**The above bills were referred to the Council for Smarter Government.**

The Committee on Education Innovation recommends a committee substitute for the following:  
HB 357

**The above committee substitute was referred to the Council for Lifelong Learning, subject to review under Rule 6.3, and, under the rule, HB 357 was laid on the table.**

The Committee on Claims recommends a committee substitute for the following:  
HB 795

**The above committee substitute was referred to the Procedural & Redistricting Council, subject to review under Rule 6.3, and, under the rule, HB 795 was laid on the table.**

The Committee on Insurance recommends a committee substitute for the following:  
HB 767

**The above committee substitute was referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HB 767 was laid on the table.**

The Committee on Judicial Oversight recommends a committee substitute for the following:  
HB 119

**The above committee substitute was referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HB 119 was laid on the table.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:  
HB 1465, with 2 amendments

**The above bill was referred to the Committee on Criminal Justice Appropriations.**

The Committee on Child & Family Security recommends the following pass:  
HB 1409

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Economic Development & International Trade recommends the following pass:  
HB 1225, with 2 amendments

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Health Promotion recommends the following pass:  
HB 1439, with 9 amendments

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Judicial Oversight recommends the following pass:  
HB 969, with 1 amendment

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on State Administration recommends the following pass:  
HB 1197, with 1 amendment

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Transportation recommends the following pass:  
HB 701  
HB 1091, with 1 amendment

**The above bills were referred to the Committee on Transportation & Economic Development Appropriations.**

The Committee on Agriculture & Consumer Affairs recommends a committee substitute for the following:  
HB 717

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 717 was laid on the table.**

The Committee on Business Regulation recommends a committee substitute for the following:  
HB 547

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 547 was laid on the table.**

The Committee on Local Government & Veterans Affairs recommends committee substitutes for the following:  
HB 479  
HB 1121

**The above committee substitutes were referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HBs 479 and 1121 were laid on the table.**

The Committee on Transportation recommends a committee substitute for the following:  
HB 1053

**The above committee substitute was referred to the Committee on Transportation & Economic Development Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1053 was laid on the table.**

The Committee on State Administration recommends the following pass:  
HB 625, with 1 amendment

**The above bill was referred to the Committee on Banking.**

The Committee on Judicial Oversight recommends the following pass:

HB 579, with 1 amendment

**The above bill was referred to the Committee on Business Regulation.**

The Committee on Elder & Long-Term Care recommends the following pass:  
HB 619

**The above bill was referred to the Committee on Colleges & Universities.**

The Committee on Banking recommends the following pass:  
HB 213, with 1 amendment

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Judicial Oversight recommends the following pass:  
HB 261, with 1 amendment  
HB 349, with 1 amendment  
CS/HB 719, with 1 amendment

**The above bills were referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on State Administration recommends the following pass:  
HB 955

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Insurance recommends the following pass:  
HB 457, with 1 amendment

**The above bill was referred to the Committee on Economic Development & International Trade.**

The Committee on Juvenile Justice recommends the following pass:  
HB 549, with 2 amendments

**The above bill was referred to the Committee on Elder & Long-Term Care.**

The Committee on State Administration recommends the following pass:  
HB 1505, with 3 amendments

**The above bill was referred to the Committee on General Education.**

The Committee on Health Promotion recommends the following pass:  
HB 1253, with 4 amendments

**The above bill was referred to the Committee on Insurance.**

The Committee on Banking recommends the following pass:  
HB 1157, with 2 amendments

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:  
HB 737, with 2 amendments

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on State Administration recommends the following pass:  
HB 613, with 1 amendment

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Transportation recommends the following pass:  
HB 259

**The above bill was referred to the Committee on State Administration.**

The Committee on State Administration recommends the following pass:  
HB 507, with 1 amendment  
HB 1033, with 1 amendment  
HB 1407

**The above bills were referred to the Committee on Transportation.**

The Committee on Juvenile Justice recommends a committee substitute for the following:  
HB 617

**The above committee substitute was referred to the Committee on Crime Prevention, Corrections & Safety, subject to review under Rule 6.3, and, under the rule, HB 617 was laid on the table.**

The Committee on Transportation recommends a committee substitute for the following:  
HB 807

**The above committee substitute was referred to the Committee on Insurance, subject to review under Rule 6.3, and, under the rule, HB 807 was laid on the table.**

The Committee on Utilities & Telecommunications recommends a committee substitute for the following:  
HB 699

**The above committee substitute was referred to the Committee on Judicial Oversight, subject to review under Rule 6.3, and, under the rule, HB 699 was laid on the table.**

The Committee on Agriculture & Consumer Affairs recommends a committee substitute for the following:  
HB 721

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 721 was laid on the table.**

**Enrolling Reports**

HB 1083 has been enrolled, signed by the required constitutional officers, and presented to the Governor on March 29, 2001.

*John B. Phelps, Clerk*

**Communications**

The Governor advised that he had filed in the Office of the Secretary of State HB 1083, which he approved on March 29, 2001.

**Excused**

Rep. Ausley until 11:41 a.m.; Rep. Bennett after 1:39 p.m.; Rep. Littlefield after 12:29 p.m.; Rep. Sorensen

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 4:21 p.m., to reconvene at 11:00 a.m., Monday, April 2.

**Pages and Messengers  
for the week of  
March 26-30**

PAGES—Michael Bennight, Crawfordville; Eric Ryan Birnie, DeLand; Anthony Louis Bonna, Port St. Lucie; Shane S. Brashear, Palm Bay; Logan T. Johnston, Deerfield Beach; Jesus Alejandro Laino, Jr., Holly Hill; Chris Kallinger, Winter Park; Laura Law, Wildwood; Ricky Lee, Chuluota; Brittany Clara Muetzel, New Port Richey; Sarah Riggs, Mary Esther; Paul Rubin, Plantation; Emily Rubin, Boca Raton; Johanna Ryan, Dania Beach; Jenny F. Sorensen, Pompano Beach; Olivia Young, Golden Beach.

MESSENGERS—Laura Baum, Lakeland; Amanda Bennight, Crawfordville; Jennifer M. Dawson, Palm City; Kyndal Duggan, Jacksonville; Candace Edwards, Lakeland; Andrew D. Ferris, Sebastian; Ashley Folsom, Thonotosassa; Joshua Jordan Stuart Gussler, Tavares; Richie Hill, Lakeland; Scott Philip Kelrick, Hollywood; Kriston Allen Kent, Naples; Jennifer Krane, Plantation; Michelle C. Lee, Chuluota; Robin Lerner, Miami; Miranda Lucas, Fort White; Dustin Mandrell, Melbourne Beach; Katrina D. Sutphin, Tallahassee; Daniel Young, Golden Beach.



# The Journal OF THE House of Representatives

Number 9

Monday, April 2, 2001

The House was called to order by the Speaker at 11:00 a.m.

## Prayer

The following prayer was offered by the Reverend Phil F. Edwards of First Assembly of God of Panama City, upon invitation of Rep. Bense:

Heavenly Father, it is with sincere gratitude that we call on Your Holy Name this beautiful spring morning, thanking You for life, liberty, and the pursuit of happiness which You have so abundantly granted us in our country through the wisdom You gave our forefathers in establishing such a form of government as we now enjoy.

Thank You, Father, also, for these very special people, our state legislators who are, by Your design, powerful instruments of peace, prosperity, and protection to the people who elected them to such an honorable station.

Lord, we join millions who love our beloved state and nation, and we boldly ask in concert for humility, wisdom, and righteous courage to these, our leaders, to always find and do what is right in Your sight first, before they consider what is expedient or benefiting to us, the people. Please make them strong and help them greatly to be people of principle in a time and culture where everyone does what seems right in their own eyes.

Let them each one know that they can stand tall above the fray and think with a clear mind and clean conscience. Let them know that it's not only possible to do this, but that You will do this and help everyone who sincerely asks for that very special leadership grace.

Please help them, Lord, please, with their physical and medical needs, in their financial dealings, in their personal lives, in their homes, and in their marriages. Please, Father, at this very moment, communicate to each of them how very much You love them and want them to know You more personally than they have ever known You before, through faith in Your Son, Jesus Christ.

All this we ask believing, believing that You hear us and will answer, for such a time as this.

In the name of Our Lord Jesus Christ, Amen.

The following Members were recorded present:

Session Vote Sequence: 88

The Chair	Baker	Berfield	Bullard
Allen	Barreiro	Bilirakis	Byrd
Andrews	Baxley	Bowen	Cantens
Argenziano	Bean	Brown	Carassas
Attkisson	Bendross-Mindingall	Brummer	Clarke
Atwater	Bense	Brutus	Crow
Ausley	Benson	Bucher	Cusack

Davis	Harrington	Mack	Rubio
Detert	Hart	Mahon	Ryan
Dockery	Henriquez	Maygarden	Seiler
Farkas	Heyman	McGriff	Simmons
Fasano	Holloway	Meadows	Siplin
Fields	Jennings	Mealor	Slosberg
Fiorentino	Johnson	Melvin	Smith
Flanagan	Jordan	Miller	Sobel
Frankel	Joyner	Murman	Sorensen
Gannon	Justice	Needelman	Spratt
Garcia	Kallinger	Negron	Stansel
Gardiner	Kendrick	Paul	Trovillion
Gelber	Kilmer	Peterman	Wallace
Gibson	Kosmas	Pickens	Waters
Goodlette	Kottkamp	Prieguez	Weissman
Gottlieb	Kravitz	Rich	Wiles
Green	Kyle	Richardson	Wilson
Greenstein	Littlefield	Ritter	
Haridopolos	Lynn	Romeo	
Harrell	Machek	Ross	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The Members, led by Kristin A. Coley of Marianna, Jacquelyn DePope of Orange City, Pedro Raul Goicouria of Miami, Jaime Gonzalez of Coral Springs, Joshua Lee of Miami Beach, and Caroline Pararo of Tallahassee, pledged allegiance to the Flag. Kristin A. Coley served at the invitation of Rep. Bense. Jacquelyn DePope served at the invitation of Rep. Cusack. Pedro Raul Goicouria served at the invitation of Rep. Betancourt. Jaime Gonzalez served at the invitation of Rep. Greenstein. Joshua Lee served at the invitation of Rep. Gelber. Caroline Pararo served at the invitation of Rep. Andrews.

## House Physicians

The Speaker introduced Dr. Rudolph Moise of North Miami and Dr. Doris Templeman of New Port Richey, who served in the clinic today. Dr. Moise served at the invitation of Rep. Brutus, and Dr. Templeman served at the invitation of Rep. Fasano.

## Correction of the Journal

The *Journal* of March 30 was corrected and approved as corrected.

## Reports of Councils and Standing Committees

### Report of the Procedural & Redistricting Council

*The Honorable Tom Feeney*  
Speaker, House of Representatives

March 29, 2001

*Mr. Speaker*

Your Procedural & Redistricting Council herewith submits as Special Orders for Monday, April 2, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following Trust Fund bills:
- HB 1295—Administrative TF/Lottery Dept.
  - SB 544—Administrative TF/Lottery Dept.
  - HB 1297—Administrative Trust Fund/DMS
  - SB 546—Administrative Trust Fund/DMS
  - HB 1299—Administrative Trust Fund/DMS
  - SB 548—Administrative Trust Fund/DMS
  - HB 1303—Facilities Pool Working Capital TF
  - SB 560—Facilities Pool Working Capital TF
  - HB 1301—Facilities Pool Working Capital TF
  - SB 558—Facilities Pool Working Capital TF
  - HB 1307—Wireless Emergency Telephone System
  - SB 564—Wireless Emergency Telephone System
  - HB 1311—Wireless Emergency Telephone System
  - SB 566—Wireless Emergency Telephone System
  - HB 1315—State Agency Law Enforcement Radio
  - SB 568—State Agency Law Enforcement Radio
  - HB 1321—Public Facilities Financing TF/DMS
  - SB 574—Public Facilities Financing TF/DMS
  - HB 1305—Public Facilities Financing TF/DMS
  - SB 572—Public Facilities Financing TF/DMS
  - HB 1269—Operating Trust Fund/DMS
  - SB 576—Operating Trust Fund/DMS
  - HB 1271—Pretax Benefits Trust Fund/DMS
  - SB 578—Pretax Benefits Trust Fund/DMS
  - HB 1275—Retiree Health Insurance Subsidy TF
  - SB 582—Retiree Health Insurance Subsidy TF
  - HB 1279—Retiree Health Insurance Subsidy TF
  - SB 580—Retiree Health Insurance Subsidy TF
  - HB 1283—Dedicated License Trust Fund
  - SB 590—Dedicated License Trust Fund
  - HB 1287—Panther Research & Management TF
  - SB 592—Panther Research & Management TF
  - HB 1291—Florida Preservation 2000 Trust Fund
  - SB 596—Florida Preservation 2000 Trust Fund
  - HB 1309—Florida Preservation 2000 Trust Fund
  - SB 594—Florida Preservation 2000 Trust Fund
  - HB 1267—Florida Forever Program Trust Fund
  - SB 598—Florida Forever Program Trust Fund
  - HB 1273—Land Acquisition Trust Fund
  - SB 600—Land Acquisition Trust Fund
  - HB 1277—Lifetime Fish & Wildlife Trust Fund
  - SB 602—Lifetime Fish & Wildlife Trust Fund
  - HB 1281—Marine Resources Conservation TF
  - SB 604—Marine Resources Conservation TF
  - HB 1285—Nongame Wildlife Trust Fund
  - SB 606—Nongame Wildlife Trust Fund
  - HB 1289—Save the Manatee Trust Fund
  - SB 608—Save the Manatee Trust Fund
  - HB 1293—State Game Trust Fund
  - SB 610—State Game Trust Fund
  - HB 1313—Federal Law Enforcement Trust Fund
  - SB 614—Federal Law Enforcement Trust Fund
  - HB 1317—Federal Law Enforcement Trust Fund
  - SB 612—Federal Law Enforcement Trust Fund
  - HB 1319—Conservation & Recreation Lands TF
  - SB 616—Conservation & Recreation Lands TF
  - HB 1839—Grants & Donations Trust Fund/DMS
  - SB 562—Grants & Donations Trust Fund/DMS

HB 1837—State Personnel System TF/DMS  
SB 584—State Personnel System TF/DMS  
HB 1841—Supervision Trust Fund/DMS  
SB 586—Supervision Trust Fund/DMS

- II. Consideration of the following bill(s):
- HB 47—Fla. Volunteer & Community Service
  - CS/HB 77—Key Largo Hammocks Botanical Site
  - CS/HB 41—Water & Wastewater Systems
  - HB 29—Driving Under Influence
  - HB 499—Bill of Rights Day

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

On motion by Rep. Byrd, the rules were waived and **HR 9033** and **HR 9015** were added to the Special Order Calendar.

On motion by Rep. Byrd, the above report was adopted, as amended.

### Motions Relating to Committee or Council References

On motion by Rep. Argenziano, agreed to by two-thirds vote, CS/HB 615 was withdrawn from the Committee on Crime Prevention, Corrections & Safety and remains referred to the Council for Smarter Government.

On motion by Rep. Romeo, agreed to by two-thirds vote, HB 683 was withdrawn from further consideration of the House.

### Bills and Joint Resolutions on Third Reading

On motion by Rep. Murman, consideration of all House Bills on third reading was temporarily postponed under Rule 11.10.

On motion by Rep. Byrd, the rules were waived and the House moved to—

### Special Orders

#### Resolutions

**HR 9015**—A resolution commending The James Madison Institute: A Foundation for Florida's Future.

WHEREAS, due to term limits, the General Election of 2000 saw the arrival of an unprecedented number of new members to the Florida House of Representatives, and

WHEREAS, Tom Feeney, Speaker of the Florida House of Representatives, held the vision that the one best way to provide the newly elected members with the information they would need to be effective was to devote a significant amount of time early in their term to a comprehensive, information-based orientation, and

WHEREAS, Speaker Feeney asked The James Madison Institute: A Foundation for Florida's Future to assist him in realizing his vision by coordinating such a program, and

WHEREAS, The James Madison Institute responded with enthusiasm and developed "Leadership NOW," a bipartisan, multi-philosophical ten-day series of orientation panels, informational sessions, and associated activities spread over five weeks during the months of November and December 2000 and January 2001, and

WHEREAS, such a program was unprecedented in Florida and in the nation at large and, as executed, met with the approval of all concerned, most especially the newly elected members of the House of Representatives who were the primary beneficiaries, and

WHEREAS, the five weeks of the Leadership NOW program were produced using little public money and, as a result, the cost to taxpayers

was less than the amount spent in Florida in previous years for shorter programs with less content, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That Speaker Tom Feeney and Members of the Florida House of Representatives herewith express their deep appreciation to The James Madison Institute and its officers and staff: The Honorable Mallory E. Horne, Chairman; Edwin H. Moore II, President; Dr. J. Stanley Marshall, Founding Chairman; Dr. Peter Doherty; Dr. Kimble Ainslie; Sonja Woodham; Evelverlon Johnson; Susan Christian; and Rosemary Dupras for undertaking and successfully executing the responsibilities of producing Leadership NOW.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the officers and staff of The James Madison Institute who produced Leadership NOW as a tangible token of the sentiments expressed herein.

—was read the second time by title.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 425915)

**Amendment 1**—On page 2, line 11, remove from the bill: II

Rep. Fasano moved the adoption of the amendment, which was adopted.

On motion by Rep. Fasano, the resolution was adopted, as amended.

**HR 9033**—A resolution designating April 2, 2001, as “Space Day in Florida.”

WHEREAS, the space industry has more than a \$4.5 billion economic impact on the State of Florida, and

WHEREAS, Florida’s economy has prospered, with more than 23,000 Floridians employed by the space program, and

WHEREAS, Florida has been an internationally recognized center for space research, education, innovation, and industry, and

WHEREAS, 26 of Florida’s 67 counties are home to businesses in the space industry, and

WHEREAS, the space industry’s partners in Florida include state and federal agencies and commercial enterprises, and

WHEREAS, Florida is building a premier space research facility, the Space Experiment Research and Processing Laboratory, at Kennedy Space Center to support International Space Station research projects, and

WHEREAS, Kennedy Space Center in Cape Canaveral, Florida, is the gateway to the International Space Station, and

WHEREAS, the International Space Station now represents Florida and the United States as well as 16 cooperating nations for scientific research and discovery, and

WHEREAS, Destiny, the United States-built research lab, was launched from Cape Canaveral, Florida, on board the Space Shuttle Atlantis on February 7, 2001, and

WHEREAS, the crew of the International Space Station will perform research in a variety of scientific disciplines advancing the world’s understanding of life sciences, earth sciences, and materials processing, while fostering commercial research activities in space, and

WHEREAS, space research touches the lives of people everywhere, increases the rate of invention, expands scientific knowledge, inspires our children, and satisfies our ancient need to explore and achieve, and

WHEREAS, the International Space Station will be the largest space orbiter in history at a size of 1,040,000 pounds, and measuring 356 feet long by 290 feet wide, and

WHEREAS, the International Space Station orbits the Earth once every 90 minutes at an approximate speed of 17,000 miles per hour, and

WHEREAS, the Expedition Two crew of the International Space Station, Commander Yury Usachev, Flight Engineer James Voss, and Flight Engineer Susan Helms have joined a meeting of the Florida House of Representatives, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives hereby designates April 2, 2001, as “Space Day in Florida” in recognition of the space community’s contributions to Florida.

BE IT FURTHER RESOLVED that copies of this resolution be presented to the Spaceport Florida Authority and the National Aeronautics and Space Administration as a tangible token of the sentiments expressed herein.

—was read the second time in full.

The Speaker introduced the following guests: Major General Roy Bridges, Retired, Congressman Dave Weldon, Captain Winston Scott, Dr. Norm Thagard, Dr. Sam Durrance, Kenneth Cockrell, Mark Polansky, Captain David Brown, Colonel Jim Halsell, Jr., and Commander Bruce Melnick.

Representative Hart introduced the following guests: Dr. Pamela Dana, Edmond Gormel, Brigadier General Donald Pettit, Tip Talone, JoAnn Morgan, Rene Vanderbrink, Adrian Laffitte, Bill Pickavance, Michael Butchko, Rick Abramson, General Marcelite Harris, Retired, Ken Haiko, Jim Tolley, Mary Romjue, and Donna Fisher.

On motion by Rep. Hart, the board was opened [Session Vote Sequence: 89] and the following Members were recorded as cosponsors of the resolution, along with Reps. Hart and Bense: Reps. Allen, Andrews, Argenziano, Attkisson, Atwater, Ausley, Baker, Barreiro, Baxley, Bean, Bendross-Mindingall, Benson, Berfield, Betancourt, Bilirakis, Bowen, Brown, Brummer, Brutus, Bucher, Bullard, Byrd, Cantens, Carassas, Clarke, Crow, Cusack, Davis, Detert, Diaz-Balart, Farkas, Fasano, Feeney, Fields, Fiorentino, Flanagan, Frankel, Garcia, Gardiner, Gelber, Gibson, Goodlette, Gottlieb, Green, Greenstein, Haridopolos, Harper, Harrell, Henriquez, Heyman, Holloway, Jennings, Johnson, Jordan, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kottkamp, Kravitz, Littlefield, Lynn, Machek, Mack, Mahon, Mayfield, Maygarden, McGriff, Meadows, Mealor, Melvin, Miller, Murman, Needelman, Negrón, Paul, Peterman, Pickens, Rich, Richardson, Ritter, Romeo, Ross, Rubio, Russell, Ryan, Seiler, Simmons, Siplin, Smith, Sobel, Sorensen, Spratt, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, and Wilson.

On motion by Representative Hart, the resolution was adopted.

#### **Committee to the Governor and the Lieutenant Governor**

The Speaker appointed Reps. Bense, Allen, Haridopolos, Needelman, and Ball as a committee to advise the Governor and the Lieutenant Governor that the House would be ready to receive them at approximately 12:10 p.m. for the linkup to the space station.

#### **Special Order Calendar**

**HB 47**—A bill to be entitled An act relating to community service; creating the Florida Volunteer and Community Service Act of 2001; providing legislative intent; authorizing the state to establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives that encourage and reward volunteerism; providing purposes of the act; amending s. 14.29, F.S.; expanding the purposes of a required report of the Florida Commission on Community Service; authorizing the commission to provide specified assistance for the establishment and implementation of programs pursuant to the Florida Volunteer and Community Service Act of 2001; providing an effective date.

—was read the second time by title.

The Council for Smarter Government offered the following:

(Amendment Bar Code: 300337)

**Amendment 1 (with title amendment)**—On page 1, line 28, remove from the bill: *state*

and insert in lieu thereof: *Executive Office of the Governor*

And the title is amended as follows:

On page 1, line 5, remove from the title of the bill: *state*

and insert in lieu thereof: *Executive Office of the Governor*

Rep. Bense moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

#### REPRESENTATIVE BALL IN THE CHAIR

**CS/HB 77**—A bill to be entitled An act relating to the Key Largo Hammocks State Botanical Site; changing the name of the site; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**CS/HB 41**—A bill to be entitled An act relating to water and wastewater systems; repealing s. 13 of ch. 2000-350, Laws of Florida, which requires county rate proceedings to follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.; requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; providing an effective date.

—was read the second time by title.

Representative(s) Fasano and Fiorentino offered the following:

(Amendment Bar Code: 312555)

**Amendment 1 (with title amendment)**—On page 2, between lines 22-23

insert:

Section 3. Section 367.0816, Florida Statutes, is amended to read:

367.0816 Recovery of rate case expenses.—The amount of rate case expense determined by the commission pursuant to the provisions of this chapter to be recovered through a public utilities rate shall be apportioned for recovery over a period of 4 years. *At the conclusion of the recovery period, the rate of the public utility shall be reduced immediately by the amount of rate case expense previously included in rates.*

And the title is amended as follows:

On page 1, on line 9 after the semicolon,

insert: *recovery of rate case expenses;*

Rep. Fasano moved the adoption of the amendment, which was adopted.

On motion by Rep. Argenziano, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Argenziano offered the following:

(Amendment Bar Code: 195207)

**Amendment 2**—On page 1, lines 26 and 29, and on page 2, lines 1, 3, 6, 7, 10, and 11, of the bill

after “commission” insert: *or the counties*

Rep. Argenziano moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

#### THE SPEAKER IN THE CHAIR

**HB 29**—A bill to be entitled An act relating to driving under the influence; amending s. 322.2616, F.S.; providing for the requirement that certain license suspensions shall remain in effect for a described time period; providing for the assumption of the costs for substance abuse education; providing a definition; providing for the admission of certain minors into county addictions receiving facilities under certain circumstances; clarifying the blood-alcohol and breath-alcohol level that is unlawful; providing for a temporary driving permit to become effective after a specified period has elapsed following the issuance of the permit; authorizing the use of a blood test obtained pursuant to certain other investigations to be used for the purposes of s. 322.2616, F.S.; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 499**—A bill to be entitled An act relating to holidays; creating s. 683.25, F.S.; designating December 15 as “Bill of Rights Day”; providing for a proclamation by the Governor to that effect; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

#### Committee to the Governor and Lieutenant Governor

The committee was excused to perform its assignment.

#### Recessed

The House stood in informal recess at 12:03 p.m., to reconvene upon the call of the Chair.

The House reconvened at 1:00 p.m.

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

#### Continuation of Special Orders

#### Continuation of Special Order Calendar

#### Trust Fund Bills

The Speaker explained the procedure for consideration of Trust Fund Bills. On motion by Rep. Byrd, the Trust Fund Bill procedure was adopted.

Rep. Dockery suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 90].

**HB 1295** was taken up. On motion by Rep. Dockery, SB 544 was substituted for HB 1295. Under Rule 5.15, the House bill was laid on the table and—

**SB 544**—A bill to be entitled An act relating to the re-creation of the Lottery Administrative Trust Fund without modification; re-creating the Lottery Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater



Ausley	Dockery	Justice	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Fields	Kilmer	Ritter
Baxley	Fiorentino	Kosmas	Romeo
Bean	Flanagan	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Rubio
Bense	Gannon	Kyle	Russell
Benson	Garcia	Lacasa	Ryan
Berfield	Gardiner	Lerner	Seiler
Betancourt	Gelber	Littlefield	Simmons
Bilirakis	Gibson	Lynn	Siplin
Bowen	Goodlette	Machek	Slosberg
Brown	Gottlieb	Mack	Smith
Brummer	Green	Mahon	Sobel
Brutus	Greenstein	Mayfield	Sorensen
Bucher	Harper	Maygarden	Spratt
Bullard	Harrell	McGriff	Stansel
Byrd	Harrington	Meadows	Trovillion
Cantens	Hart	Mealor	Wallace
Carassas	Henriquez	Melvin	Waters
Clarke	Heyman	Miller	Weissman
Crow	Hogan	Murman	Wiles
Cusack	Holloway	Needelman	Wilson
Davis	Jennings	Negron	Wishner
Detert	Johnson	Paul	
Diaz de la Portilla	Jordan	Peterman	
Diaz-Balart	Joyner	Pickens	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1297** was taken up. On motion by Rep. Dockery, SB 546 was substituted for HB 1297. Under Rule 5.15, the House bill was laid on the table and—

**SB 546**—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Bilirakis	Fasano	Heyman
Alexander	Bowen	Fields	Hogan
Allen	Brown	Fiorentino	Holloway
Andrews	Brummer	Flanagan	Jennings
Argenziano	Brutus	Frankel	Johnson
Arza	Bucher	Gannon	Jordan
Attkisson	Bullard	Garcia	Joyner
Atwater	Byrd	Gardiner	Justice
Ausley	Cantens	Gelber	Kallinger
Baker	Carassas	Gibson	Kendrick
Ball	Clarke	Goodlette	Kilmer
Barreiro	Crow	Gottlieb	Kosmas
Baxley	Cusack	Green	Kottkamp
Bean	Davis	Greenstein	Kravitz
Bendross-Mindingall	Detert	Harper	Kyle
Bense	Diaz de la Portilla	Harrell	Lacasa
Benson	Diaz-Balart	Harrington	Lerner
Berfield	Dockery	Hart	Littlefield
Betancourt	Farkas	Henriquez	Lynn

Machek	Needelman	Rubio	Stansel
Mack	Negron	Russell	Trovillion
Mahon	Paul	Ryan	Wallace
Mayfield	Peterman	Seiler	Waters
Maygarden	Pickens	Simmons	Weissman
McGriff	Prieguez	Siplin	Wiles
Meadows	Rich	Slosberg	Wilson
Mealor	Richardson	Smith	Wishner
Melvin	Ritter	Sobel	
Miller	Romeo	Sorensen	
Murman	Ross	Spratt	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1299** was taken up. On motion by Rep. Dockery, SB 548 was substituted for HB 1299. Under Rule 5.15, the House bill was laid on the table and—

**SB 548**—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1303** was taken up. On motion by Rep. Dockery, SB 560 was substituted for HB 1303. Under Rule 5.15, the House bill was laid on the table and—

**SB 560**—A bill to be entitled An act relating to trust funds; re-creating the Florida Facilities Pool Working Capital Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1301** was taken up. On motion by Rep. Dockery, SB 558 was substituted for HB 1301. Under Rule 5.15, the House bill was laid on the table and—

**SB 558**—A bill to be entitled An act relating to trust funds; re-creating the Florida Facilities Pool Working Capital Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1307** was taken up. On motion by Rep. Dockery, SB 564 was substituted for HB 1307. Under Rule 5.15, the House bill was laid on the table and—

**SB 564**—A bill to be entitled An act relating to trust funds; re-creating the Wireless Emergency Telephone System Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Bendross-Mindingall	Carassas	Frankel
Alexander	Bense	Clarke	Gannon
Allen	Benson	Crow	Garcia
Andrews	Berfield	Cusack	Gardiner
Argenziano	Betancourt	Davis	Gelber
Arza	Bilirakis	Detert	Gibson
Attkisson	Bowen	Diaz de la Portilla	Goodlette
Atwater	Brown	Diaz-Balart	Gottlieb
Ausley	Brummer	Dockery	Green
Baker	Brutus	Farkas	Greenstein
Ball	Bucher	Fasano	Harper
Barreiro	Bullard	Fields	Harrell
Baxley	Byrd	Fiorentino	Harrington
Bean	Cantens	Flanagan	Hart

Henriquez	Lacasa	Negron	Slosberg
Heyman	Lerner	Paul	Smith
Hogan	Littlefield	Peterman	Sobel
Holloway	Lynn	Pickens	Sorensen
Jennings	Machek	Prieguez	Spratt
Johnson	Mack	Rich	Stansel
Jordan	Mahon	Richardson	Trovillion
Joyner	Mayfield	Ritter	Wallace
Justice	Maygarden	Romeo	Waters
Kallinger	McGriff	Ross	Weissman
Kendrick	Meadows	Rubio	Wiles
Kilmer	Mealor	Russell	Wilson
Kosmas	Melvin	Ryan	Wishner
Kottkamp	Miller	Seiler	
Kravitz	Murman	Simmons	
Kyle	Needelman	Siplin	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1311** was taken up. On motion by Rep. Dockery, SB 566 was substituted for HB 1311. Under Rule 5.15, the House bill was laid on the table and—

**SB 566**—A bill to be entitled An act relating to trust funds; re-creating the Wireless Emergency Telephone System Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Carassas	Henriquez	Melvin
Alexander	Clarke	Heyman	Miller
Allen	Crow	Hogan	Murman
Andrews	Cusack	Holloway	Needelman
Argenziano	Davis	Jennings	Negron
Arza	Detert	Johnson	Paul
Attkisson	Diaz de la Portilla	Jordan	Peterman
Atwater	Diaz-Balart	Joyner	Pickens
Ausley	Dockery	Justice	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Fields	Kilmer	Ritter
Baxley	Fiorentino	Kosmas	Romeo
Bean	Flanagan	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Rubio
Bense	Gannon	Kyle	Russell
Benson	Garcia	Lacasa	Ryan
Berfield	Gardiner	Lerner	Seiler
Betancourt	Gelber	Littlefield	Simmons
Bilirakis	Gibson	Lynn	Siplin
Bowen	Goodlette	Machek	Slosberg
Brown	Gottlieb	Mack	Smith
Brummer	Green	Mahon	Sobel
Brutus	Greenstein	Mayfield	Sorensen
Bucher	Harper	Maygarden	Spratt
Bullard	Harrell	McGriff	Stansel
Byrd	Harrington	Meadows	Trovillion
Cantens	Hart	Mealor	Wallace

Waters	Wiles	Wilson	Wishner
Weissman			

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1315** was taken up. On motion by Rep. Dockery, SB 568 was substituted for HB 1315. Under Rule 5.15, the House bill was laid on the table and—

**SB 568**—A bill to be entitled An act relating to trust funds; re-creating the State Agency Law Enforcement Radio System Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1321** was taken up. On motion by Rep. Dockery, SB 574 was substituted for HB 1321. Under Rule 5.15, the House bill was laid on the table and—

**SB 574**—A bill to be entitled An act relating to trust funds; re-creating the Public Facilities Financing Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1305** was taken up. On motion by Rep. Dockery, SB 572 was substituted for HB 1305. Under Rule 5.15, the House bill was laid on the table and—

**SB 572**—A bill to be entitled An act relating to trust funds; re-creating the Public Facilities Financing Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Barreiro	Brummer	Detert
Alexander	Baxley	Brutus	Diaz de la Portilla
Allen	Bean	Bucher	Diaz-Balart
Andrews	Bendross-Mindingall	Bullard	Dockery
Argenziano	Bense	Byrd	Farkas
Arza	Benson	Cantens	Fasano
Attkisson	Berfield	Carassas	Fields
Atwater	Betancourt	Clarke	Fiorentino
Ausley	Bilirakis	Crow	Flanagan
Baker	Bowen	Cusack	Frankel
Ball	Brown	Davis	Gannon

Garcia	Joyner	Meadows	Seiler
Gardiner	Justice	Mealor	Simmons
Gelber	Kallinger	Melvin	Siplin
Gibson	Kendrick	Miller	Slosberg
Goodlette	Kilmer	Murman	Smith
Gottlieb	Kosmas	Needelman	Sobel
Green	Kottkamp	Negron	Sorensen
Greenstein	Kravitz	Paul	Spratt
Harper	Kyle	Peterman	Stansel
Harrell	Lacasa	Pickens	Trovillion
Harrington	Lerner	Prieguez	Wallace
Hart	Littlefield	Rich	Waters
Henriquez	Lynn	Richardson	Weissman
Heyman	Machek	Ritter	Wiles
Hogan	Mack	Romeo	Wilson
Holloway	Mahon	Ross	Wishner
Jennings	Mayfield	Rubio	
Johnson	Maygarden	Russell	
Jordan	McGriff	Ryan	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1269** was taken up. On motion by Rep. Dockery, SB 576 was substituted for HB 1269. Under Rule 5.15, the House bill was laid on the table and—

**SB 576**—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Carassas	Henriquez	Melvin
Alexander	Clarke	Heyman	Miller
Allen	Crow	Hogan	Murman
Andrews	Cusack	Holloway	Needelman
Argenziano	Davis	Jennings	Negron
Arza	Detert	Johnson	Paul
Attkisson	Diaz de la Portilla	Jordan	Peterman
Atwater	Diaz-Balart	Joyner	Pickens
Ausley	Dockery	Justice	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Fields	Kilmer	Ritter
Baxley	Fiorentino	Kosmas	Romeo
Bean	Flanagan	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Rubio
Bense	Gannon	Kyle	Russell
Benson	Garcia	Lacasa	Ryan
Berfield	Gardiner	Lerner	Seiler
Betancourt	Gelber	Littlefield	Simmons
Bilirakis	Gibson	Lynn	Siplin
Bowen	Goodlette	Machek	Slosberg
Brown	Gottlieb	Mack	Smith
Brummer	Green	Mahon	Sobel
Brutus	Greenstein	Mayfield	Sorensen
Bucher	Harper	Maygarden	Spratt
Bullard	Harrell	McGriff	Stansel
Byrd	Harrington	Meadows	Trovillion
Cantens	Hart	Mealor	Wallace

Waters Wiles Wilson Wishner  
Weissman

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1271** was taken up. On motion by Rep. Dockery, SB 578 was substituted for HB 1271. Under Rule 5.15, the House bill was laid on the table and—

**SB 578**—A bill to be entitled An act relating to trust funds; re-creating the Pretax Benefits Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1275** was taken up. On motion by Rep. Dockery, SB 582 was substituted for HB 1275. Under Rule 5.15, the House bill was laid on the table and—

**SB 582**—A bill to be entitled An act relating to trust funds; re-creating the Retiree Health Insurance Subsidy Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1279** was taken up. On motion by Rep. Dockery, SB 580 was substituted for HB 1279. Under Rule 5.15, the House bill was laid on the table and—

**SB 580**—A bill to be entitled An act relating to trust funds; re-creating the Retiree Health Insurance Subsidy Trust Fund within the Department of Management Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Barreiro	Brummer	Detert
Alexander	Baxley	Brutus	Diaz de la Portilla
Allen	Bean	Bucher	Diaz-Balart
Andrews	Bendross-Mindingall	Bullard	Dockery
Argenziano	Bense	Byrd	Farkas
Arza	Benson	Cantens	Fasano
Attkisson	Berfield	Carassas	Fields
Atwater	Betancourt	Clarke	Fiorentino
Ausley	Bilirakis	Crow	Flanagan
Baker	Bowen	Cusack	Frankel
Ball	Brown	Davis	Gannon

Garcia	Joyner	Meadows	Seiler
Gardiner	Justice	Mealor	Simmons
Gelber	Kallinger	Melvin	Siplin
Gibson	Kendrick	Miller	Slosberg
Goodlette	Kilmer	Murman	Smith
Gottlieb	Kosmas	Needelman	Sobel
Green	Kottkamp	Negron	Sorensen
Greenstein	Kravitz	Paul	Spratt
Harper	Kyle	Peterman	Stansel
Harrell	Lacasa	Pickens	Trovillion
Harrington	Lerner	Prieguez	Wallace
Hart	Littlefield	Rich	Waters
Henriquez	Lynn	Richardson	Weissman
Heyman	Machek	Ritter	Wiles
Hogan	Mack	Romeo	Wilson
Holloway	Mahon	Ross	Wishner
Jennings	Mayfield	Rubio	
Johnson	Maygarden	Russell	
Jordan	McGriff	Ryan	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1283** was taken up. On motion by Rep. Dockery, SB 590 was substituted for HB 1283. Under Rule 5.15, the House bill was laid on the table and—

**SB 590**—A bill to be entitled An act relating to the re-creation of the Dedicated License Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Carassas	Henriquez	Melvin
Alexander	Clarke	Heyman	Miller
Allen	Crow	Hogan	Murman
Andrews	Cusack	Holloway	Needelman
Argenziano	Davis	Jennings	Negron
Arza	Detert	Johnson	Paul
Attkisson	Diaz de la Portilla	Jordan	Peterman
Atwater	Diaz-Balart	Joyner	Pickens
Ausley	Dockery	Justice	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Fields	Kilmer	Ritter
Baxley	Fiorentino	Kosmas	Romeo
Bean	Flanagan	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Rubio
Bense	Gannon	Kyle	Russell
Benson	Garcia	Lacasa	Ryan
Berfield	Gardiner	Lerner	Seiler
Betancourt	Gelber	Littlefield	Simmons
Bilirakis	Gibson	Lynn	Siplin
Bowen	Goodlette	Machek	Slosberg
Brown	Gottlieb	Mack	Smith
Brummer	Green	Mahon	Sobel
Brutus	Greenstein	Mayfield	Sorensen
Bucher	Harper	Maygarden	Spratt
Bullard	Harrell	McGriff	Stansel
Byrd	Harrington	Meadows	Trovillion
Cantens	Hart	Mealor	Wallace

Waters	Wiles	Wilson	Wishner
Weissman			

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1287** was taken up. On motion by Rep. Dockery, SB 592 was substituted for HB 1287. Under Rule 5.15, the House bill was laid on the table and—

**SB 592**—A bill to be entitled An act relating to the re-creation of the Florida Panther Research and Management Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1291** was taken up. On motion by Rep. Dockery, SB 596 was substituted for HB 1291. Under Rule 5.15, the House bill was laid on the table and—

**SB 596**—A bill to be entitled An act relating to the re-creation of the Florida Preservation 2000 Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1309** was taken up. On motion by Rep. Dockery, SB 594 was substituted for HB 1309. Under Rule 5.15, the House bill was laid on the table and—

**SB 594**—A bill to be entitled An act relating to the re-creation of the Florida Preservation 2000 Trust Fund without modification; terminating and re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Bendross-Mindingall	Carassas	Frankel
Alexander	Bense	Clarke	Gannon
Allen	Benson	Crow	Garcia
Andrews	Berfield	Cusack	Gardiner
Argenziano	Betancourt	Davis	Gelber
Arza	Bilirakis	Detert	Gibson
Attkisson	Bowen	Diaz de la Portilla	Goodlette
Atwater	Brown	Diaz-Balart	Gottlieb
Ausley	Brummer	Dockery	Green
Baker	Brutus	Farkas	Greenstein
Ball	Bucher	Fasano	Harper
Barreiro	Bullard	Fields	Harrell
Baxley	Byrd	Fiorentino	Harrington
Bean	Cantens	Flanagan	Hart

Henriquez	Lacasa	Negron	Slosberg
Heyman	Lerner	Paul	Smith
Hogan	Littlefield	Peterman	Sobel
Holloway	Lynn	Pickens	Sorensen
Jennings	Machek	Prieguez	Spratt
Jordan	Mack	Rich	Stansel
Joyner	Mahon	Richardson	Trovillion
Joyner	Mayfield	Ritter	Wallace
Justice	Maygarden	Romeo	Waters
Kallinger	McGriff	Ross	Weissman
Kendrick	Meadows	Rubio	Wiles
Kilmer	Mealor	Russell	Wilson
Kosmas	Melvin	Ryan	Wishner
Kottkamp	Miller	Seiler	
Kravitz	Murman	Simmons	
Kyle	Needelman	Siplin	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1267** was taken up. On motion by Rep. Dockery, SB 598 was substituted for HB 1267. Under Rule 5.15, the House bill was laid on the table and—

**SB 598**—A bill to be entitled An act relating to the re-creation of the Florida Forever Program Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 20.3315(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Carassas	Henriquez	Melvin
Alexander	Clarke	Heyman	Miller
Allen	Crow	Hogan	Murman
Andrews	Cusack	Holloway	Needelman
Argenziano	Davis	Jennings	Negron
Arza	Detert	Johnson	Paul
Attkisson	Diaz de la Portilla	Jordan	Peterman
Atwater	Diaz-Balart	Joyner	Pickens
Ausley	Dockery	Justice	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Fields	Kilmer	Ritter
Baxley	Fiorentino	Kosmas	Romeo
Bean	Flanagan	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Rubio
Bense	Gannon	Kyle	Russell
Benson	Garcia	Lacasa	Ryan
Berfield	Gardiner	Lerner	Seiler
Betancourt	Gelber	Littlefield	Simmons
Bilirakis	Gibson	Lynn	Siplin
Bowen	Goodlette	Machek	Slosberg
Brown	Gottlieb	Mack	Smith
Brummer	Green	Mahon	Sobel
Brutus	Greenstein	Mayfield	Sorensen
Bucher	Harper	Maygarden	Spratt
Bullard	Harrell	McGriff	Stansel
Byrd	Harrington	Meadows	Trovillion
Cantens	Hart	Mealor	Wallace

Waters  
Weissman

Wiles

Wilson

Wishner

Session Vote Sequence: 91

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1273** was taken up. On motion by Rep. Dockery, SB 600 was substituted for HB 1273. Under Rule 5.15, the House bill was laid on the table and—

**SB 600**—A bill to be entitled An act relating to the re-creation of the Land Acquisition Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1277** was taken up. On motion by Rep. Dockery, SB 602 was substituted for HB 1277. Under Rule 5.15, the House bill was laid on the table and—

**SB 602**—A bill to be entitled An act relating to the re-creation of the Lifetime Fish and Wildlife Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1281** was taken up. On motion by Rep. Dockery, SB 604 was substituted for HB 1281. Under Rule 5.15, the House bill was laid on the table and—

**SB 604**—A bill to be entitled An act relating to the re-creation of the Marine Resources Conservation Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Bense	Crow	Gardiner
Alexander	Benson	Cusack	Gelber
Allen	Berfield	Davis	Gibson
Andrews	Betancourt	Detert	Goodlette
Argenziano	Bilirakis	Diaz de la Portilla	Gottlieb
Arza	Bowen	Diaz-Balart	Green
Attkisson	Brown	Dockery	Greenstein
Atwater	Brummer	Farkas	Harper
Ausley	Brutus	Fasano	Harrell
Baker	Bucher	Fields	Harrington
Ball	Bullard	Fiorentino	Hart
Barreiro	Byrd	Flanagan	Henriquez
Baxley	Cantens	Frankel	Heyman
Bean	Carassas	Gannon	Hogan
Bendross-Mindingall	Clarke	Garcia	Holloway



Jennings	Lynn	Peterman	Smith
Johnson	Machek	Pickens	Sobel
Jordan	Mack	Prieguez	Sorensen
Joyner	Mahon	Rich	Spratt
Justice	Mayfield	Richardson	Stansel
Kallinger	Maygarden	Ritter	Trovillion
Kendrick	McGriff	Romeo	Wallace
Kilmer	Meadows	Ross	Waters
Kosmas	Mealor	Rubio	Weissman
Kottkamp	Melvin	Russell	Wiles
Kravitz	Miller	Ryan	Wilson
Kyle	Murman	Seiler	Wishner
Lacasa	Needelman	Simmons	
Lerner	Negron	Siplin	
Littlefield	Paul	Slosberg	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1285** was taken up. On motion by Rep. Dockery, SB 606 was substituted for HB 1285. Under Rule 5.15, the House bill was laid on the table and—

**SB 606**—A bill to be entitled An act relating to the re-creation of the Nongame Wildlife Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1289** was taken up. On motion by Rep. Dockery, SB 608 was substituted for HB 1289. Under Rule 5.15, the House bill was laid on the table and—

**SB 608**—A bill to be entitled An act relating to the re-creation of the Save the Manatee Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1293** was taken up. On motion by Rep. Dockery, SB 610 was substituted for HB 1293. Under Rule 5.15, the House bill was laid on the table and—

**SB 610**—A bill to be entitled An act relating to the re-creation of the State Game Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Andrews	Attkisson	Baker
Alexander	Argenziano	Atwater	Ball
Allen	Arza	Ausley	Barreiro

Baxley	Fields	Kendrick	Rich
Bean	Fiorentino	Kilmer	Richardson
Bendross-Mindingall	Flanagan	Kosmas	Ritter
Bense	Frankel	Kottkamp	Romeo
Benson	Gannon	Kravitz	Ross
Berfield	Garcia	Kyle	Rubio
Betancourt	Gardiner	Lacasa	Russell
Bilirakis	Gelber	Lerner	Ryan
Bowen	Gibson	Littlefield	Seiler
Brown	Goodlette	Lynn	Simmons
Brummer	Gottlieb	Machek	Siplin
Brutus	Green	Mack	Slosberg
Bucher	Greenstein	Mahon	Smith
Bullard	Harper	Mayfield	Sobel
Byrd	Harrell	Maygarden	Sorensen
Cantens	Harrington	McGriff	Spratt
Carassas	Hart	Meadows	Stansel
Clarke	Henriquez	Mealor	Trovillion
Crow	Heyman	Melvin	Wallace
Cusack	Hogan	Miller	Waters
Davis	Holloway	Murman	Weissman
Detert	Jennings	Needelman	Wiles
Diaz de la Portilla	Johnson	Negron	Wilson
Diaz-Balart	Jordan	Paul	Wishner
Dockery	Joyner	Peterman	
Farkas	Justice	Pickens	
Fasano	Kallinger	Prieguez	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1313** was taken up. On motion by Rep. Dockery, SB 614 was substituted for HB 1313. Under Rule 5.15, the House bill was laid on the table and—

**SB 614**—A bill to be entitled An act relating to the re-creation of the Federal Law Enforcement Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 372.107(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Bilirakis	Fasano	Heyman
Alexander	Bowen	Fields	Hogan
Allen	Brown	Fiorentino	Holloway
Andrews	Brummer	Flanagan	Jennings
Argenziano	Brutus	Frankel	Johnson
Arza	Bucher	Gannon	Jordan
Attkisson	Bullard	Garcia	Joyner
Atwater	Byrd	Gardiner	Justice
Ausley	Cantens	Gelber	Kallinger
Baker	Carassas	Gibson	Kendrick
Ball	Clarke	Goodlette	Kilmer
Barreiro	Crow	Gottlieb	Kosmas
Baxley	Cusack	Green	Kottkamp
Bean	Davis	Greenstein	Kravitz
Bendross-Mindingall	Detert	Harper	Kyle
Bense	Diaz de la Portilla	Harrell	Lacasa
Benson	Diaz-Balart	Harrington	Lerner
Berfield	Dockery	Hart	Littlefield
Betancourt	Farkas	Henriquez	Lynn

Machek	Needelman	Rubio	Stansel
Mack	Negron	Russell	Trovillion
Mahon	Paul	Ryan	Wallace
Mayfield	Peterman	Seiler	Waters
Maygarden	Pickens	Simmons	Weissman
McGriff	Prieguez	Siplin	Wiles
Meadows	Rich	Slosberg	Wilson
Mealor	Richardson	Smith	Wishner
Melvin	Ritter	Sobel	
Miller	Romeo	Sorensen	
Murman	Ross	Spratt	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1317** was taken up. On motion by Rep. Dockery, SB 612 was substituted for HB 1317. Under Rule 5.15, the House bill was laid on the table and—

**SB 612**—A bill to be entitled An act relating to the re-creation of the Federal Law Enforcement Trust Fund without modification; terminating and re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1319** was taken up. On motion by Rep. Dockery, SB 616 was substituted for HB 1319. Under Rule 5.15, the House bill was laid on the table and—

**SB 616**—A bill to be entitled An act relating to the re-creation of the Conservation and Recreation Lands Program Trust Fund without modification; re-creating the Conservation and Recreation Lands Program Trust Fund; carrying forward current balances and continuing current sources and uses thereof; repealing s. 372.127(3), F.S., which provides for the future termination of the trust fund; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1839** was taken up. On motion by Rep. Dockery, SB 562 was substituted for HB 1839. Under Rule 5.15, the House bill was laid on the table and—

**SB 562**—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Joyner	Rich
Argenziano	Diaz de la Portilla	Justice	Richardson
Arza	Diaz-Balart	Kallinger	Ritter
Attkisson	Dockery	Kendrick	Romeo
Atwater	Farkas	Kilmer	Ross
Ausley	Fasano	Kosmas	Rubio
Baker	Fields	Kottkamp	Russell
Ball	Fiorentino	Kravitz	Ryan
Barreiro	Flanagan	Kyle	Seiler
Baxley	Frankel	Lacasa	Simmons
Bean	Gannon	Lerner	Siplin
Bendross-Mindingall	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	
Clarke	Holloway	Paul	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1837** was taken up. On motion by Rep. Dockery, SB 584 was substituted for HB 1837. Under Rule 5.15, the House bill was laid on the table and—

**SB 584**—A bill to be entitled An act relating to trust funds; re-creating the State Personnel System Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Bendross-Mindingall	Carassas	Frankel
Alexander	Bense	Clarke	Gannon
Allen	Benson	Crow	Garcia
Andrews	Berfield	Cusack	Gardiner
Argenziano	Betancourt	Davis	Gelber
Arza	Bilirakis	Detert	Gibson
Attkisson	Bowen	Diaz de la Portilla	Goodlette
Atwater	Brown	Diaz-Balart	Gottlieb
Ausley	Brummer	Dockery	Green
Baker	Brutus	Farkas	Greenstein
Ball	Bucher	Fasano	Harper
Barreiro	Bullard	Fields	Harrell
Baxley	Byrd	Fiorentino	Harrington
Bean	Cantens	Flanagan	Hart

Henriquez	Lacasa	Negron	Slosberg
Heyman	Lerner	Paul	Smith
Hogan	Littlefield	Peterman	Sobel
Holloway	Lynn	Pickens	Sorensen
Jennings	Machek	Prieguez	Spratt
Johnson	Mack	Rich	Stansel
Jordan	Mahon	Richardson	Trovillion
Joyner	Mayfield	Ritter	Wallace
Justice	Maygarden	Romeo	Waters
Kallinger	McGriff	Ross	Weissman
Kendrick	Meadows	Rubio	Wiles
Kilmer	Mealor	Russell	Wilson
Kosmas	Melvin	Ryan	Wishner
Kottkamp	Miller	Seiler	
Kravitz	Murman	Simmons	
Kyle	Needelman	Siplin	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

**HB 1841** was taken up. On motion by Rep. Dockery, SB 586 was substituted for HB 1841. Under Rule 5.15, the House bill was laid on the table and—

**SB 586**—A bill to be entitled An act relating to trust funds; re-creating the Supervision Trust Fund within the Department of Management Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Rep. Dockery, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 91

Yeas—117

The Chair	Carassas	Henriquez	Melvin
Alexander	Clarke	Heyman	Miller
Allen	Crow	Hogan	Murman
Andrews	Cusack	Holloway	Needelman
Argenziano	Davis	Jennings	Negron
Arza	Detert	Johnson	Paul
Attkisson	Diaz de la Portilla	Jordan	Peterman
Atwater	Diaz-Balart	Joyner	Pickens
Ausley	Dockery	Justice	Prieguez
Baker	Farkas	Kallinger	Rich
Ball	Fasano	Kendrick	Richardson
Barreiro	Fields	Kilmer	Ritter
Baxley	Fiorentino	Kosmas	Romeo
Bean	Flanagan	Kottkamp	Ross
Bendross-Mindingall	Frankel	Kravitz	Rubio
Bense	Gannon	Kyle	Russell
Benson	Garcia	Lacasa	Ryan
Berfield	Gardiner	Lerner	Seiler
Betancourt	Gelber	Littlefield	Simmons
Bilirakis	Gibson	Lynn	Siplin
Bowen	Goodlette	Machek	Slosberg
Brown	Gottlieb	Mack	Smith
Brummer	Green	Mahon	Sobel
Brutus	Greenstein	Mayfield	Sorensen
Bucher	Harper	Maygarden	Spratt
Bullard	Harrell	McGriff	Stansel
Byrd	Harrington	Meadows	Trovillion
Cantens	Hart	Mealor	Wallace

Waters  
Weissman  
Wiles  
Wilson  
Wishner  
Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was, by waiver of the rules, immediately certified to the Senate.

## Messages from the Senate

### First Reading by Publication

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 218 and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senator Horne—

**SB 218**—A bill to be entitled An act relating to mortgage guaranty insurance; amending ss. 624.408, 635.042, F.S.; revising minimum surplus requirements for mortgage guaranty insurers; revising limits on total liability and exposure to losses for such insurers; requiring mortgage guaranty insurers to include certain information in audited financial reports required pursuant to s. 624.424(8); authorizing the Department of Insurance to take certain actions against a mortgage guaranty insurer that is not in compliance; providing an effective date.

Referred to the Calendar of the House.

### Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 10:00 a.m., Tuesdsy, April 3. The motion was agreed to.

### Prime Sponsors

HJR 49—Brutus  
HJR 1451—Murman

### Cosponsors

HB 25—Sobel  
CS/HB 67—Jordan  
HB 129—Machek, McGriff, Meadows, Rich, Romeo  
CS/HB 133—Bucher  
CS/HB 141—Brutus, Bullard  
HB 189—Lynn  
CS/HB 245—Brutus, Bullard  
HB 329—Prieguez  
HB 349—Argenziano  
HB 379—Needelman  
HB 489—Andrews, Baker, Barreiro, Baxley, Brutus, Carassas, Fasano, Harrington, Jordan, Justice, Kallinger, Kottkamp, Machek, Meadows, Mealor, Needelman, Pickens, Stansel, Wallace, Waters  
HB 549—Bullard  
HB 651—Mealor  
HB 1091—Davis, Mayfield  
HB 1095—Ausley, Bennett, Jennings  
HB 1141—Carassas  
HB 1159—Harper  
HB 1165—Hart  
HB 1259—Harper  
HB 1369—Carassas  
HB 1409—Detert, Lee, Mahon, Murman  
HB 1419—Melvin  
HB 1425—Heyman  
HJR 1451—Gibson, Russell  
HB 1467—Baker, Barreiro, Bendross-Mindingall, Greenstein  
HB 1505—Harper  
HB 1545—Murman

HB 1603—Arza, Attkisson, Atwater, Barreiro, Brutus, Bucher, Bullard, Cantens, Diaz-Balart, Dockery, Garcia, Greenstein, Harrington, Heyman, Lacasa, Machek, Mack, Murman, Prieguez, Ritter, Seiler, Sorensen, Spratt, Wilson

HB 1819—Farkas, Wishner

HR 9021—Baxley

## Introduction and Reference

By Representative Detert—

**HB 1855**—A bill to be entitled An act relating to the Holiday Park Park and Recreation District, Sarasota County; amending, codifying, reenacting, and repealing special acts relating to the district; providing boundaries of the district; providing for a Board of Trustees; providing for election and organization of the board; providing powers and duties of the board; providing for a tax; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the board; providing for filling vacancies; providing for bonds; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Clarke—

**HB 1857**—A bill to be entitled An act relating to Tri-Par Estates Park and Recreation District, Sarasota County; codifying, reenacting, amending, and repealing special acts relating to the district; providing a charter; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Lynn—

**HR 9035**—A resolution proclaiming September 2001 as Take Your Dad to School Month in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Waters—

**HR 9037**—A resolution recognizing April 22-29, 2001, as “Shaken Baby Syndrome Awareness Week.”

First reading by publication (Art. III, s. 7, Florida Constitution).

## Reference

**HB 1701**—Referred to the Committees on Local Government & Veterans Affairs; State Administration; and Council for Smarter Government.

## First Reading of Council and Committee Substitutes by Publication

By the Committee on Natural Resources & Environmental Protection; Representatives Ball and Greenstein—

**CS/HB 9**—A bill to be entitled An act relating to solid waste management facilities; amending s. 403.707, F.S.; requiring an applicant for a permit to construct or modify such a facility to notify the local government of the filing of such application; requiring publication of notice of such filing; providing requirements with respect thereto; providing an effective date.

By the Committee on State Administration; Representatives Attkisson, Fiorentino, and Byrd—

**CS/HB 341**—A bill to be entitled An act relating to disability retirement for certain Special Risk Class members who are injured in the line of duty; creating the “Officer Malcolm Thompson Act”; providing legislative intent; amending s. 121.091, F.S.; revising provisions

relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; amending ss. 175.191 and 185.18, F.S.; providing minimum retirement benefits payable to certain Special Risk Class members who are injured in the line of duty and who are totally and permanently disabled due to such injury; providing an effective date.

By the Committee on Agriculture & Consumer Affairs; Representative Heyman—

**CS/HB 355**—A bill to be entitled An act relating to pest control; amending s. 482.242, F.S.; providing additional exceptions to the state’s preemption of pest control regulation; providing an effective date.

By the Committee on State Administration; Representative Andrews—

**CS/HB 359**—A bill to be entitled An act relating to drug-free workplaces; amending s. 440.102, F.S.; requiring certain contractors to implement a drug-free workplace program under certain circumstances; providing an effective date.

By the Committee on State Administration; Representatives Hogan and Justice—

**CS/HB 365**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information and specified financial information in records relating to an individual’s health or eligibility for health-related services made or received by the Department of Health or its service providers; specifying conditions under which such information may be released; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Committee on State Administration; Representatives Henriquez and Gannon—

**CS/HB 515**—A bill to be entitled An act relating to district school personnel; amending s. 231.40, F.S.; providing for use of certain donated sick leave and for restrictions on usage; providing an effective date.

By the Committee on State Administration; Representatives Mack, Byrd, Dockery, Argenziano, McGriff, and Haridopolos—

**CS/HB 623**—A bill to be entitled An act relating to government accountability and legal proceedings; amending s. 11.066, F.S.; providing that property of the state or a monetary recovery made on behalf of the state is not subject to a lien; amending s. 112.3175, F.S.; providing that certain contracts executed in violation of part III of ch. 112, F.S., are presumed void or voidable; amending s. 287.058, F.S.; clarifying current requirement that contractor on certain state contracts must allow access to public records unless the records are exempt; amending s. 287.059, F.S.; providing additional requirements for contracts for private attorney services; providing requirements for contingency fee contracts; providing for binding arbitration in fee disputes; providing requirements if multiple law firms are parties to a contract; providing requirements for private attorneys with respect to maintaining documents and records and making such documents and records available for inspection; creating s. 60.08, F.S.; providing for injunctions without bond when sought by the state or its agencies; amending s. 86.091, F.S.; providing that the State of Florida, the Governor, any state department, agency, officer, or employee shall not be made a party in certain proceedings; amending s. 16.01, F.S.; clarifying that certain provisions are not intended to authorize the joinder of the Attorney General as party; amending s. 48.121, F.S.; clarifying that the section is not intended to authorize the joinder of the Attorney General or a state attorney as a party; amending s. 45.062, F.S.; providing additional requirements with respect to notification of certain settlements or orders; providing that certain settlements or orders shall be contingent upon and subject to legislative appropriation or statutory amendment; providing for the disposition of funds; providing legislative intent; amending s. 216.023, F.S.; providing for an inventory of all litigation in which an agency is involved which may

require additional appropriations to the agency or amendments to the law under which the agency operates as a part of legislative budget requests; amending s. 284.385, F.S.; revising provisions relating to the reporting and handling of claims by the Department of Insurance covered by the State Risk Management Trust Fund; providing for severability; providing an effective date.

## Reports of Councils and Standing Committees

### Council Reports

#### Received April 2:

The Council for Lifelong Learning recommends the following pass:  
HB 1545

**The above bill was placed on the Calendar.**

The Council for Ready Infrastructure recommends the following pass:  
CS/HB 789

**The above bill was placed on the Calendar.**

The Council for Smarter Government recommends the following pass:  
CS/HJR 471

**The above bill was placed on the Calendar.**

### Committee Reports

#### Received April 2:

The Committee on General Education recommends the following pass:  
HB 265

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:

CS/HB 187, with 1 amendment  
CS/HB 411, with 1 amendment

**The above bills were referred to the Council for Smarter Government.**

The Committee on Business Regulation recommends the following pass:

CS/HB 455, with 2 amendments  
HB 1097

**The above bills were referred to the Council for Smarter Government.**

The Committee on Health Regulation recommends the following pass:  
HB 1031, with 2 amendments

**The above bill was referred to the Council for Smarter Government.**

The Committee on State Administration recommends a committee substitute for the following:

HB 365

**The above committee substitute was referred to the Council for Healthy Communities, subject to review under Rule 6.3, and, under the rule, HB 365 was laid on the table.**

The Committee on Elder & Long-Term Care recommends the following pass:

HB 961, with 4 amendments

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Business Regulation recommends the following pass:

HB 1415

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Elder & Long-Term Care recommends the following pass:

HB 997, with 1 amendment

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Business Regulation recommends the following pass:

HB 1089

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Health Regulation recommends the following pass:  
HB 985, with 1 amendment

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Agriculture & Consumer Affairs recommends a committee substitute for the following:

HB 355

**The above committee substitute was referred to the Committee on Business Regulation, subject to review under Rule 6.3, and, under the rule, HB 355 was laid on the table.**

The Committee on State Administration recommends a committee substitute for the following:

HB 341

**The above committee substitute was referred to the Committee on Crime Prevention, Corrections & Safety, subject to review under Rule 6.3, and, under the rule, HB 341 was laid on the table.**

The Committee on State Administration recommends a committee substitute for the following:

HB 515

**The above committee substitute was referred to the Committee on General Education, subject to review under Rule 6.3, and, under the rule, HB 515 was laid on the table.**

The Committee on State Administration recommends a committee substitute for the following:

HB 359

**The above committee substitute was referred to the Committee on Insurance, subject to review under Rule 6.3, and, under the rule, HB 359 was laid on the table.**

The Committee on Natural Resources & Environmental Protection recommends a committee substitute for the following:

HB 9

**The above committee substitute was referred to the Committee on Local Government & Veterans Affairs, subject to review under Rule 6.3, and, under the rule, HB 9 was laid on the table.**

The Committee on State Administration recommends a committee substitute for the following:

HB 623

**The above committee substitute was referred to the Committee on Local Government & Veterans Affairs, subject to review under Rule 6.3, and, under the rule, HB 623 was laid on the table.**

**Excused**

Rep. Arza until 12:18 p.m.; Rep. Ball until 11:40 a.m.; Rep. Bennett;  
Rep. Diaz de la Portilla until 11:39 a.m.; Rep. Hogan until 1:10 p.m.;  
Rep. Lee; Rep. Lerner until 12:23 p.m.; Rep. Wishner until 12:42 p.m.

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at  
1:18 p.m., to reconvene at 10:00 a.m., Tuesday, April 3.



# The Journal OF THE House of Representatives

Number 10

Tuesday, April 3, 2001

The House was called to order by the Speaker at 10:00 a.m.

## Prayer

The following prayer was offered by David M. Fuller, State Command Chaplain of the Florida National Guard, upon invitation of Reps. Baker and Wiles:

O Lord of light and love, we thank You for the fresh day that lies before us. And we thank You for the opportunity of living in a land where the principles of liberty, justice, dignity, and responsibility guide our personal and corporate lives.

We recognize, O Lord, that the principles that guide our life as a nation must be guarded with care and diligence. And we thank You for the men and women of the armed forces who stand as sturdy sentinels on the frontier of freedom. And we ask You to bless them and to bless their families for the sacrifices they make to ensure that freedom and justice will remain bold beacons of hope in the 21st century.

And Lord, we thank You for the role that each of us can play as dedicated citizens in a good and gracious land. Give us insight and wisdom as we seek to serve the needs of our fellow citizens. Give us courage and faith to undertake even the most difficult issues with compassion and understanding. And unite us as a people ready to share the bounty of our blessings and the opportunity that freedom brings.

O Lord, we ask Your blessing upon those who have been elected and appointed to serve over us. We pray that You will guide, guard, and direct the President of the United States, the Governor of Florida, and the Florida House of Representatives, and the citizen soldiers who are poised and ready to bring safety and comfort to those in need.

And Father, we ask Your special blessing and healing touch upon Representative Harrell's husband, James. Be there, comfort. Be there, a presence in his life.

O Lord, we are a grateful people. Bless us with Your presence now. In Your name we pray. Amen.

The following Members were recorded present:

Session Vote Sequence: 92

The Chair	Baker	Benson	Bucher
Alexander	Ball	Berfield	Bullard
Allen	Barreiro	Betancourt	Byrd
Andrews	Baxley	Bilirakis	Cantens
Arza	Bean	Bowen	Carassas
Attkisson	Bendross-Mindingall	Brown	Clarke
Atwater	Bennett	Brummer	Crow
Ausley	Bense	Brutus	Cusack

Davis	Harper	Littlefield	Romeo
Detert	Harrell	Lynn	Ross
Diaz de la Portilla	Harrington	Machek	Rubio
Diaz-Balart	Henriquez	Mack	Russell
Dockery	Heyman	Mahon	Ryan
Farkas	Hogan	Mayfield	Seiler
Fasano	Holloway	Maygarden	Simmons
Fields	Jennings	McGriff	Siplin
Fiorentino	Johnson	Meadows	Slosberg
Flanagan	Jordan	Mealor	Smith
Frankel	Joyner	Melvin	Sobel
Gannon	Justice	Miller	Sorensen
Garcia	Kallinger	Murman	Spratt
Gardiner	Kendrick	Needelman	Stansel
Gelber	Kilmer	Negron	Trovillion
Gibson	Kosmas	Paul	Wallace
Goodlette	Kottkamp	Peterman	Waters
Gottlieb	Kravitz	Pickens	Weissman
Green	Lacasa	Prieguez	Wiles
Greenstein	Lee	Rich	Wilson
Haridopolos	Lerner	Richardson	Wishner

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The Members, led by the Florida National Guard, pledged allegiance to the Flag.

## House Physician

The Speaker introduced Dr. Gregory A. Williams of Tallahassee, who served in the Clinic today upon invitation of Rep. Kendrick.

## Correction of the Journal

The *Journal* of April 2 was corrected and approved as corrected.

The *Journal* of March 22 was further corrected as follows: On page 331, column 2, line 23 from the top, delete "HB 367" and insert in lieu thereof: CS/HB 367

And on page 336, column 1, line 10 from the bottom, delete "HB 501" and insert in lieu thereof: CS/HB 501



**Reports of Councils and Standing Committees**

**Report of the Procedural & Redistricting Council**

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

March 29, 2001

*Dear Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits as Special Orders for Tuesday, April 3, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):
  - HB 1743—Juvenile Justice Advisory Board
  - HB 1737—Growth Management
  - HB 1735—Economic Development
  - HB 1749—Fla. Black Business Investment Board
  - HB 1745—Water & Wastewater Utilities
  - HB 1731—Criminal Justice Programs/Transfer
  - HB 1733—Hazardous Materials/Rail/DOT
  - HB 1709—Boiler Safety
  - HB 1707—Energy Management
  - HB 1717—Dairy Industry Division
  - HB 1751—Telemarketing
  - HB 1725—Health Studios
  - HB 1723—Ballroom Dance Studios
  - HB 1721—Sales of Business Opportunities
  - HB 1825—Class C Travel/Meals Eliminated
  - HB 1821—State Retirement Contributions

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

On motion by Rep. Byrd, the rules were waived and **HR 9027, HR 9039, and HR 9041** were added to the Special Order Calendar.

On motion by Rep. Byrd, the above report was adopted, as amended.

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

**Special Orders**

**Special Order Calendar**

**Resolution**

By Representative Wiles—

**HR 9041**—A resolution honoring the Florida National Guard and designating April 3, 2001, as “Florida National Guard Day.”

WHEREAS, the Florida National Guard is the military arm of the Governor and the people of the great State of Florida, and

WHEREAS, whenever there is a crisis or an emergency, the Florida National Guard stands ready to immediately respond to a call from the Governor, and

WHEREAS, the citizens of Florida can always be assured that, when called to protect their lives and property, the Florida National Guard will respond, prepared to accomplish any task or mission, and

WHEREAS, the Florida National Guard deployed on January 26, 2001, for Operation Swift Suppression to fight wildfires throughout the great State of Florida, and

WHEREAS, elements of the 1-111th Aviation Attack Helicopter Battalion deployed on July 6, 2000, for 9 months in the continued defense of the nation of Kuwait, and

WHEREAS, with the approach of the 2001 hurricane season, the Florida National Guard is richly deserving of recognition for its success in the past as its soldiers and airmen stand ready to meet any crisis in the future, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes the true and faithful service of the soldiers and airmen of the Florida National Guard.

BE IT FURTHER RESOLVED that the House of Representatives recognizes the significant contributions and consistent readiness of the Florida National Guard by designating April 3, 2001, as “Florida National Guard Day” in the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Major General Ronald O. Harrison, Adjutant General of Florida, as a tangible token of the sentiments expressed herein.

—was read the first time by title and the second time by title.

**Motion and Presentation of Guests**

On motion by Rep. Wiles, the privilege of the floor was granted to Major General Ronald O. Harrison, the Adjutant General of the Florida National Guard. Rep. Wiles also recognized Major General Harrison’s wife, Missie; Brigadier General Jimmy Watson and his wife, Nela; Brigadier General Doug Burnett and his wife, Judy; Command Sergeant Major Mac Gamasche, and the other members of the Florida National Guard who were seated in the gallery.

The question recurred on the adoption of HR 9041. On motion by Rep. Wiles, the resolution was adopted.

**Bills and Joint Resolutions on Third Reading**

**HB 1807**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing supplemental appropriations to meet Medicaid shortfalls; providing an effective date.

—was read the third time by title.

**THE SPEAKER PRO TEMPORE IN THE CHAIR**

**THE SPEAKER IN THE CHAIR**

Rep. Wiles moved that, under Rule 12.2(c), a late-filed amendment be allowed for consideration, which was not agreed to. The vote was:

Session Vote Sequence: 93

Yeas—44

Ausley	Gottlieb	Kosmas	Ryan
Bendross-Mindingall	Greenstein	Lee	Seiler
Betancourt	Harper	Lerner	Siplin
Brutus	Henriquez	Machek	Slosberg
Bucher	Heyman	McGriff	Smith
Bullard	Hogan	Meadows	Sobel
Cusack	Holloway	Peterman	Stansel
Fields	Jennings	Rich	Weissman
Frankel	Joyner	Richardson	Wiles
Gannon	Justice	Romeo	Wilson
Gelber	Kendrick	Russell	Wishner

Nays—70

The Chair	Attkisson	Baxley	Berfield
Alexander	Atwater	Bean	Bilirakis
Andrews	Baker	Bennett	Bowen
Argenziano	Ball	Bense	Brown
Arza	Barreiro	Benson	Brummer

Byrd	Gardiner	Kyle	Negron
Cantens	Gibson	Lacasa	Paul
Carassas	Goodlette	Littlefield	Pickens
Clarke	Green	Lynn	Prieguez
Crow	Haridopolos	Mack	Rubio
Davis	Harrell	Mahon	Simmons
Detert	Harrington	Mayfield	Sorensen
Diaz-Balart	Hart	Maygarden	Spratt
Dockery	Johnson	Mealor	Trovillion
Fasano	Kallinger	Melvin	Wallace
Fiorentino	Kilmer	Miller	Waters
Flanagan	Kottkamp	Murman	
Garcia	Kravitz	Needelman	

Votes after roll call:

Nays—Diaz de la Portilla

Yeas to Nays—Hogan, Russell

#### REPRESENTATIVE BALL IN THE CHAIR

#### THE SPEAKER IN THE CHAIR

Rep. Goodlette suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 94].

The question recurred on the passage of HB 1807. The vote was:

Session Vote Sequence: 95

Yeas—118

The Chair	Crow	Holloway	Negron
Alexander	Cusack	Jennings	Paul
Allen	Davis	Johnson	Peterman
Andrews	Detert	Jordan	Pickens
Argenziano	Diaz de la Portilla	Joyner	Prieguez
Arza	Diaz-Balart	Justice	Rich
Attkisson	Dockery	Kallinger	Richardson
Atwater	Farkas	Kendrick	Romeo
Ausley	Fasano	Kilmer	Ross
Baker	Fields	Kosmas	Rubio
Ball	Fiorentino	Kottkamp	Russell
Barreiro	Flanagan	Kravitz	Ryan
Baxley	Frankel	Kyle	Seiler
Bean	Gannon	Lacasa	Simmons
Bendross-Mindingall	Garcia	Lee	Siplin
Bennett	Gardiner	Lerner	Slosberg
Bense	Gelber	Littlefield	Smith
Benson	Gibson	Lynn	Sobel
Berfield	Goodlette	Machek	Sorensen
Betancourt	Gottlieb	Mack	Spratt
Bilirakis	Green	Mahon	Stansel
Bowen	Greenstein	Mayfield	Trovillion
Brown	Haridopolos	Maygarden	Wallace
Brummer	Harper	McGriff	Waters
Brutus	Harrell	Meadows	Weissman
Bucher	Harrington	Mealor	Wiles
Bullard	Hart	Melvin	Wilson
Byrd	Henriquez	Miller	Wishner
Cantens	Heyman	Murman	
Clarke	Hogan	Needelman	

Nays—None

Votes after roll call:

Yeas—Carassas

So the bill passed, as amended, and was certified to the Senate.

**HB 1809**—A bill to be entitled An act implementing the 2001-2002 General Appropriations Act; providing legislative intent; amending s. 236.081, F.S., relating to the Florida Education Finance Program; revising calculation of additional full-time equivalent membership

based on the Advanced International Certificate of Education Program; revising the basis of the quality assurance guarantee; providing for future reversion to current text; amending s. 240.116, F.S.; eliminating restriction of the Advanced International Certificate of Education Program to a pilot program; providing for future reversion to current text; amending s. 240.35, F.S.; including technology fees within the calculation of the range of fees allowed to be adopted by each community college board of trustees; providing for future reversion to current text; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer some positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; authorizing the Department of Legal Affairs to transfer certain funds between trust funds; amending s. 925.037, F.S.; providing that the state courts system shall allocate conflict counsel funds among certain counties; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for future reversion to current text; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing matching funds for the administration of such program; amending s. 25.402, F.S.; revising use and distribution of funds in the County Article V Trust Fund; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 259.032, F.S.; authorizing the appropriation of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor recreation grants; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; providing procedures and requirements for the outsourcing of human resource services for all state agencies; amending s. 287.1345, F.S.; providing for use of funds in the Grants and Donations Trust Fund of the Department of Management Services for technology initiatives; authorizing the Departments of Insurance, Education, Business and Professional Regulation, Management Services, and Labor and Employment Security and the Agencies for Workforce Innovation and Health Care Administration to transfer positions and funds to comply with the General Appropriations Act; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund to improve, and increase the number of, disaster shelters in the state and improve local disaster preparedness; authorizing certain agencies to contract or subcontract with faith-based organizations under certain programs or allow faith-based organizations to accept certificates, warrants, or other forms of disbursement under certain programs under certain circumstances; specifying eligibility of faith-based organizations; providing certain protections for faith-based organizations; requiring certain agencies to prepare implementation plans and submit the plans to the Governor and the Legislature; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; adopting state agency program performance measures and standards; providing that the performance measures and standards are directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 96

Yeas—116

The Chair	Carassas	Hogan	Murman
Alexander	Clarke	Holloway	Needelman
Allen	Crow	Jennings	Negron
Andrews	Cusack	Johnson	Paul
Argenziano	Detert	Jordan	Peterman
Arza	Diaz de la Portilla	Joyner	Pickens
Attkisson	Diaz-Balart	Justice	Prieguez
Atwater	Dockery	Kallinger	Rich
Ausley	Farkas	Kendrick	Richardson
Baker	Fasano	Kilmer	Romeo
Ball	Fields	Kosmas	Ross
Barreiro	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kravitz	Russell
Bean	Frankel	Kyle	Ryan
Bendross-Mindingall	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Smith
Betancourt	Goodlette	Machek	Sobel
Bilirakis	Gottlieb	Mack	Sorensen
Bowen	Green	Mahon	Spratt
Brown	Greenstein	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Trovillion
Brutus	Harper	McGriff	Wallace
Bucher	Harrell	Meadows	Waters
Bullard	Harrington	Mealor	Wiles
Byrd	Hart	Melvin	Wilson
Cantens	Henriquez	Miller	Wishner

Nays—2

Heyman	Weissman
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So the bill passed and was certified to the Senate.

**HB 1741**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 39.3065, F.S.; adding Seminole County to list of counties whose sheriffs provide protective investigative services; amending s. 393.063, F.S.; modifying the definition of “support coordinator” in provisions relating to developmental disabilities; amending s. 393.0651, F.S.; removing requirement for support coordinator review of individual or family support plans; amending s. 414.045, F.S.; adding another category of families eligible for cash assistance, for federal reporting purposes; amending ss. 938.01 and 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for transfer of certain funds to the Department of Children and Family Services for the prevention of domestic and sexual violence; repealing s. 402.185, F.S., relating to certification forward of certain unused funds of the Department of Children and Family Services; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 97

Yeas—114

The Chair	Baker	Benson	Bullard
Alexander	Ball	Berfield	Byrd
Allen	Barreiro	Bilirakis	Cantens
Andrews	Baxley	Bowen	Carassas
Argenziano	Bean	Brown	Clarke
Arza	Bendross-Mindingall	Brummer	Crow
Attkisson	Bennett	Brutus	Cusack
Ausley	Bense	Bucher	Davis

Detert	Harrell	Littlefield	Romeo
Diaz de la Portilla	Harrington	Lynn	Ross
Diaz-Balart	Hart	Machek	Rubio
Dockery	Henriquez	Mack	Russell
Farkas	Heyman	Mahon	Ryan
Fasano	Hogan	Mayfield	Seiler
Fields	Holloway	Maygarden	Simmons
Fiorentino	Jennings	McGriff	Siplin
Flanagan	Johnson	Meadows	Slosberg
Frankel	Jordan	Mealor	Smith
Gannon	Joyner	Melvin	Sobel
Garcia	Justice	Miller	Sorensen
Gardiner	Kallinger	Murman	Stansel
Gelber	Kendrick	Needelman	Trovillion
Gibson	Kilmer	Negron	Wallace
Goodlette	Kosmas	Paul	Waters
Gottlieb	Kottkamp	Peterman	Weissman
Green	Kravitz	Pickens	Wiles
Greenstein	Kyle	Prieguez	Wilson
Haridopolos	Lacasa	Rich	
Harper	Lerner	Richardson	

Nays—None

Votes after roll call:

Yeas—Atwater, Spratt, Wishner

So the bill passed and was certified to the Senate.

**HB 1753**—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 409.8132, F.S.; deleting the requirement to provide choice counseling to eligible applicants under the Medikids program component; amending s. 409.815, F.S.; correcting a cross reference; amending s. 409.904, F.S.; revising Medicaid eligibility requirements for certain elderly or disabled persons; authorizing payment for health insurance premiums of Medicaid-eligible individuals under certain circumstances; amending s. 409.905, F.S.; updating and revising provisions relating to hospital inpatient behavioral health services provided pursuant to a federally approved waiver; expanding provision of such services statewide; amending s. 409.906, F.S.; deleting adult denture services as optional Medicaid services and restricting authorized hearing and visual services to children; providing additional requirements for authorized intermediate care services; adding assistive care services as an optional Medicaid service for certain recipients; amending s. 409.9065, F.S.; correcting a cross reference; amending s. 409.908, F.S.; providing for reimbursement of hospital inpatient and outpatient services at certain rates; permitting reimbursement for certain Medicaid services based on competitive bidding; deleting redundant provisions; prohibiting increases in reimbursement rates to nursing homes associated with changes in ownership; precluding premium adjustments to managed care organizations under certain circumstances; revising provisions relating to physician reimbursement and the reimbursement fee schedule; deleting certain preferential Medicaid payments for dually eligible recipients; authorizing competitive procurement of transportation services or the securing through waivers of federal financing of transportation services at certain rates; correcting a cross reference; authorizing public schools affiliated with Florida universities to separately enroll in the Medicaid certified school match program and certify local expenditures; amending s. 409.911, F.S.; updating data requirements and share rates for disproportionate share distributions; amending s. 409.91195, F.S.; revising provisions relating to the membership of the Medicaid Pharmaceutical and Therapeutics Committee; providing for development and distribution of a restricted drug formulary for Medicaid providers; amending s. 409.9116, F.S.; modifying the formula for disproportionate share/financial assistance distributions to rural hospitals; amending s. 409.912, F.S.; authorizing continued reimbursement of substance abuse treatment services on a fee-for-service basis under certain conditions; expanding Medicaid managed care behavioral health services statewide; deleting requirement for choice counseling; deleting authorization to test new marketing initiatives relating to managed care options; deleting a

restriction on adjustment of capitation rates; permitting competitive bidding for certain services; modifying reimbursement to pharmacies; permitting use of a restricted drug formulary, authorizing exemptions therefrom, and authorizing negotiation of supplemental rebates from manufacturers pursuant thereto; requiring prescriptions for Medicaid recipients to be on certain standardized forms; amending s. 409.915, F.S.; increasing county contributions to Medicaid for inpatient hospitalization; exempting counties from contributing toward the cost of inpatient services provided by certain hospitals and for special Medicaid payments under certain conditions; repealing s. 636.0145, F.S., relating to requirement for licensure of certain entities contracting with Medicaid to provide mental health care services in certain counties pursuant to federal waiver, to conform to changes made in this act; providing a finding of important state interest; providing an effective date.

—was read the third time by title.

Representative(s) Joyner and Gannon offered the following:

(Amendment Bar Code: 290067)

**Amendment 4 (with title amendment)**—On page 8, line 19 through page 16, line 20, remove from the bill: all of said lines

and insert in lieu thereof:

Section 5. Subsection (16) of Section 409.906, Florida Statutes, is amended, and subsection (25) is added to said subsection, to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(16) INTERMEDIATE CARE SERVICES.—The agency may pay for 24-hour-a-day intermediate care nursing and rehabilitation services rendered to a recipient in a nursing facility licensed under part II of chapter 400, if the services are ordered by and provided under the direction of a physician, *meet nursing home level of care criteria as determined by the Comprehensive Assessment and Review Long-Term Care (CARE) Program of the Department of Elderly Affairs, and do not meet the definition of "general care" as used in the Medicaid budget estimating process.*

(25) ASSISTIVE CARE SERVICES.—*The agency may pay for assistive care services provided to recipients with functional or cognitive impairments residing in assisted living facilities, adult family-care homes, or residential treatment facilities with 16 or fewer beds. These services may include health support, assistance with the activities of daily living and the instrumental acts of daily living, assistance with medication administration, and arrangements for health care.*

And the title is amended as follows:

On page 1, lines 18-21, remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 409.906, F.S.; providing additional

Rep. Joyner moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 98

Yeas—43

Atwater	Gelber	Kosmas	Seiler
Ausley	Gottlieb	Lee	Siplin
Bendross-Mindingall	Greenstein	Lerner	Slosberg
Betancourt	Harper	Machek	Smith
Bucher	Henriquez	McGriff	Sobel
Bullard	Heyman	Meadows	Stansel
Clarke	Holloway	Peterman	Weissman
Cusack	Jennings	Rich	Wiles
Fields	Joyner	Richardson	Wilson
Frankel	Justice	Romeo	Wishner
Gannon	Kendrick	Ryan	

Nays—71

The Chair	Brummer	Harrell	Melvin
Alexander	Byrd	Harrington	Miller
Allen	Cantens	Hart	Murman
Andrews	Carassas	Hogan	Needelman
Arza	Crow	Johnson	Negron
Attkisson	Detert	Jordan	Paul
Baker	Diaz de la Portilla	Kallinger	Pickens
Ball	Diaz-Balart	Kilmer	Prieguez
Barreiro	Dockery	Kottkamp	Ross
Baxley	Farkas	Kravitz	Rubio
Bean	Fasano	Kyle	Russell
Bennett	Fiorentino	Lacasa	Simmons
Bense	Flanagan	Lynn	Sorensen
Benson	Garcia	Mack	Spratt
Berfield	Gardiner	Mahon	Trovillion
Bilirakis	Goodlette	Mayfield	Wallace
Bowen	Green	Maygarden	Waters
Brown	Haridopolos	Mealor	

Representative(s) Bucher offered the following:

(Amendment Bar Code: 655845)

**Amendment 5 (with title amendment)**—On page 47, line 27 through page 48, line 11, remove from the bill: all of said lines

and insert in lieu thereof:

Section 12. Subsection (7) of section 409.915, Florida Statutes, is amended to read:

409.915 County contributions to Medicaid.—Although the state is responsible for the full portion of the state share of the matching funds required for the Medicaid program, in order to acquire a certain portion of these funds, the state shall charge the counties for certain items of care and service as provided in this section.

And the title is amended as follows:

On page 3, line 15, after the semicolon through line 16 remove from the title of the bill: all of said lines

Rep. Bucher moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 99

Yeas—43

Alexander	Bucher	Gannon	Henriquez
Ausley	Bullard	Gelber	Heyman
Bendross-Mindingall	Cusack	Gottlieb	Holloway
Betancourt	Fields	Greenstein	Jennings
Brutus	Frankel	Harper	Joyner

Justice	McGriff	Ryan	Stansel
Kendrick	Meadows	Seiler	Weissman
Kosmas	Peterman	Siplin	Wiles
Lee	Rich	Slosberg	Wilson
Lerner	Richardson	Smith	Wishner
Machek	Romeo	Sobel	

Nays—76

The Chair	Brummer	Green	Maygarden
Allen	Byrd	Haridopolos	Mealor
Andrews	Cantens	Harrell	Melvin
Argenziano	Carassas	Harrington	Miller
Arza	Clarke	Hart	Murman
Attkisson	Crow	Hogan	Needelman
Atwater	Davis	Johnson	Negron
Baker	Detert	Jordan	Paul
Ball	Diaz de la Portilla	Kallinger	Pickens
Barreiro	Diaz-Balart	Kilmer	Prieguez
Baxley	Dockery	Kottkamp	Ross
Bean	Farkas	Kravitz	Rubio
Bennett	Fasano	Kyle	Russell
Bense	Fiorentino	Lacasa	Simmons
Benson	Flanagan	Littlefield	Sorensen
Berfield	Garcia	Lynn	Spratt
Bilirakis	Gardiner	Mack	Trovillion
Bowen	Gibson	Mahon	Wallace
Brown	Goodlette	Mayfield	Waters

The question recurred on the passage of HB 1753. The vote was:

Session Vote Sequence: 100

Yeas—81

The Chair	Byrd	Harrington	Melvin
Alexander	Cantens	Hart	Miller
Allen	Carassas	Hogan	Murman
Andrews	Clarke	Johnson	Needelman
Argenziano	Crow	Jordan	Negron
Arza	Davis	Kallinger	Paul
Attkisson	Detert	Kendrick	Pickens
Baker	Diaz de la Portilla	Kilmer	Prieguez
Ball	Diaz-Balart	Kosmas	Ross
Barreiro	Dockery	Kottkamp	Rubio
Baxley	Farkas	Kravitz	Russell
Bean	Fasano	Kyle	Simmons
Bennett	Fiorentino	Lacasa	Sorensen
Bense	Flanagan	Littlefield	Spratt
Benson	Garcia	Lynn	Stansel
Berfield	Gardiner	Machek	Trovillion
Betancourt	Gibson	Mack	Wallace
Bilirakis	Goodlette	Mahon	Waters
Bowen	Green	Mayfield	
Brown	Haridopolos	Maygarden	
Brummer	Harrell	Mealor	

Nays—37

Ausley	Gottlieb	Lerner	Slosberg
Bendross-Mindingall	Greenstein	McGriff	Smith
Brutus	Harper	Meadows	Sobel
Bucher	Henriquez	Peterman	Weissman
Bullard	Heyman	Rich	Wiles
Cusack	Holloway	Richardson	Wilson
Fields	Jennings	Romeo	Wishner
Frankel	Joyner	Ryan	
Gannon	Justice	Seiler	
Gelber	Lee	Siplin	

Votes after roll call:

Yeas—Atwater  
Yeas to Nays—Argenziano

Nays to Yeas—Greenstein

So the bill passed, as amended, by the required constitutional two-thirds vote of the membership and was certified to the Senate.

**HB 1727**—A bill to be entitled An act relating to community care for the elderly; amending s. 430.203, F.S.; redefining the term “lead agency”; removing the requirement of mandatory case management; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 101

Yeas—109

The Chair	Carassas	Holloway	Needelman
Alexander	Clarke	Jennings	Paul
Allen	Crow	Johnson	Peterman
Andrews	Cusack	Jordan	Pickens
Arza	Davis	Joyner	Prieguez
Attkisson	Detert	Justice	Rich
Atwater	Diaz de la Portilla	Kallinger	Richardson
Ausley	Diaz-Balart	Kendrick	Romeo
Baker	Dockery	Kilmer	Ross
Ball	Farkas	Kosmas	Rubio
Barreiro	Fasano	Kottkamp	Russell
Baxley	Fields	Kravitz	Ryan
Bean	Flanagan	Kyle	Seiler
Bendross-Mindingall	Frankel	Lacasa	Simmons
Bennett	Gannon	Lee	Slosberg
Bense	Garcia	Lerner	Smith
Benson	Gardiner	Littlefield	Sorensen
Berfield	Gibson	Lynn	Spratt
Betancourt	Goodlette	Machek	Stansel
Bilirakis	Gottlieb	Mahon	Trovillion
Bowen	Green	Mayfield	Wallace
Brown	Greenstein	Maygarden	Waters
Brummer	Harper	McGriff	Weissman
Brutus	Harrington	Meadows	Wiles
Bucher	Hart	Mealor	Wilson
Bullard	Henriquez	Melvin	
Byrd	Heyman	Miller	
Cantens	Hogan	Murman	

Nays—3

Argenziano	Fiorentino	Negron
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Votes after roll call:

Yeas—Harrell, Haridopolos, Mack, Siplin, Sobel, Wishner

So the bill passed and was certified to the Senate.

**HB 1739**—A bill to be entitled An act relating to the central voter file; amending s. 98.0975, F.S.; modifying requirements of the Division of Elections with respect to the information on persons included in the central voter file to be reported to the county supervisors of elections; eliminating the requirement for the division to annually contract with a private entity to provide list maintenance duties on the central voter file; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 102

Yeas—116

The Chair	Atwater	Bennett	Brown
Alexander	Baker	Bense	Brummer
Allen	Ball	Benson	Brutus
Andrews	Barreiro	Berfield	Bucher
Argenziano	Baxley	Betancourt	Bullard
Arza	Bean	Bilirakis	Byrd
Attkisson	Bendross-Mindingall	Bowen	Cantens

Carassas	Greenstein	Lacasa	Rich
Clarke	Haridopolos	Lee	Richardson
Crow	Harper	Lerner	Romeo
Cusack	Harrell	Littlefield	Ross
Davis	Harrington	Lynn	Rubio
Detert	Hart	Machek	Russell
Diaz de la Portilla	Henriquez	Mack	Ryan
Diaz-Balart	Heyman	Mahon	Simmons
Dockery	Hogan	Mayfield	Siplin
Farkas	Holloway	Maygarden	Slosberg
Fasano	Jennings	McGriff	Smith
Fields	Johnson	Meadows	Sobel
Fiorentino	Jordan	Mealor	Sorensen
Flanagan	Joyner	Melvin	Spratt
Frankel	Justice	Miller	Stansel
Gannon	Kallinger	Murman	Trovillion
Garcia	Kendrick	Needelman	Wallace
Gardiner	Kilmer	Negron	Waters
Gibson	Kosmas	Paul	Weissman
Goodlette	Kottkamp	Peterman	Wiles
Gottlieb	Kravitz	Pickens	Wilson
Green	Kyle	Prieguez	Wishner

Nays—None

So the bill passed and was certified to the Senate.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

**HB 1715**—A bill to be entitled An act relating to the recreational user permit fee; amending s. 372.57, F.S.; revising provisions relating to the recreational user permit fee to hunt, fish, or otherwise use certain land leased from private owners; removing a provision that provides for reduction of the permit fee based on the prior year's landowner payment for certain property in the private landowner payment program; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 103

Yeas—116

Alexander	Cantens	Harrell	Mayfield
Allen	Carassas	Harrington	McGriff
Andrews	Clarke	Hart	Meadows
Argenziano	Crow	Henriquez	Mealor
Arza	Cusack	Heyman	Melvin
Attkisson	Davis	Hogan	Miller
Atwater	Detert	Holloway	Murman
Ausley	Diaz de la Portilla	Jennings	Needelman
Baker	Diaz-Balart	Johnson	Negron
Ball	Dockery	Jordan	Paul
Barreiro	Farkas	Joyner	Peterman
Baxley	Fasano	Justice	Pickens
Bean	Fields	Kallinger	Prieguez
Bendross-Mindingall	Fiorentino	Kendrick	Rich
Bennett	Flanagan	Kilmer	Richardson
Bense	Frankel	Kosmas	Romeo
Benson	Gannon	Kottkamp	Ross
Berfield	Garcia	Kravitz	Rubio
Betancourt	Gardiner	Kyle	Russell
Bilirakis	Gelber	Lacasa	Ryan
Bowen	Gibson	Lee	Seiler
Brown	Goodlette	Lerner	Simmons
Brummer	Gottlieb	Littlefield	Siplin
Brutus	Green	Lynn	Slosberg
Bucher	Greenstein	Machek	Smith
Bullard	Haridopolos	Mack	Sobel
Byrd	Harper	Mahon	Sorensen

Spratt	Trovillion	Waters	Wilson
Stansel	Wallace	Wiles	Wishner

Nays—None

So the bill passed and was certified to the Senate.

**HB 1711**—A bill to be entitled An act relating to construction management for nonstate entities; repealing s. 255.31(3), F.S.; eliminating the authority of the Department of Management Services to enter into contracts with nonstate entities for construction management services; repealing s. 235.017(2)(e), F.S., to conform; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 104

Yeas—82

The Chair	Brutus	Greenstein	McGriff
Alexander	Byrd	Haridopolos	Mealor
Allen	Cantens	Harrell	Melvin
Andrews	Carassas	Harrington	Miller
Argenziano	Clarke	Hart	Murman
Arza	Crow	Henriquez	Needelman
Attkisson	Davis	Hogan	Negron
Atwater	Detert	Johnson	Paul
Baker	Diaz de la Portilla	Jordan	Pickens
Ball	Diaz-Balart	Kallinger	Prieguez
Barreiro	Dockery	Kilmer	Ross
Baxley	Farkas	Kosmas	Rubio
Bean	Fasano	Kottkamp	Russell
Bennett	Fiorentino	Kravitz	Simmons
Bense	Flanagan	Kyle	Sorensen
Benson	Garcia	Lacasa	Spratt
Berfield	Gardiner	Littlefield	Trovillion
Bilirakis	Gibson	Lynn	Wallace
Bowen	Goodlette	Mack	Waters
Brown	Gottlieb	Mahon	
Brummer	Green	Mayfield	

Nays—34

Ausley	Gelber	Machek	Smith
Bendross-Mindingall	Harper	Meadows	Sobel
Betancourt	Heyman	Peterman	Stansel
Bucher	Jennings	Rich	Weissman
Bullard	Joyner	Romeo	Wiles
Cusack	Justice	Ryan	Wilson
Fields	Kendrick	Seiler	Wishner
Frankel	Lee	Siplin	
Gannon	Lerner	Slosberg	

Votes after roll call:

Nays—Richardson  
Yeas to Nays—Brutus

So the bill passed and was certified to the Senate.

**HB 1719**—A bill to be entitled An act relating to the Department of Management Services; amending s. 287.16, F.S.; revising language with respect to the powers and duties of the department; authorizing the department to contract for the maintenance of motor vehicles; deleting reference to special purpose aircraft with respect to an annual report to the Legislature; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 105

Yeas—118

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Ausley	Diaz-Balart	Jordan	Peterman
Baker	Dockery	Joyner	Pickens
Ball	Farkas	Justice	Prieguez
Barreiro	Fasano	Kallinger	Rich
Baxley	Fields	Kendrick	Richardson
Bean	Fiorentino	Kilmer	Romeo
Bendross-Mindingall	Flanagan	Kosmas	Ross
Bennett	Frankel	Kottkamp	Rubio
Bense	Gannon	Kravitz	Russell
Benson	Garcia	Kyle	Ryan
Berfield	Gardiner	Lacasa	Seiler
Betancourt	Gelber	Lee	Simmons
Bilirakis	Gibson	Lerner	Siplin
Bowen	Goodlette	Littlefield	Slosberg
Brown	Gottlieb	Lynn	Smith
Brummer	Green	Machek	Sobel
Brutus	Greenstein	Mack	Sorensen
Bucher	Haridopolos	Mahon	Spratt
Bullard	Harper	Mayfield	Stansel
Byrd	Harrell	McGriff	Trovillion
Cantens	Harrington	Meadows	Wallace
Carassas	Hart	Mealor	Waters
Clarke	Henriquez	Melvin	Weissman
Crow	Heyman	Miller	Wiles
Cusack	Hogan	Murman	Wilson
Davis	Holloway	Needelman	Wishner
Detert	Jennings	Negron	
Diaz de la Portilla	Johnson	Paul	

Nays—None

So the bill passed and was certified to the Senate.

**HB 1729**—A bill to be entitled An act relating to the Department of Corrections; transferring the Office for Certification and Monitoring of Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services; amending ss. 741.32 and 741.325, F.S.; revising references to conform to the transfer of the office; amending s. 921.0024, F.S.; removing the Department of Corrections' responsibility for preparing sentencing scoresheets; renumbering and amending s. 945.76, F.S.; transferring authority for certain fee assessment and collection from the Department of Corrections to the Department of Children and Family Services; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 106

Yeas—119

The Chair	Bowen	Fiorentino	Jennings
Alexander	Brown	Flanagan	Johnson
Allen	Brummer	Frankel	Jordan
Andrews	Brutus	Gannon	Joyner
Argenziano	Bucher	Garcia	Justice
Arza	Bullard	Gardiner	Kallinger
Attkisson	Byrd	Gelber	Kendrick
Atwater	Cantens	Gibson	Kilmer
Ausley	Carassas	Goodlette	Kosmas
Baker	Clarke	Gottlieb	Kottkamp
Ball	Crow	Green	Kravitz
Barreiro	Cusack	Greenstein	Kyle
Baxley	Davis	Haridopolos	Lacasa
Bean	Detert	Harper	Lee
Bendross-Mindingall	Diaz de la Portilla	Harrell	Lerner
Bennett	Diaz-Balart	Harrington	Littlefield
Bense	Dockery	Hart	Lynn
Benson	Farkas	Henriquez	Machek
Berfield	Fasano	Heyman	Mack
Betancourt	Feeney	Hogan	Mahon
Bilirakis	Fields	Holloway	Mayfield

McGriff	Peterman	Ryan	Stansel
Meadows	Pickens	Seiler	Trovillion
Mealor	Prieguez	Simmons	Wallace
Melvin	Rich	Siplin	Waters
Miller	Richardson	Slosberg	Weissman
Murman	Romeo	Smith	Wiles
Needelman	Ross	Sobel	Wilson
Negron	Rubio	Sorensen	Wishner
Paul	Russell	Spratt	

Nays—None

So the bill passed and was certified to the Senate.

**HB 47**—A bill to be entitled An act relating to community service; creating the Florida Volunteer and Community Service Act of 2001; providing legislative intent; authorizing the Executive Office of the Governor to establish policies and procedures which provide for the expenditure of funds to develop and facilitate initiatives that encourage and reward volunteerism; providing purposes of the act; amending s. 14.29, F.S.; expanding the purposes of a required report of the Florida Commission on Community Service; authorizing the commission to provide specified assistance for the establishment and implementation of programs pursuant to the Florida Volunteer and Community Service Act of 2001; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 107

Yeas—118

The Chair	Clarke	Heyman	Negron
Alexander	Crow	Hogan	Paul
Allen	Cusack	Holloway	Peterman
Andrews	Davis	Jennings	Pickens
Argenziano	Detert	Johnson	Prieguez
Arza	Diaz de la Portilla	Jordan	Rich
Attkisson	Diaz-Balart	Joyner	Richardson
Atwater	Dockery	Justice	Romeo
Ausley	Farkas	Kallinger	Ross
Baker	Fasano	Kendrick	Rubio
Ball	Feeney	Kilmer	Russell
Barreiro	Fields	Kottkamp	Ryan
Baxley	Fiorentino	Kravitz	Seiler
Bean	Flanagan	Kyle	Simmons
Bendross-Mindingall	Frankel	Lacasa	Siplin
Bennett	Gannon	Lee	Slosberg
Bense	Garcia	Lerner	Smith
Benson	Gardiner	Littlefield	Sobel
Berfield	Gelber	Lynn	Sorensen
Betancourt	Gibson	Machek	Spratt
Bilirakis	Goodlette	Mack	Stansel
Bowen	Gottlieb	Mahon	Trovillion
Brown	Green	Mayfield	Wallace
Brummer	Greenstein	McGriff	Waters
Brutus	Haridopolos	Meadows	Weissman
Bucher	Harper	Mealor	Wiles
Bullard	Harrell	Melvin	Wilson
Byrd	Harrington	Miller	Wishner
Cantens	Hart	Murman	
Carassas	Henriquez	Needelman	

Nays—None

So the bill passed, as amended, and was certified to the Senate.

On motion by Rep. Sorensen, consideration of **CS/HB 77** was temporarily postponed under Rule 11.10.

**CS/HB 41**—A bill to be entitled An act relating to water and wastewater systems; repealing s. 13 of ch. 2000-350, Laws of Florida, which requires county rate proceedings to follow certain provisions of the Administrative Procedure Act; amending s. 350.0611, F.S.;

requiring the Public Counsel to provide legal representation in proceedings before counties under certain circumstances; recovery of rate case expenses; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 108

Yeas—119

The Chair	Clarke	Heyman	Needelman
Alexander	Crow	Hogan	Negron
Allen	Cusack	Holloway	Paul
Andrews	Davis	Jennings	Peterman
Argenziano	Detert	Johnson	Pickens
Arza	Diaz de la Portilla	Jordan	Prieguez
Attkisson	Diaz-Balart	Joyner	Rich
Atwater	Dockery	Justice	Richardson
Ausley	Farkas	Kallinger	Romeo
Baker	Fasano	Kendrick	Ross
Ball	Feeney	Kilmer	Rubio
Barreiro	Fields	Kosmas	Russell
Baxley	Fiorentino	Kottkamp	Ryan
Bean	Flanagan	Kravitz	Seiler
Bendross-Mindingall	Frankel	Kyle	Simmons
Bennett	Gannon	Lacasa	Siplin
Bense	Garcia	Lee	Slosberg
Benson	Gardiner	Lerner	Smith
Berfield	Gelber	Littlefield	Sobel
Betancourt	Gibson	Lynn	Sorensen
Bilirakis	Goodlette	Machek	Spratt
Bowen	Gottlieb	Mack	Stansel
Brown	Green	Mahon	Trovillion
Brummer	Greenstein	Mayfield	Wallace
Brutus	Haridopolos	McGriff	Waters
Bucher	Harper	Meadows	Weissman
Bullard	Harrell	Mealor	Wiles
Byrd	Harrington	Melvin	Wilson
Cantens	Hart	Miller	Wishner
Carassas	Henriquez	Murman	

Nays—None

So the bill passed, as amended, and was certified to the Senate.

THE SPEAKER IN THE CHAIR

**HB 29**—A bill to be entitled An act relating to driving under the influence; amending s. 322.2616, F.S.; providing for the requirement that certain license suspensions shall remain in effect for a described time period; providing for the assumption of the costs for substance abuse education; providing a definition; providing for the admission of certain minors into county addictions receiving facilities under certain circumstances; clarifying the blood-alcohol and breath-alcohol level that is unlawful; providing for a temporary driving permit to become effective after a specified period has elapsed following the issuance of the permit; authorizing the use of a blood test obtained pursuant to certain other investigations to be used for the purposes of s. 322.2616, F.S.; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 109

Yeas—113

The Chair	Atwater	Bendross-Mindingall	Bowen
Alexander	Ausley	Bennett	Brown
Allen	Baker	Bense	Brummer
Andrews	Ball	Benson	Brutus
Argenziano	Barreiro	Berfield	Byrd
Arza	Baxley	Betancourt	Cantens
Attkisson	Bean	Bilirakis	Carassas

Clarke	Greenstein	Lerner	Ross
Crow	Haridopolos	Littlefield	Rubio
Cusack	Harper	Lynn	Russell
Davis	Harrell	Machek	Ryan
Detert	Harrington	Mack	Seiler
Diaz de la Portilla	Hart	Mahon	Simmons
Diaz-Balart	Henriquez	Mayfield	Siplin
Dockery	Hogan	Maygarden	Slosberg
Farkas	Holloway	McGriff	Smith
Fasano	Jennings	Meadows	Sobel
Fields	Johnson	Mealor	Sorensen
Fiorentino	Jordan	Melvin	Spratt
Flanagan	Joyner	Miller	Stansel
Frankel	Justice	Murman	Trovillion
Gannon	Kallinger	Needelman	Wallace
Garcia	Kendrick	Negron	Waters
Gardiner	Kilmer	Paul	Wiles
Gelber	Kosmas	Peterman	Wilson
Gibson	Kottkamp	Pickens	Wishner
Goodlette	Kravitz	Prieguez	
Gottlieb	Kyle	Rich	
Green	Lacasa	Romeo	

Nays—1

Heyman

Votes after roll call:  
Yeas—Bucher, Lee

So the bill passed and was certified to the Senate.

**HB 499**—A bill to be entitled An act relating to holidays; creating s. 683.25, F.S.; designating December 15 as “Bill of Rights Day”; providing for a proclamation by the Governor to that effect; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 110

Yeas—113

The Chair	Cantens	Hart	Meadows
Alexander	Carassas	Henriquez	Mealor
Allen	Clarke	Heyman	Melvin
Andrews	Crow	Hogan	Miller
Argenziano	Cusack	Holloway	Murman
Arza	Davis	Jennings	Needelman
Attkisson	Detert	Johnson	Negron
Atwater	Diaz de la Portilla	Jordan	Paul
Ausley	Diaz-Balart	Joyner	Peterman
Baker	Farkas	Justice	Pickens
Ball	Fasano	Kallinger	Prieguez
Barreiro	Fields	Kendrick	Rich
Baxley	Fiorentino	Kilmer	Richardson
Bean	Flanagan	Kosmas	Romeo
Bendross-Mindingall	Frankel	Kottkamp	Ross
Bennett	Gannon	Kravitz	Rubio
Bense	Garcia	Kyle	Russell
Benson	Gardiner	Lacasa	Ryan
Berfield	Gelber	Lerner	Seiler
Betancourt	Gibson	Littlefield	Simmons
Bilirakis	Goodlette	Lynn	Slosberg
Bowen	Gottlieb	Machek	Smith
Brown	Green	Mack	Sobel
Brummer	Greenstein	Mahon	Spratt
Brutus	Haridopolos	Mayfield	Stansel
Bullard	Harper	Maygarden	Trovillion
Byrd	Harrell	McGriff	Wallace



Waters                      Wiles                      Wilson                      Wishner  
Weissman

Nays—None

Votes after roll call:  
Yeas—Dockery

So the bill passed and was certified to the Senate.

**Continuation of Special Orders**

**Continuation of the Special Order Calendar**

**HB 1743**—A bill to be entitled An act relating to the elimination of the Juvenile Justice Advisory Board; repealing s. 985.401, F.S., which created the Juvenile Justice Advisory Board; amending ss. 20.316, 216.136, 985.227, 985.315, 985.317, and 985.404, F.S., to remove references to the Juvenile Justice Advisory Board; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1737**—A bill to be entitled An act relating to growth management; amending s. 163.3184, F.S.; clarifying language; providing for compilation and transmittal by a local government of a list of persons who will receive an informational statement concerning the state land planning agency’s notice of intent to find a comprehensive plan or plan amendment in compliance or not in compliance; providing for rules; revising requirements relating to publication by the agency of its notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; correcting a reference; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1735**—A bill to be entitled An act relating to economic development; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; providing an application deadline; revising provisions relating to the order authorizing a tax refund; specifying that nothing in said section creates a presumption that a claim will be approved and paid; providing applicability to tax refund agreements and claims for refund executed prior to the effective date of the act; revising the agencies with which the office may verify information and to which the office may provide information; amending s. 288.980, F.S.; providing that grants by the office to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically appropriated therefor; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1749**—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment of board members and officers, compensation of board members, the executive director, and employees, and financial disclosure by board members; providing for board meetings; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; providing for delegation of powers and responsibilities to the executive director; providing the board’s responsibilities regarding use of funds; providing requirements regarding employees’ compensation; amending s. 288.709, F.S.; removing references to board rulemaking; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and

increasing the number of black business enterprises in construction projects; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state’s operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming language; amending s. 288.714, F.S.; revising the persons to whom the board’s annual report is submitted; clarifying references to ss. 288.707-288.714, F.S., in said provisions; providing an effective date.

—was read the second time by title.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 314661)

**Amendment 1 (with title amendment)**—On page 3, line 13, remove from the bill:  
~~subject to confirmation by the Senate~~

and insert in lieu thereof:  
subject to confirmation by the Senate

And the title is amended as follows:

On page 1, line 7,  
remove from the title of the bill: board members and

Rep. Jennings moved the adoption of the amendment.

On motion by Rep. Jennings, further consideration of **Amendment 1** was temporarily postponed under Rule 11.10.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 453657)

**Amendment 2 (with title amendment)**—On page 4, lines 8-28, remove from the bill: all of said lines

and insert in lieu thereof:

*(e) The board shall meet at least four times each year, upon the call of the chairperson, the vice chairperson, or at the request of a majority of the membership. A majority of the total number of all members fixed by paragraphs (a) and (h) shall constitute a quorum. The board may take official action by a majority vote of the members present at any meeting at which a quorum is present.*

~~*(f)(e) Members of the board shall serve without compensation, but members, the executive director of the board, and other board employees may be reimbursed for all reasonable, necessary, and actual expenses as determined by the board shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.*~~

~~*(g)(f) Each member of the board who is not otherwise required to file financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 shall file full and public disclosure of financial interests pursuant to s. 112.3145 at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.*~~

*(h) Notwithstanding the provisions of paragraph (a), the board may by resolution appoint at-large members to the board from the private sector, each of whom may serve a 1-year term. At-large members shall have the powers and duties of other members of the board, except that they may not serve on an executive committee. An at-large member is eligible for reappointment but may not vote on his or her own reappointment.*

And the title is amended as follows:

On page 1, line 11, after “meetings;”

insert: authorizing the board to appoint at-large members;

Rep. Jennings moved the adoption of the amendment, which was adopted.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 212299)

**Amendment 3**—On page 5, lines 3 and 4, remove from the bill: all of said lines

and insert in lieu thereof:

*the board and shall serve at the pleasure of the board. The board shall establish and adjust the*

Rep. Jennings moved the adoption of the amendment, which was adopted.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 460533)

**Amendment 4**—On page 10, lines 4-6, remove from the bill: all of said lines

and insert in lieu thereof:

*to the board shall be as follows: no less than 50 percent of the state's investment by July 1, 2002; no less than 60 percent of the state's investment by July 1, 2003; no less than 70 percent of the state's investment by July 1, 2004; no less than 80 percent of the state's investment by July 1, 2005; and no less than 100 percent of the state's investment by July 1, 2006.*

Rep. Jennings moved the adoption of the amendment, which was adopted.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 683785)

**Amendment 5**—On page 10, lines 29 and 30, remove from the bill: all of said lines

and insert in lieu thereof:

*program sponsorship, copayments, stock, warrants, royalties, or other private resources dedicated to the board, low interest loans, participations, investment income, equity investments, and the economic impact of board investments and job creation and retention.*

Rep. Jennings moved the adoption of the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1745**—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.021, F.S.; revising definitions; amending s. 367.022, F.S.; revising an exemption from regulation for small water and wastewater utilities; amending ss. 367.045 and 367.111, F.S.; deleting requirement for descriptions of service areas in water and wastewater utility certificates of authorization; deleting requirements relating to application for amended certificates of authorization to reduce or extend a utility's existing service area; amending s. 367.121, F.S.; providing authority of the Public Service Commission to resolve territorial disputes involving water and wastewater utilities; providing considerations; amending s. 367.171, F.S.; authorizing counties to set rates and charges for certain exempt small water and wastewater utilities; providing applicability of specified administrative procedures; amending s. 288.0655, F.S.; correcting a cross reference; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1731**—A bill to be entitled An act relating to the transfer of criminal justice programs; amending ss. 938.01 and 943.25, F.S.,

relating to the Court Cost Clearing Trust Fund and criminal justice trust funds; preserving certain funding functions scheduled for repeal on July 1, 2001, relating to deposit of certain funds for use by the Department of Law Enforcement rather than the Department of Community Affairs; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services and providing matching funds for the administration of such program; providing for transfer of funds; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1733**—A bill to be entitled An act relating to the Department of Transportation; amending s. 341.302, F.S.; deleting provisions relating to the department's responsibility for the handling of hazardous materials under the statewide rail program; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

Consideration of **HB 1709** was temporarily postponed under Rule 11.10.

**HB 1707**—A bill to be entitled An act relating to energy management; amending s. 255.257, F.S.; removing provisions which direct the Department of Management Services to provide for an energy management plan for state agencies, and which require state agencies to submit certain energy data to the department; providing that the department may develop such a plan; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1717**—A bill to be entitled An act relating to the Division of Dairy Industry of the Department of Agriculture and Consumer Services; eliminating the Division of Dairy Industry; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy Industry and the qualifications and duties of the director of the Division of Dairy Industry; amending ss. 20.14, 570.18, and 570.29, F.S., to conform; amending s. 570.50, F.S.; including the powers and duties of the Division of Dairy Industry within the powers and duties assigned to the Division of Food Safety of the Department of Agriculture and Consumer Services; providing an effective date.

—was read the second time by title.

On motion by Rep. Dockery, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Dockery offered the following:

(Amendment Bar Code: 615193)

**Amendment 1 (with title amendment)**—On page 3, between lines 27 and 28, of the bill

insert:

Section 6. Subsection (1) of section 570.51, Florida Statutes, is amended to read:

570.51 Director; qualifications; duties.—

(1) The director of the Division of *Dairy and* Food Safety shall be appointed by the commissioner to serve at the commissioner's pleasure. and on page 2, lines 4 and 20, and on page 3, line 13 immediately before "Food Safety"

insert: *Dairy and*

And the title is amended as follows:

On page 1, line 15, after the semicolon

insert: amending s. 570.51, F.S., renaming the Division of Food Safety to the Division of Dairy and Food Safety;

Rep. Dockery moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

Consideration of **HB 1751** was temporarily postponed under Rule 11.10.

Consideration of **HB 1725** was temporarily postponed under Rule 11.10.

Consideration of **HB 1723** was temporarily postponed under Rule 11.10.

Consideration of **HB 1721** was temporarily postponed under Rule 11.10.

**HB 1825**—A bill to be entitled An act relating to Class C travel; amending s. 112.061, F.S.; eliminating allowances for meals for Class C travel; providing an effective date.

—was read the second time by title.

Representative(s) Dockery offered the following:

(Amendment Bar Code: 092889)

**Amendment 1 (with title amendment)**—On page 1, line 8 remove from the bill: everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsections (5) and (6) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.—For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(a) The travel day for Class A travel shall be a calendar day (midnight to midnight). The travel day for Class B travel shall begin at the same time as the travel period. For Class A and Class B travel, the traveler shall be reimbursed one-fourth of the authorized rate of per diem for each quarter, or fraction thereof, of the travel day included within the travel period. Class A and Class B travel shall include any assignment on official business outside of regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved.

(b) ~~A traveler shall not be reimbursed on a per diem basis for Class C travel, but shall receive subsistence as provided in this section, which allowance~~ Allowances for meals shall be based on the following schedule:

- 1. Breakfast—When travel begins before 6 a.m. and extends beyond 8 a.m.
- 2. Lunch—When travel begins before 12 noon and extends beyond 2 p.m.
- 3. Dinner—When travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.

No allowance shall be made for meals when travel is confined to the city or town of the official headquarters or immediate vicinity; except assignments of official business outside the traveler's regular place of employment if travel expenses are approved. ~~The Comptroller shall establish a schedule for processing Class C travel subsistence payments at least on a monthly basis.~~

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of reimbursement rates and methods of calculation, per

diem and subsistence allowances are divided into the following groups and rates:

(a) All travelers *while on Class A or Class B travel* shall be allowed for subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

- 1. Fifty dollars per diem; or
- 2. If actual expenses exceed \$50, the amounts permitted in paragraph (b) for meals, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills therefor.

When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this subsection.

(b) All travelers shall be allowed the following amounts for subsistence while on *Class A or Class B* ~~Class C~~ travel on official business as provided in paragraph (5)(b):

- 1. Breakfast . . . . . \$3
- 2. Lunch . . . . . \$6
- 3. Dinner . . . . . \$12

(c) No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

(d) *For Class C travel, a traveler shall not be reimbursed on a per diem basis nor shall the traveler receive subsistence allowance.*

Section 2. This act shall take effect July 1, 2001.

Rep. Dockery moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1821**—A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses; amending s. 121.35, F.S.; changing contribution rates for participants in the optional retirement program of the State University System; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing subsection (2) of s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; providing a finding of important state interest; providing an effective date.

—was read the second time by title.

Representative(s) Murman offered the following:

(Amendment Bar Code: 562937)

**Amendment 1 (with title amendment)**—On page 15, line 1 through page 15, line 24 remove from the bill: all of said lines

and insert in lieu thereof:

121.35 Optional retirement program for the State University System.—

(4) CONTRIBUTIONS.—

(a) *Through June 30, 2001*, each employer shall contribute on behalf of each participant in the optional retirement program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a regular member of the Florida Retirement System *defined benefit program*, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be

assigned to the Retiree Health Insurance Subsidy Trust Fund. *Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The department shall deduct, less an amount approved by the Legislature which shall be deducted by the department* to provide for the administration of this program. The payment of the contributions to the optional program which is required by this paragraph for each participant shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program. However, such contributions paid on behalf of an employee described in paragraph (3)(c) shall not be forwarded to a company and shall not begin to accrue interest until the employee has executed an annuity contract and notified the department.

Section 6. Paragraph (c) of subsection (2) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(2) OPTIONAL PARTICIPATION.—

(c) Employees of members of the Florida Community College System or charter technical career centers sponsored by members of the Florida Community College System, as designated in s. 240.3031, who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and in s. 240.3195 may elect, in lieu of participating in the Florida Retirement System, to withdraw from the Florida Retirement System altogether and participate in a lifetime monthly annuity program, to be known as the State Community College System Optional Retirement Program, which may be provided by the employing agency under s. 240.3195. Pursuant thereto:

1. *Through June 30, 2001, the cost to the employer for such annuity shall equal the normal cost portion of the employer retirement contribution which would be required if the employee were a member of the Regular Class defined benefit program, plus the portion of the contribution rate required by s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The employer shall deduct, and less an amount approved by the employer* to provide for the administration of the optional retirement program. The employer providing such annuity shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in such an optional retirement program shall be irrevocable for as long as the employee holds a position eligible for participation. Any service creditable under the Florida Retirement System shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Florida Retirement System shall not be earned while a member of the optional retirement program.

3. Participation in an optional annuity program shall be limited to those employees who satisfy the following eligibility criteria:

a. The employee must be otherwise eligible for membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12).

b. The employee must be employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management, if a community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and:

(A) The duties and responsibilities of the position include either the formulation, interpretation, or implementation of policies; or

(B) The duties and responsibilities of the position include the performance of functions that are unique or specialized within higher education and that frequently involve the support of the mission of the community college.

c. The employee must be employed in a position not included in the Senior Management Service Class of the Florida Retirement System, as described in s. 121.055.

4. Participants in the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions as are applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively.

5. Eligible community college employees shall be compulsory members of the Florida Retirement System until, pursuant to the procedures set forth in s. 240.3195, the first day of the next full calendar month following the filing of both a written election to withdraw and a completed application for an individual contract or certificate with the program administrator and receipt of such election by the division.

Section 7. Paragraph (d) of subsection (6) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(6)

(d) Contributions.—

1. *Through June 30, 2001, each employer shall contribute on behalf of each participant in the Senior Management Service Optional Annuity Program an amount equal to the normal cost portion of the employer retirement contribution which would be required if the participant were a Senior Management Service Class member of the Florida Retirement System defined benefit program, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 12.49 percent of the participant's gross monthly compensation. The department shall deduct, less an amount approved by the Legislature which shall be deducted by the department* to provide for the administration of this program. The payment of the contributions to the optional program which is required by this subparagraph for each participant shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program.

2. Each employer shall contribute on behalf of each participant in the Senior Management Service Optional Annuity Program an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Senior Management Service Class in the Florida Retirement System. This contribution shall be paid to the department for transfer to the Florida Retirement System Trust Fund.

3. An Optional Annuity Program Trust Fund shall be established in the State Treasury and administered by the department to make payments to provider companies on behalf of the optional annuity program participants, and to transfer the unfunded liability portion of the state optional annuity program contributions to the Florida Retirement System Trust Fund.

4. Contributions required for social security by each employer and each participant, in the amount required for social security coverage as now or hereafter may be provided by the federal Social Security Act shall be maintained for each participant in the Senior Management Service retirement program and shall be in addition to the retirement contributions specified in this paragraph.

5. Each participant in the Senior Management Service Optional Annuity Program may contribute by way of salary reduction or deduction a percentage amount of the participant's gross compensation not to exceed the percentage amount contributed by the employer to the optional annuity program. Payment of the participant's contributions shall be made by the employer to the department, which shall forward the contributions to the designated company or companies contracting for payment of benefits for the participant under the program.

Section 8. Paragraph (a) of subsection (4) of section 240.3195, Florida Statutes, is amended to read:

240.3195 State Community College System Optional Retirement Program.—Each community college may implement an optional retirement program, if such program is established therefor pursuant to s. 240.319(4)(r), under which annuity contracts providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual community college or by a consortium of community colleges.

(4)(a) *Through June 30, 2001*, each college must contribute on behalf of each program participant an amount equal to the normal cost portion of the employer retirement contribution which would be required if the program participant were a member of the Regular Class of the Florida Retirement System as provided in s. 121.071, plus the portion of the contribution rate required in s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund *Effective July 1, 2001, each college must contribute on behalf of each program participant an amount equal to 10.43 percent of the participant's gross monthly compensation. The college shall deduct, and less* an amount approved by the community college to provide for the administration of the optional retirement program. Payment of this contribution must be made either directly by the community college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(b) Each community college must contribute on behalf of each program participant an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required if the program participant were a member of the Regular Class of the Florida Retirement System. Payment of this contribution must be made directly by the college to the department for deposit in the Florida Retirement System Trust Fund.

(c) Each program participant who has executed an annuity contract may contribute by way of salary reduction or deduction a percentage of the program participant's gross compensation, but this percentage may not exceed the corresponding percentage contributed by the community college to the optional retirement program. Payment of this contribution may be made either directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(d) Contributions to an optional retirement program by a college or a program participant are in addition to, and have no effect upon, contributions required now or in future by the federal Social Security Act.

And the title is amended as follows:

On page 1, lines 6 through 9,  
remove from the title of the bill: all of said lines

and insert in lieu thereof: subclasses; amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative

Rep. Murman moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**Resolutions**

**HR 9027**—A resolution honoring the Phi Theta Kappa 2001 All-Florida Academic Team members.

WHEREAS, April 3, 2001, "Florida Phi Theta Kappa Day," is an appropriate time for the Legislature of the State of Florida to recognize and salute Phi Theta Kappa, the esteemed international honor society for community and junior colleges, and

WHEREAS, special commendations should be extended to the outstanding scholars who comprise the 2001 All-Florida Academic Team, a team of highly successful community college students assembled by the Florida Community College System, and

WHEREAS, 108 students from Florida's community colleges and one private institution were named to the 2001 All-Florida Academic Team, and

WHEREAS, based on the national ranking of these students in the All-USA Academic Team competition sponsored by USA Today and Phi Theta Kappa, which is recognized internationally, nationally, and in the State of Florida as the primary community college organization for the recognition of academic achievement, leadership, and service to the community, the following students comprise the 2001 All-Florida Academic First and Second Teams:

**FIRST TEAM**

- Amirah Ackbarali, Broward Community College
- Diane Arcuri, Broward Community College
- Tasha Benavente, Florida Community College at Jacksonville
- Andrea Bruner, Chipola Junior College
- Bruce Carl, Pasco-Hernando Community College
- Andrew Cosgreave, Broward Community College
- Martha Daniels, Miami-Dade Community College
- Roberto DeGaetano, Florida Community College at Jacksonville
- Charles Douglas, St. Johns River Community College
- Graham Dykes, St. Petersburg Junior College
- Carolyn Easter, Broward Community College
- Jennifer Hawes, Seminole Community College
- Kelly Hendry, Broward Community College
- Donna Jessup, Miami-Dade Community College
- Yader Lanuza, Miami-Dade Community College
- Benjamin Lee, Lake-Sumter Community College
- Kristal Marchong, Miami-Dade Community College
- Glenmuir Minto, Palm Beach Community College
- Heather Oliver, Valencia Community College
- Sandra D. Prather, Pensacola Junior College
- James Rudkin, Florida Keys Community College
- Amber Simmons, Polk Community College
- Billie Stoddard, Pasco-Hernando Community College
- Catherine Washburn, Palm Beach Community College
- Trina Wortham, Miami-Dade Community College

**SECOND TEAM**

- Daniel Atherton, Florida College

David Bailey, Brevard Community College  
 Lee Ellen Bartlett, Palm Beach Community College  
 Jeremy Bent, Brevard Community College  
 Carl Bergstrom, Florida Keys Community College  
 Paula Blake, Indian River Community College  
 Apryl Bronley, St. Petersburg Junior College  
 Lara Burnett, Okaloosa-Walton Community College  
 Nina Buye, Edison Community College  
 Crystal Carpenter, Gulf Coast Community College  
 Jacqueline Cavolina-Macholeth, Pasco-Hernando Community College  
 Daphne Crawford, Broward Community College  
 Sharon Crumb, Hillsborough Community College  
 Lori Davis, South Florida Community College  
 Mahtab Dehghani, Florida Community College at Jacksonville  
 Shannon DeLucia, Tallahassee Community College  
 Joshua Dickey, Florida College  
 Jessica DiGirolamo, Broward Community College  
 Donna Dudash, Valencia Community College  
 Michelle Fanslau, Edison Community College  
 Pamela Fitzpatrick, Pasco-Hernando Community College  
 James Fleury, Jr., Manatee Community College  
 Sharon Greer, Daytona Beach Community College  
 Gregory Grooms, Santa Fe Community College  
 Steven Hall, Chipola Junior College  
 Tina Hamilton, Miami-Dade Community College  
 Monique Handa, St. Petersburg Junior College  
 Arrietta Hannan, Brevard Community College  
 Jennifer Harasz, Edison Community College  
 John Hays, Gulf Coast Community College  
 Forrest Hill, Hillsborough Community College  
 Victoria Hitchcock, Lake-Sumter Community College  
 Julie Hurst, St. Johns River Community College  
 Arlene Iovinella, Hillsborough Community College  
 Paula Johnson, St. Petersburg Junior College  
 Lana Jones, Daytona Beach Community College  
 Wilkes Kemp, Jr., Miami-Dade Community College  
 Kelly K. King, Manatee Community College  
 Joshua Kinnard, Hillsborough Community College  
 John Kunzer, Daytona Beach Community College  
 Anita Lanagan, Palm Beach Community College  
 Angela Manginelli, Palm Beach Community College  
 Janie Mata, Palm Beach Community College  
 Leah Mathis, Palm Beach Community College

Rosalie Matthews, Lake-Sumter Community College  
 Aimee McGough, Valencia Community College  
 Angela Menoher, Santa Fe Community College  
 Susan Noell, Lake-Sumter Community College  
 Maryann Owen, Brevard Community College  
 Joyce Pabst, St. Petersburg Junior College  
 Peter Palmer, St. Petersburg Junior College  
 Stavros Papandreou, Hillsborough Community College  
 Khristan Parker, St. Johns River Community College  
 Sean Patronis, Tallahassee Community College  
 Michelle Pinciotti, St. Petersburg Junior College  
 Tracey Pinto, Manatee Community College  
 Nina Powell, Palm Beach Community College  
 Nicole Reyneveld, North Florida Community College  
 Lauree L. Ridaught, Pensacola Junior College  
 Sarah Robinson, Hillsborough Community College  
 Patrick Rodgers, Pasco-Hernando Community College  
 Cheryl Rynn, St. Johns River Community College  
 Jessica Schonefeld, Valencia Community College  
 Damion Scott, Polk Community College  
 Larry D. Simmons, Pensacola Junior College  
 Lisa Stephenson, St. Petersburg Junior College  
 Kelly Stinson, Manatee Community College  
 Abed Suleiman, Miami-Dade Community College  
 Jonathon Sutton, Okaloosa-Walton Community College  
 Wesley Swett, Edison Community College  
 Mary Szmytkowski, Pasco-Hernando Community College  
 Samantha Taylor, Valencia Community College  
 James Threadgill, Seminole Community College  
 Robin Todd, Hillsborough Community College  
 Laura Tomashek, Lake-Sumter Community College  
 Yoendry Torres, Miami-Dade Community College  
 Johann Weekes, Indian River Community College  
 Michele Weir, Central Florida Community College  
 Terri Wells, South Florida Community College  
 Esteban White, Miami-Dade Community College  
 June L. Wills, Pensacola Junior College  
 Amanda Winkler, Central Florida Community College  
 Veronica Zorn, Hillsborough Community College

WHEREAS, each member of the 2001 All-Florida Academic Team has demonstrated impressive intellect, outstanding leadership, and a determination to achieve academic excellence, and

WHEREAS, the praiseworthy and devoted efforts of the members of Phi Theta Kappa's All-Florida Academic Team have earned for them and their academic institutions the respect and admiration of the House

of Representatives of the State of Florida and of the citizenry of this state, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives hereby honors and congratulates Phi Theta Kappa, the Florida Community College System, and the members of the 2001 All-Florida Academic Team and commends the team members' outstanding competitive spirit as evidenced by their accomplishments.

—was read the second time by title. On motion by Rep. Justice, the resolution was adopted.

By Representative Rich—

**HR 9039**—A resolution recognizing April 2001 as Child Abuse Prevention Month.

WHEREAS, 85,644 children in Florida were identified as having been abused or neglected in reports closed during fiscal year 1999-2000, and

WHEREAS, in 1998, 82 children died as the result of a verified finding of abuse or neglect and an additional 39 deaths showed some indication of abuse or neglect, and

WHEREAS, child abuse and neglect causes significant trauma to the abused child, and to society, inflicting upon children serious illness and injury resulting in physical, intellectual, and emotional impairment, or death, and

WHEREAS, abused or neglected children are at much greater risk of becoming abusive or neglectful parents, and

WHEREAS, prevention and early intervention can reduce the costs society must bear in dealing with the results of child abuse and neglect and can help children and families avoid the overburdened and expensive social welfare and criminal justice systems, and

WHEREAS, children deserve the opportunity to grow and thrive in healthful environments, free from threats of violence and harm, and

WHEREAS, during the month of April, public and private agencies, child care professionals, child advocates, and residents will be increasing the public's awareness of child abuse and neglect prevention, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That April 2001 is hereby recognized as Child Abuse Prevention Month.

—was read the first time by title and the second time by title. On motion by Rep. Rich, the resolution was adopted.

## Messages from the Senate

### First Reading by Publication

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 232 and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Criminal Justice and Senator Brown-Waite—

**CS for SB 232**—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding materials, compounds, mixtures, or preparations containing certain limited quantities of hydrocodone to the substances listed under Schedule III as controlled substances; providing direction on which law appertains to the weighing of hydrocodone for the purpose of charging trafficking in hydrocodone; amending s. 893.135, F.S.; providing penalties for trafficking in certain mixtures containing hydrocodone; clarifying legislative intent regarding the weighing of a mixture or mixtures containing certain controlled substances; providing findings regarding judicial constructions of

legislative intent; reenacting s. 893.02(14), F.S., relating to a definition of mixtures, to incorporate the amendment in s. 893.135, F.S., in reference thereto; amending s. 948.01, F.S.; authorizing drug offender probation only for those offenders being sentenced for certain drug possession offenses or drug purchase offenses; reenacting s. 921.0022(3)(b), (c), and (e), F.S., relating to the offense severity ranking chart in the Criminal Punishment Code, to incorporate the amendment in s. 893.03, F.S., in references thereto; providing an effective date.

Referred to the Calendar of the House.

### Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 1:00 p.m., Wednesday, April 4. The motion was agreed to.

### Recorded Votes

Rep. Crow:

Nays—Prefile Amendment 83 to HB 1807

Rep. Mahon:

Nays—Prefile Amendment 80 to HB 1807

Rep. Rich:

Change from Yeas to Nays—HB 1809

### Prime Sponsors

HB 317—Weissman  
HB 1189—Murman  
HB 1237—Weissman  
HB 1629—Allen

### Cosponsors

HB 47—Waters  
CS/HB 79—Romeo  
HB 159—Slosberg  
CS/HB 215—Brutus  
HB 235—Kravitz  
CS/HB 275—Brutus  
CS/HB 331—Sobel  
HB 369—Lynn  
HB 483—Rich  
HB 489—Bendross-Mindingall, Bullard, Peterman, Richardson, Wilson  
HB 687—Rich  
HB 703—Diaz de la Portilla  
HB 991—Kilmer  
HB 1005—Goodlette  
HB 1031—Ritter  
HB 1225—Benson, Meadows  
HB 1237—Gottlieb, Jennings, Rich, Ryan, Seiler, Smith  
HB 1371—Kravitz  
HB 1411—Detert  
HB 1439—Hogan, Mahon, Mayfield, Slosberg  
HJR 1451—Paul  
HB 1511—Henriquez, Heyman, Maygarden  
HB 1591—Sobel  
HB 1615—Attkisson  
HB 1643—Bennett

### Introduction and Reference

By Representative Goodlette—

**HB 1859**—A bill to be entitled An act relating to Collier County; amending ch. 67-1246, Laws of Florida; amending the scope of the act to authorize a county hearing examiner program; amending definitions; amending the functions, powers, and duties of the planning

commissions; amending provisions relating to supplementing and amending the zoning ordinance; amending the powers and duties of the board of zoning appeals; amending provisions relating to appeal from a decision of an administrative official; providing the procedure for establishing a county hearing examiner program; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs.

By the Committee on Elder & Long-Term Care; Representative Green—

**HB 1861**—A bill to be entitled An act relating to trust funds; creating the Quality of Long-Term Care Facility Improvement Trust Fund within the Agency for Health Care Administration; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Health Regulation; Representatives Farkas and Argenziano—

**HB 1863**—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; providing for regulation by the Department of Health of maintenance entities for performance-based treatment systems and aerobic treatment unit systems; requiring such systems to contract with a permitted maintenance entity; providing duties of such entities; providing for biennial operating permits for aerobic treatment units; revising duties of the department; amending s. 381.0066, F.S.; reducing the operating permit fee for aerobic treatment units and providing operating permit and maintenance entity permit fees for performance-based treatment systems; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Judicial Oversight; Representative Crow—

**HB 1865**—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for appointment by the Governor; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Melvin—

**HB 4011**—A bill to be entitled An act relating to the Department of Corrections; amending s. 20.315, F.S.; abolishing the Florida Corrections Commission; amending s. 944.8041, F.S., to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Agriculture & Consumer Affairs; Representative Spratt—

**HB 4013**—A bill to be entitled An act relating to organic farming and food; repealing ss. 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, and 504.36, F.S.; eliminating the Florida Organic Farming and Food Law; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

**HR 9039**—Adopted earlier today

**HR 9041**—Adopted earlier today

By Representative Clarke—

**HR 9043**—A resolution recognizing April 2-8, 2001, as “Oceans Week” and April 4, 2001, as “Oceans Day.”

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Baxley—

**HR 9045**—A resolution acknowledging May 3, 2001, as the National Day of Prayer in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

#### Reference

**HB 1801**—Referred to the Committee on Education Appropriations; and Council for Lifelong Learning.

**HB 1803**—Referred to the Committee on Judicial Oversight; and Council for Competitive Commerce.

**HB 1805**—Referred to the Committee on State Administration; and Council for Competitive Commerce.

#### First Reading of Council and Committee Substitutes by Publication

By the Council for Smarter Government; Representatives Heyman, Cantens, Fields, Crow, and Slosberg—

**CS/HB 5**—A bill to be entitled An act relating to retired judges; amending s. 25.073, F.S.; redefining the term “retired justice” or “retired judge” with respect to certain justices or judges assigned to temporary duty; providing an effective date.

By the Council for Smarter Government; Representatives Wallace, Cantens, and Byrd—

**CS/HB 73**—A bill to be entitled An act relating to state government; creating the “Florida Customer Service Standards Act”; providing definitions; specifying measures that state departments are directed to implement with respect to interaction with their customers; providing requirements regarding operating hours; providing that failure to comply with the act does not constitute a cause of action; providing exceptions; providing an effective date.

By the Committee on Transportation; Representatives Harrington, Henriquez, Bean, and Wiles—

**CS/HB 93**—A bill to be entitled An act relating to road and bridge designations; redesignating the old Nassau Sound Bridge in Nassau and Duval Counties as the “George Crady Bridge”; designating a portion of U.S. Highway 17 as the “Doyle Parker Memorial Highway”; designating a portion of State Road 77 as the “Lynn Haven Parkway”; designating a portion of State Road 87 as the “Bennett C. Russell Florida/Alabama Parkway”; designating the new U.S. Highway 27 bridge in Moore Haven as the “Mamie Langdale Memorial Bridge”; designating a portion of Highway 41 in White Springs as the “Martin Luther King, Jr., Memorial Highway”; designating a portion of Interstate 75 as the “Purple Heart Highway”; designating a portion of State Road 944 as “Jean-Jacques Dessalines Boulevard” in Miami-Dade County; designating a portion of U.S. Highway 17 as the “Jerome A. Williams Memorial Highway”; designating a portion of State Road 25 as “Borinquen Boulevard” in Miami-Dade County; designating Highway 417 in Seminole County as the “Korean War Veterans Memorial Highway”; designating a portion of State Road 100 as the “Veterans Memorial Highway”; directing the Department of Transportation to erect suitable markers; providing an effective date.

By the Council for Smarter Government; Representatives Trovillion, Cantens, Harrington, Miller, Gardiner, Henriquez, Gottlieb, Greenstein, Ritter, Kallinger, Brown, Bennett, Benson, and Ross—

**CS/HB 113**—A bill to be entitled An act relating to construction; amending s. 218.72, F.S.; redefining the terms “proper invoice,” “local



government entity," "purchase," and "construction services" and defining the terms "payment request" and "agent" for the purpose of the Florida Prompt Payment Act; amending s. 218.73, F.S.; providing for timely payment for nonconstruction services; amending s. 218.735, F.S.; revising language with respect to timely payment for purchases of construction services; amending s. 218.74, F.S.; revising language with respect to procedures for calculation of payment due dates; amending s. 218.75, F.S.; revising language with respect to mandatory interest; amending s. 218.76, F.S.; revising language with respect to improper invoices and resolution of disputes; providing for the recovery of court costs and attorney's fees under certain circumstances; providing an effective date.

By the Council for Healthy Communities; Representatives Ball, Cantens, Weissman, Arza, and Paul—

**CS/HB 147**—A bill to be entitled An act relating to DNA evidence; providing for the examination of DNA evidence collected at the time a crime is investigated; providing a procedure under which a defendant who has been found guilty or who has pled guilty or nolo contendere may petition the trial court to order an examination of DNA evidence; specifying requirements for a motion to examine DNA evidence; requiring that the court make certain findings; providing that a defendant waives any objection to the introduction of DNA test results in any future proceeding; providing for the defendant to appeal an order denying a motion to examine DNA evidence; providing certain time limitations; providing an effective date.

By the Committee on Transportation; Representative Bullard—

**CS/HB 257**—A bill to be entitled An act relating to road designations; designating "Steven Cranman Boulevard" and "Ethel Beckford Boulevard" in Miami-Dade County; designating "Phicol Williams Boulevard" in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

By the Council for Ready Infrastructure; Representatives Fasano and Fiorentino—

**CS/HB 589**—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

By the Committee on Elder & Long-Term Care; Representatives Gibson, Kravitz, Byrd, and Mahon—

**CS/HB 605**—A bill to be entitled An act relating to health care facilities; creating the Florida Alzheimer's Training Act; amending s. 400.4178, F.S.; revising training standards for employees of assisted living facilities that provide care for residents with Alzheimer's disease or related disorders; creating ss. 400.1755, 400.4786, 400.55715, and 400.626, F.S.; prescribing training standards for employees of nursing homes, home health agencies, adult day care centers, and adult family-care homes, respectively, that provide care for persons with Alzheimer's disease or related disorders; providing for training fees; prescribing duties of the Department of Elderly Affairs; directing the department to convene a working group to develop training guidelines; providing for membership; providing for compliance with guidelines within a certain time period; providing an effective date.

By the Committee on Utilities & Telecommunications; Representatives Romeo, Gannon, Bucher, Sobel, Lerner, McGriff, Greenstein, Gelber, Weissman, Cusack, Peterman, Betancourt, Joyner, Macheck, Hogan, Kendrick, Heyman, Ritter, and Rich—

**CS/HB 687**—A bill to be entitled An act relating to medically essential electric public utility service; creating s. 366.15, F.S.; providing

a definition; requiring electric public utilities to provide medically essential service under specified circumstances; providing procedures for certification of medically essential utility service; authorizing utilities to disconnect service under certain circumstances; providing for notice to customers; providing for payment for service; providing for monitoring of customers; providing responsibilities for customers; providing for the identification of sources for funding purposes; providing an effective date.

By the Committee on Insurance; Representative Brown—

**CS/HB 747**—A bill to be entitled An act relating to credit insurance; amending s. 626.321, F.S.; authorizing the issuance of credit life insurance licenses to lending or financial institutions or creditors and authorizing such licensees to sell credit insurance; deleting certain license requirements for institutions with multiple offices; amending s. 627.679, F.S.; requiring certain disclosures to credit life insurance purchasers regarding the cancellation of such coverage; providing an effective date.

By the Committee on Elder & Long-Term Care; Representative Hogan—

**CS/HB 793**—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.101, F.S.; defining the term "position of trust and confidence"; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; providing an effective date.

By the Committee on Natural Resources & Environmental Protection; Representatives Kottkamp, Allen, Seiler, and Harrington—

**CS/HM 1177**—A memorial to the Congress of the United States, urging Congress to allow the citizens of Florida open access to the waterways of Florida.

By the Committee on General Education; Representatives Arza, Atwater, Rubio, Paul, Melvin, Pickens, Baxley, Alexander, Diaz de la Portilla, Kallinger, and Fiorentino—

**CS/HB 1193**—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; revising the definition of "other instructional staff" to include adjunct educators; amending s. 230.23, F.S.; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers and administrators; providing criteria for policies and procedures; charging the superintendent of schools with knowledge of such policies and procedures; specifying conditions for penalty against superintendent; authorizing the temporary suspension of a teaching certificateholder pending the completion of proceedings in order to protect the health, safety, and welfare of students; correcting cross references to conform; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board, subject to applicable collective bargaining requirements, to recognize and accept years of satisfactory performance for purposes of pay and retirement; providing an exemption; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and

retention, and identify best practices for retaining high-quality teachers; deleting requirements that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for attracting teachers to Florida; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; correcting a cross reference; amending ss. 230.2305, 231.045, 231.1725, 231.471, and 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; providing an effective date.

## Reports of Councils and Standing Committees

### Council Reports

#### Received April 3:

The Council for Healthy Communities recommends the following pass:

HB 25  
CS/HB 331  
CS/HB 339  
CS/HB 437  
HB 593  
HB 811  
HB 1395  
HB 1401, with 7 amendments

#### The above bills were placed on the Calendar.

The Council for Smarter Government recommends the following pass:

HB 7  
CS/HB 19, with 3 amendments  
CS/HJR 295, with 2 amendments  
HB 351  
HB 441  
HB 545, with 1 amendment  
CS/HB 573, with 3 amendments  
HB 595, with 2 amendments  
HB 601  
HB 731  
HB 791, with 1 amendment  
HB 805, with 1 amendment  
HB 989  
HM 1161

#### The above bills were placed on the Calendar.

The Council for Healthy Communities recommends a council substitute for the following:

HB 147

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 147 was laid on the table.**

The Council for Ready Infrastructure recommends a council substitute for the following:

HB 589

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 589 was laid on the table.**

The Council for Smarter Government recommends council substitutes for the following:

HB 5  
HB 73  
HB 113

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 5, 73, and 113 were laid on the table.**

### Committee Reports

#### Received April 3:

The Committee on Education Innovation recommends the following pass:

HB 1159, with 1 amendment

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on Claims recommends the following pass:

HB 509  
HB 607, with 3 amendments  
HB 739, with 1 amendment  
HB 925  
HB 1061

**The above bills were referred to the Procedural & Redistricting Council.**

The Committee on Colleges & Universities recommends the following pass:

CS/HB 541

**The above bill was referred to the Council for Smarter Government.**

The Committee on Natural Resources & Environmental Protection recommends a committee substitute for the following:

HM 1177

**The above committee substitute was referred to the Council for Ready Infrastructure, subject to review under Rule 6.3, and, under the rule, HM 1177 was laid on the table.**

The Committee on Transportation recommends committee substitutes for the following:

HB 93  
HB 257

**The above committee substitutes were referred to the Council for Ready Infrastructure, subject to review under Rule 6.3, and, under the rule, HBs 93 and 257 were laid on the table.**

The Committee on Colleges & Universities recommends the following pass:

HB 1511  
HB 1547, with 1 amendment

**The above bills were referred to the Committee on Education Appropriations.**

The Committee on Education Innovation recommends the following pass:

HB 1259

**The above bill was referred to the Committee on Education Appropriations.**

The Committee on Workforce & Technical Skills recommends the following pass:

HB 313, with 1 amendment  
HB 1047  
HB 1467, with 1 amendment

**The above bills were referred to the Committee on Education Appropriations.**

The Committee on Claims recommends the following pass:

HB 57

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Workforce & Technical Skills recommends the following pass:

HB 423, with 1 amendment

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on State Administration recommends the following pass:

HB 1419, with 1 amendment

**The above bill was referred to the Committee on Transportation & Economic Development Appropriations.**

The Committee on Elder & Long-Term Care recommends a committee substitute for the following:

HB 605

**The above committee substitute was referred to the Committee on Health & Human Services Appropriations, subject to review under Rule 6.3, and, under the rule, HB 605 was laid on the table.**

The Committee on State Administration recommends the following pass:

HB 1217

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Colleges & Universities recommends the following pass:

HB 1129, with 1 amendment

**The above bill was referred to the Committee on Health Regulation.**

The Committee on Insurance recommends a committee substitute for the following:

HB 747

**The above committee substitute was referred to the Committee on Banking, subject to review under Rule 6.3, and, under the rule, HB 747 was laid on the table.**

The Committee on Utilities & Telecommunications recommends a committee substitute for the following:

HB 687

**The above committee substitute was referred to the Committee on Health Promotion, subject to review under Rule 6.3, and, under the rule, HB 687 was laid on the table.**

The Committee on Elder & Long-Term Care recommends a committee substitute for the following:

HB 793

**The above committee substitute was referred to the Committee on Judicial Oversight, subject to review under Rule 6.3, and, under the rule, HB 793 was laid on the table.**

The Committee on General Education recommends a committee substitute for the following:

HB 1193

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 1193 was laid on the table.**

**Excused**

Rep. Ritter

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 1:33 p.m., to reconvene at 1:00 p.m., Wednesday, April 4.

**Pages and Messengers  
for the week of  
April 2-6**

PAGES—Kristin A. Coley, Marianna; Jacquelyn DePope, Orange City; Daniel Garcia, Lutz; Peter Goicouria, Miami; Jaime Gonzalez, Coral Springs; Joshua Lee, Miami Beach; Caroline Pararo, Tallahassee; Erica N. Peterson, Palmetto; Susan Raddatz, Key Biscayne; Ryan Ruditz, Tallahassee; Angelika C. Siplin, Miami; Hannah Kay Vann, Mayo; Scott D. Whitfield, Colquitt, GA.

MESSENGERS—John William Annesser, Miami; Edwina Bullard, Miami; Laura Coburn, Tallahassee; Brittany S. Crawford,

Tallahassee; David Croom, Miramar; Priscilla E. Gilbert, Miami; Lauren Graham, Sarasota; Justin Grotteland, Titusville; Timothy Michael Hodgins, Monticello; Whitney Johnson-Rule, Tallahassee; Katherine Kamback, Lake City; Amanda Leaders, Tampa; T. C. Moss, Tallahassee; Deldra M. Owens, Miami; Betsy Pittman, Quincy; Hunter Pittman, Quincy; Shannon Leigh Price, Fernandina Beach; Danielle Young Rudy, Pinecrest; Ariel Jeanne-Marie Thomas-McLeod, Mount Dora; Kelly A. Travis, Altamonte Springs.



# The Journal OF THE House of Representatives

Number 11

Wednesday, April 4, 2001

The House was called to order by the Speaker at 1:00 p.m.

## Prayer

The following prayer was offered by the Reverend Ralph Wrightstone of Carrabelle United Methodist Church of Carrabelle, upon invitation of Rep. Kendrick:

Almighty God, we come to You this day seeking Your wisdom and Your grace for our brothers and sisters who have gathered today in this House of the Florida State Representatives. These are Your people who are Your servants and are called representing the people of Florida, who elected them for the work of government in this great state of Florida.

And Father, we also gather from all faith backgrounds, both men and women from different cultures, but with commonality, seeking wisdom and grace as we seek to work together for the good of the people that they represent for the purpose of making laws, budgets, and other administrative duties that they have been elected and given authority to do for the good of the people.

O God, we pray for harmony in all debates and discussions. Even when we disagree on issues, Father, we pray for an attitude of knowing that all things do work together for good for those who trust You. And Lord, let us reflect on the statement that our forefathers put on the state seal of this great state, "In God We Trust."

O God, grant us the courage to put our trust into You today. And we pray for wisdom and discernment for the people who have gathered here today that even when they disagree, they can do so with an attitude to agree to disagree while respecting each other's rights to have thoughts, ideas and opinions.

I pray in the spirit of the living God, a prayer of agreement with my brothers and sisters today that Your will be done in this session today and for the days to come. As it is proclaimed in Your word, then if My people who are called by My name will humble themselves and pray and seek My face and turn from their wicked ways, I, the Lord, will hear from heaven and will listen to every prayer made in this place. For I, being God, have chosen this place and set it apart for the purpose it is being used for. My eyes and My heart will always be here.

Father, we thank You for hearing our prayer today and pray that You will open our ears that we may hear You today in this place as we proceed with the business of the people of Florida.

O Lord, hear our prayers. And I, as a Christian minister, lift this prayer up in the name of Jesus Christ, my Lord and Savior. Amen.

The following Members were recorded present:

Session Vote Sequence: 111

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Ausley	Diaz-Balart	Jordan	Paul
Baker	Dockery	Joyner	Peterman
Ball	Farkas	Justice	Pickens
Barreiro	Fasano	Kallinger	Prieguez
Baxley	Fields	Kendrick	Rich
Bean	Fiorentino	Kilmer	Richardson
Bendross-Mindingall	Flanagan	Kosmas	Ritter
Bennett	Frankel	Kottkamp	Romeo
Bense	Gannon	Kravitz	Ross
Benson	Garcia	Kyle	Rubio
Berfield	Gardiner	Lacasa	Russell
Betancourt	Gelber	Lee	Ryan
Bilirakis	Gibson	Lerner	Seiler
Bowen	Goodlette	Littlefield	Simmons
Brown	Gottlieb	Lynn	Siplin
Brummer	Green	Machek	Slosberg
Brutus	Greenstein	Mack	Smith
Bucher	Haridopolos	Mahon	Sobel
Bullard	Harper	Mayfield	Sorensen
Byrd	Harrell	Maygarden	Spratt
Cantens	Harrington	McGriff	Stansel
Carassas	Hart	Meadows	Wallace
Clarke	Henriquez	Mealor	Waters
Crow	Heyman	Melvin	Weissman
Cusack	Hogan	Miller	Wiles
Davis	Holloway	Murman	Wilson
Detert	Jennings	Needelman	Wishner
Diaz de la Portilla	Johnson	Negron	

A quorum was present.

## Pledge

The Members, led by Daniel Garcia of Lutz, Erica N. Peterson of Palmetto, Susan Raddatz of Key Biscayne, Ryan Ruditz of Tallahassee, Angelika C. Siplin of Miami, Hannah Kay Vann of Mayo, and Scott D. Whitfield of Colquitt, Georgia, pledged allegiance to the Flag. Daniel Garcia served at the invitation of Rep. Romeo. Erica N. Peterson served at the invitation of Rep. Peterman. Susan Raddatz served at the invitation of Rep. Barreiro. Ryan Ruditz served at the invitation of Rep. Murman. Angelika C. Siplin served at the invitation of her father, Rep. Siplin. Hannah Kay Vann served at the invitation of Rep. Stansel. Scott D. Whitfield served at the invitation of Rep. Baxley.

## House Physician

The Speaker introduced Dr. Robert G. Blackburn of Spring Hill, who served in the Clinic today upon invitation of Rep. Russell.

**Correction of the Journal**

The *Journal* of April 3 was corrected and approved as corrected.

**Messages from the Senate**

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate requests the return of CS for SB 238.

*Faye W. Blanton, Secretary*

**CS for SB 238**—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting imposition of the sentence of death if the court determines that the defendant has mental retardation; requiring that a defendant notify the court of an intention to raise mental retardation as a bar to the sentence of death; providing requirements for the court in determining whether the defendant has mental retardation; providing that the sentence of death may not be imposed unless the court finds by clear and convincing evidence that the defendant has mental retardation; requiring notice to the defendant if the state requests a sentence of death, notwithstanding the jury’s recommendation for life imprisonment; authorizing the state to appeal a determination of mental retardation; providing for application of the act; providing an effective date.

On motion by Rep. Goodlette, the House acceded to the request of the Senate and returned **CS for SB 238**.

**Reports of Councils and Standing Committees**

**Report of the Procedural & Redistricting Council**

*The Honorable Tom Feeney  
Speaker, House of Representatives*

April 2, 2001

*Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits as Special Orders for Wednesday, April 4, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):
  - HB 695—Sentencing/Criminal Street Gangs
  - HB 1003—Nursing Homes/Vaccinations
  - HB 353—Mortgage Guaranty Insurance
  - CS/HB 203—Child Pornography
  - CS/HB 1—Schools/Construction Projects
  - HJR 951—Excessive Punishment
  - HB 1705—Death Sentence/Age Requirement
  - HB 45—Alcoholic Beverage Surcharges
  - CS/CS/HB 107—Unclaimed Property
  - HB 449—Civil Actions/Firearms & Ammunition
  - HB 145—Enterprise Zone/Sarasota County
  - CS/HB 497—Homicide of an Unborn Child
  - HB 69—Drugs/Generic & Brand-Name
  - HB 953—Burglary
  - HB 1747—Controlled Substances/Hydrocodone
  - HB 469—Enrique Valledor Way
  - CS/HJR 471—County Home Rule Charter

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

On motion by Rep. Goodlette, the rules were waived and **HR 9023, HR 9043, HR 9047, HR 9049, and HR 9051** were added to the Special Order Calendar.

On motion by Rep. Goodlette, the above report was adopted, as amended.

**Bills and Joint Resolutions on Third Reading**

On motion by Rep. Sorensen, consideration of **CS/HB 77** was temporarily postponed under Rule 11.10.

**HB 1743**—A bill to be entitled An act relating to the elimination of the Juvenile Justice Advisory Board; repealing s. 985.401, F.S., which created the Juvenile Justice Advisory Board; amending ss. 20.316, 216.136, 985.227, 985.315, 985.317, and 985.404, F.S., to remove references to the Juvenile Justice Advisory Board; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 112

Yeas—110

The Chair	Clarke	Heyman	Murman
Allen	Crow	Hogan	Needelman
Andrews	Cusack	Holloway	Negron
Argenziano	Davis	Jennings	Paul
Arza	Detert	Johnson	Peterman
Attkisson	Diaz de la Portilla	Jordan	Pickens
Atwater	Diaz-Balart	Joyner	Prieguez
Ausley	Dockery	Justice	Rich
Baker	Farkas	Kallinger	Richardson
Ball	Fasano	Kendrick	Ritter
Barreiro	Fields	Kilmer	Romeo
Baxley	Fiorentino	Kosmas	Ross
Bean	Flanagan	Kottkamp	Rubio
Bendross-Mindingall	Frankel	Kravitz	Russell
Bennett	Gannon	Kyle	Ryan
Bense	Garcia	Lacasa	Seiler
Benson	Gardiner	Lerner	Simmons
Berfield	Gelber	Littlefield	Siplin
Betancourt	Gibson	Lynn	Slosberg
Bilirakis	Goodlette	Machek	Smith
Bowen	Green	Mack	Sorensen
Brown	Greenstein	Mahon	Stansel
Brummer	Haridopolos	Mayfield	Wallace
Bucher	Harper	Maygarden	Weissman
Bullard	Harrell	McGriff	Wiles
Byrd	Harrington	Mealor	Wishner
Cantens	Hart	Melvin	
Carassas	Henriquez	Miller	

Nays—None

Votes after roll call:

Yeas—Gottlieb, Sobel, Spratt, Waters, Wilson

So the bill passed and was certified to the Senate.

**REPRESENTATIVE BALL IN THE CHAIR**

**HB 1737**—A bill to be entitled An act relating to growth management; amending s. 163.3184, F.S.; clarifying language; providing for compilation and transmittal by a local government of a list of persons who will receive an informational statement concerning the state land planning agency’s notice of intent to find a comprehensive plan or plan amendment in compliance or not in compliance; providing for rules; revising requirements relating to publication by the agency of its notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; correcting a reference; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 113

Yeas—114

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Ausley	Diaz-Balart	Jordan	Paul
Baker	Dockery	Joyner	Peterman
Barreiro	Farkas	Justice	Pickens
Baxley	Fasano	Kallinger	Prieguez
Bean	Fields	Kilmer	Rich
Bendross-Mindingall	Fiorentino	Kosmas	Richardson
Bennett	Flanagan	Kottkamp	Ritter
Bense	Frankel	Kravitz	Romeo
Benson	Gannon	Kyle	Ross
Berfield	Garcia	Lacasa	Rubio
Betancourt	Gardiner	Lee	Russell
Bilirakis	Gelber	Lerner	Ryan
Bowen	Gibson	Littlefield	Seiler
Brown	Goodlette	Lynn	Simmons
Brummer	Green	Machek	Siplin
Brutus	Greenstein	Mack	Slosberg
Bucher	Haridopolos	Mahon	Smith
Bullard	Harper	Mayfield	Sobel
Byrd	Harrell	Maygarden	Sorensen
Cantens	Harrington	McGriff	Spratt
Carassas	Hart	Meadows	Stansel
Clarke	Henriquez	Mealor	Wallace
Crow	Heyman	Melvin	Weissman
Cusack	Hogan	Miller	Wiles
Davis	Holloway	Murman	Wishner
Detert	Jennings	Needelman	
Diaz de la Portilla	Johnson	Negron	

Gibson	Justice	McGriff	Russell
Goodlette	Kallinger	Meadows	Ryan
Gottlieb	Kendrick	Mealor	Seiler
Green	Kilmer	Melvin	Simmons
Greenstein	Kosmas	Miller	Siplin
Haridopolos	Kottkamp	Murman	Slosberg
Harper	Kravitz	Needelman	Smith
Harrell	Kyle	Negron	Sobel
Harrington	Lacasa	Paul	Sorensen
Hart	Lee	Peterman	Spratt
Henriquez	Lerner	Pickens	Stansel
Heyman	Littlefield	Prieguez	Trovillion
Hogan	Lynn	Rich	Wallace
Holloway	Machek	Richardson	Waters
Jennings	Mack	Ritter	Weissman
Johnson	Mahon	Romeo	Wiles
Jordan	Mayfield	Ross	Wishner
Joyner	Maygarden	Rubio	

Nays—None

Votes after roll call:

Yeas—Gottlieb, Waters, Wilson

So the bill passed and was certified to the Senate.

**HB 1735**—A bill to be entitled An act relating to economic development; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; revising requirements for application for certification as such business with respect to the number of new jobs at the business and projections by the Office of Tourism, Trade, and Economic Development of refunds based thereon; revising requirements relating to the tax refund agreement with respect to job creation and the time for filing of claims for refund; revising provisions relating to annual claims for refund; providing an application deadline; revising provisions relating to the order authorizing a tax refund; specifying that nothing in said section creates a presumption that a claim will be approved and paid; providing applicability to tax refund agreements and claims for refund executed prior to the effective date of the act; revising the agencies with which the office may verify information and to which the office may provide information; amending s. 288.980, F.S.; providing that grants by the office to support activities related to the retention of military installations potentially affected by closure or realignment must be from funds specifically appropriated therefor; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 114

Yeas—119

The Chair	Bean	Bucher	Dockery
Alexander	Bendross-Mindingall	Bullard	Farkas
Allen	Bennett	Byrd	Fasano
Andrews	Bense	Cantens	Feeney
Argenziano	Benson	Carassas	Fields
Arza	Berfield	Clarke	Fiorentino
Attkisson	Betancourt	Crow	Flanagan
Atwater	Bilirakis	Cusack	Frankel
Ausley	Bowen	Davis	Gannon
Baker	Brown	Detert	Garcia
Barreiro	Brummer	Diaz de la Portilla	Gardiner
Baxley	Brutus	Diaz-Balart	Gelber

Nays—None

Votes after roll call:

Yeas—Wilson

So the bill passed and was certified to the Senate.

**HB 1749**—A bill to be entitled An act relating to the Florida Black Business Investment Board; amending s. 288.707, F.S.; providing that the board shall be a not-for-profit corporation and not an entity of state government; revising provisions relating to appointment of officers, compensation of board members, the executive director, and employees, and financial disclosure by board members; providing for board meetings; authorizing the board to appoint at-large members; amending s. 288.708, F.S.; revising provisions relating to appointment of the executive director; providing for delegation of powers and responsibilities to the executive director; providing the board's responsibilities regarding use of funds; providing requirements regarding employees' compensation; amending s. 288.709, F.S.; removing references to board rulemaking; amending s. 288.7091, F.S.; revising provisions relating to duties of the board regarding developing memoranda of understanding with certain entities and increasing the number of black business enterprises in construction projects; creating s. 288.7092, F.S.; providing intent regarding operation of the board and return on investment; defining the state's operating investment in the board; directing the board to adopt an annual operating budget; providing requirements regarding private sector support; providing requirements regarding board compliance with performance measures; providing for a report; requiring that the board hire a private accounting firm and providing its duties; amending ss. 288.711 and 288.712, F.S.; conforming language; amending s. 288.714, F.S.; revising the persons to whom the board's annual report is submitted; clarifying references to ss. 288.707-288.714, F.S., in said provisions; providing an effective date.

—was read the third time by title.

On motion by Rep. Jennings, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 073775)

**Amendment 6**—On page 5, line 2, after "appoint"

insert:

*two*

Rep. Jennings moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 1749. The vote was:

Session Vote Sequence: 115

Yeas—118

The Chair	Cusack	Holloway	Negron
Allen	Davis	Jennings	Paul
Andrews	Detert	Johnson	Peterman
Argenziano	Diaz de la Portilla	Jordan	Pickens
Arza	Diaz-Balart	Joyner	Prieguez
Attkisson	Dockery	Justice	Rich
Atwater	Farkas	Kallinger	Richardson
Ausley	Fasano	Kendrick	Ritter
Baker	Feeny	Kilmer	Romeo
Barreiro	Fields	Kosmas	Ross
Baxley	Fiorentino	Kottkamp	Rubio
Bean	Flanagan	Kravitz	Russell
Bendross-Mindingall	Frankel	Kyle	Ryan
Bennett	Gannon	Lacasa	Seiler
Bense	Garcia	Lee	Simmons
Benson	Gardiner	Lerner	Siplin
Berfield	Gelber	Littlefield	Slosberg
Betancourt	Gibson	Lynn	Smith
Bilirakis	Goodlette	Machek	Sobel
Bowen	Gottlieb	Mack	Sorensen
Brown	Green	Mahon	Spratt
Brummer	Greenstein	Mayfield	Stansel
Brutus	Haridopolos	Maygarden	Wallace
Bucher	Harper	McGriff	Waters
Bullard	Harrell	Meadows	Weissman
Byrd	Harrington	Mealor	Wiles
Cantens	Hart	Melvin	Wilson
Carassas	Henriquez	Miller	Wishner
Clarke	Heyman	Murman	
Crow	Hogan	Needelman	

Nays—1

Alexander

So the bill passed, as amended, and was certified to the Senate after engrossment.

**HB 1745**—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.021, F.S.; revising definitions; amending s. 367.022, F.S.; revising an exemption from regulation for small water and wastewater utilities; amending ss. 367.045 and 367.111, F.S.; deleting requirement for descriptions of service areas in water and wastewater utility certificates of authorization; deleting requirements relating to application for amended certificates of authorization to reduce or extend a utility's existing service area; amending s. 367.121, F.S.; providing authority of the Public Service Commission to resolve territorial disputes involving water and wastewater utilities; providing considerations; amending s. 367.171, F.S.; authorizing counties to set rates and charges for certain exempt small water and wastewater utilities; providing applicability of specified administrative procedures; amending s. 288.0655, F.S.; correcting a cross reference; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 116

Yeas—113

The Chair	Baxley	Brown	Davis
Alexander	Bean	Brummer	Detert
Allen	Bendross-Mindingall	Brutus	Diaz-Balart
Andrews	Bennett	Bucher	Dockery
Arza	Bense	Bullard	Farkas
Attkisson	Benson	Byrd	Fasano
Atwater	Berfield	Cantens	Feeny
Ausley	Betancourt	Carassas	Fields
Baker	Bilirakis	Crow	Flanagan
Barreiro	Bowen	Cusack	Frankel

Gannon	Jordan	Maygarden	Russell
Garcia	Joyner	McGriff	Ryan
Gardiner	Justice	Meadows	Seiler
Gelber	Kallinger	Mealor	Simmons
Gibson	Kendrick	Melvin	Siplin
Goodlette	Kilmer	Miller	Slosberg
Gottlieb	Kosmas	Murman	Smith
Green	Kottkamp	Needelman	Sorensen
Greenstein	Kravitz	Negron	Spratt
Haridopolos	Kyle	Paul	Stansel
Harper	Lacasa	Peterman	Wallace
Harrell	Lee	Pickens	Waters
Harrington	Lerner	Prieguez	Weissman
Hart	Littlefield	Rich	Wiles
Heyman	Lynn	Richardson	Wilson
Hogan	Machek	Ritter	Wishner
Holloway	Mack	Romeo	
Jennings	Mahon	Ross	
Johnson	Mayfield	Rubio	

Nays—4

Argenziano	Clarke	Fiorentino	Sobel
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Votes after roll call:

Nays to Yeas—Clarke

So the bill passed and was certified to the Senate.

**HB 1731**—A bill to be entitled An act relating to the transfer of criminal justice programs; amending ss. 938.01 and 943.25, F.S., relating to the Court Cost Clearing Trust Fund and criminal justice trust funds; preserving certain funding functions scheduled for repeal on July 1, 2001, relating to deposit of certain funds for use by the Department of Law Enforcement rather than the Department of Community Affairs; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services and providing matching funds for the administration of such program; providing for transfer of funds; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 117

Yeas—118

The Chair	Bucher	Gibson	Kyle
Alexander	Bullard	Goodlette	Lacasa
Allen	Byrd	Gottlieb	Lee
Andrews	Cantens	Green	Lerner
Argenziano	Carassas	Greenstein	Littlefield
Arza	Clarke	Haridopolos	Lynn
Attkisson	Crow	Harper	Machek
Atwater	Cusack	Harrell	Mack
Ausley	Davis	Harrington	Mahon
Baker	Detert	Hart	Mayfield
Barreiro	Diaz de la Portilla	Heyman	Maygarden
Baxley	Diaz-Balart	Hogan	McGriff
Bean	Dockery	Holloway	Meadows
Bendross-Mindingall	Farkas	Jennings	Mealor
Bennett	Fasano	Johnson	Melvin
Bense	Feeny	Jordan	Miller
Benson	Fields	Joyner	Murman
Berfield	Fiorentino	Justice	Needelman
Betancourt	Flanagan	Kallinger	Negron
Bilirakis	Frankel	Kendrick	Paul
Bowen	Gannon	Kilmer	Peterman
Brown	Garcia	Kosmas	Pickens
Brummer	Gardiner	Kottkamp	Prieguez
Brutus	Gelber	Kravitz	Rich

Richardson	Ryan	Sobel	Weissman
Ritter	Seiler	Sorensen	Wiles
Romeo	Simmons	Spratt	Wilson
Ross	Siplin	Stansel	Wishner
Rubio	Slosberg	Wallace	
Russell	Smith	Waters	

Nays—None

So the bill passed and was certified to the Senate.

**HB 1733**—A bill to be entitled An act relating to the Department of Transportation; amending s. 341.302, F.S.; deleting provisions relating to the department’s responsibility for the handling of hazardous materials under the statewide rail program; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 118

Yeas—80

Alexander	Carassas	Hart	Miller
Allen	Crow	Hogan	Murman
Andrews	Davis	Johnson	Needelman
Argenziano	Detert	Jordan	Negron
Arza	Diaz de la Portilla	Kallinger	Paul
Attkisson	Diaz-Balart	Kendrick	Pickens
Atwater	Dockery	Kilmer	Prieguez
Baker	Farkas	Kottkamp	Ritter
Baxley	Fasano	Kravitz	Rubio
Bean	Feeney	Kyle	Russell
Bennett	Fiorentino	Lacasa	Seiler
Bense	Flanagan	Littlefield	Simmons
Benson	Garcia	Lynn	Slosberg
Berfield	Gardiner	Machek	Sobel
Bilirakis	Gibson	Mack	Sorensen
Bowen	Goodlette	Mahon	Spratt
Brown	Green	Mayfield	Stansel
Brummer	Haridopolos	Maygarden	Wallace
Byrd	Harrell	Mealor	Waters
Cantens	Harrington	Melvin	Wishner

Nays—34

Ausley	Gannon	Joyner	Richardson
Bendross-Mindingall	Gelber	Justice	Romeo
Betancourt	Gottlieb	Kosmas	Ryan
Brutus	Greenstein	Lee	Siplin
Bucher	Harper	Lerner	Smith
Bullard	Henriquez	McGriff	Wiles
Cusack	Heyman	Meadows	Wilson
Fields	Holloway	Peterman	
Frankel	Jennings	Rich	

Votes after roll call:

Yeas—Barreiro  
Nays—Weissman  
Yeas to Nays—Sobel

So the bill passed and was certified to the Senate.

**HB 1707**—A bill to be entitled An act relating to energy management; amending s. 255.257, F.S.; removing provisions which direct the Department of Management Services to provide for an energy management plan for state agencies, and which require state agencies to submit certain energy data to the department; providing that the department may develop such a plan; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 119

Yeas—118

The Chair	Crow	Hogan	Needelman
Alexander	Cusack	Holloway	Negron
Allen	Davis	Jennings	Paul
Andrews	Detert	Johnson	Peterman
Argenziano	Diaz de la Portilla	Jordan	Pickens
Arza	Diaz-Balart	Joyner	Prieguez
Attkisson	Dockery	Justice	Rich
Atwater	Farkas	Kallinger	Richardson
Ausley	Fasano	Kendrick	Ritter
Baker	Feeney	Kilmer	Romeo
Barreiro	Fields	Kosmas	Rubio
Baxley	Fiorentino	Kottkamp	Russell
Bean	Flanagan	Kravitz	Ryan
Bendross-Mindingall	Frankel	Kyle	Seiler
Bennett	Gannon	Lacasa	Simmons
Bense	Garcia	Lee	Siplin
Benson	Gardiner	Lerner	Slosberg
Berfield	Gelber	Littlefield	Smith
Betancourt	Gibson	Lynn	Sobel
Bilirakis	Goodlette	Machek	Sorensen
Bowen	Gottlieb	Mack	Spratt
Brown	Green	Mahon	Stansel
Brummer	Greenstein	Mayfield	Wallace
Brutus	Haridopolos	Maygarden	Waters
Bucher	Harper	McGriff	Weissman
Bullard	Harrell	Meadows	Wiles
Byrd	Harrington	Mealor	Wilson
Cantens	Hart	Melvin	Wishner
Carassas	Henriquez	Miller	
Clarke	Heyman	Murman	

Nays—None

So the bill passed and was certified to the Senate.

**HB 1717**—A bill to be entitled An act relating to the Division of Dairy Industry of the Department of Agriculture and Consumer Services; eliminating the Division of Dairy Industry; repealing ss. 570.40 and 570.41, F.S., relating to the powers and duties of the Division of Dairy Industry and the qualifications and duties of the director of the Division of Dairy Industry; amending ss. 20.14, 570.18, and 570.29, F.S., to conform; amending s. 570.50, F.S.; including the powers and duties of the Division of Dairy Industry within the powers and duties assigned to the Division of Food Safety of the Department of Agriculture and Consumer Services; amending s. 570.51, F.S., renaming the Division of Food Safety to the Division of Dairy and Food Safety; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 120

Yeas—114

The Chair	Benson	Cusack	Gelber
Alexander	Berfield	Davis	Gibson
Allen	Betancourt	Detert	Goodlette
Andrews	Bilirakis	Diaz de la Portilla	Gottlieb
Argenziano	Bowen	Diaz-Balart	Green
Arza	Brown	Dockery	Greenstein
Attkisson	Brummer	Farkas	Haridopolos
Atwater	Brutus	Fasano	Harper
Baker	Bucher	Feeney	Harrell
Barreiro	Bullard	Fields	Harrington
Baxley	Byrd	Fiorentino	Hart
Bean	Cantens	Flanagan	Henriquez
Bendross-Mindingall	Carassas	Gannon	Heyman
Bennett	Clarke	Garcia	Hogan
Bense	Crow	Gardiner	Holloway



Jennings	Lynn	Paul	Siplin
Johnson	Machek	Peterman	Slosberg
Jordan	Mack	Pickens	Smith
Joyner	Mahon	Prieguez	Sobel
Justice	Mayfield	Rich	Sorensen
Kallinger	Maygarden	Richardson	Spratt
Kilmer	McGriff	Ritter	Wallace
Kottkamp	Meadows	Romeo	Waters
Kravitz	Mealor	Ross	Weissman
Kyle	Melvin	Rubio	Wiles
Lacasa	Miller	Russell	Wilson
Lee	Murman	Ryan	Wishner
Lerner	Needelman	Seiler	
Littlefield	Negron	Simmons	

Nays—2

Kendrick	Stansel
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Votes after roll call:

Yeas—Frankel, Kosmas  
Yeas to Nays—Attkisson

So the bill passed, as amended, and was certified to the Senate.

**HB 1825**—A bill to be entitled An act relating to Class C travel; amending s. 112.061, F.S.; eliminating allowances for meals for Class C travel; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 121

Yeas—118

The Chair	Cusack	Holloway	Negron
Alexander	Davis	Jennings	Paul
Andrews	Detert	Johnson	Peterman
Argenziano	Diaz de la Portilla	Jordan	Pickens
Arza	Diaz-Balart	Joyner	Prieguez
Attkisson	Dockery	Justice	Rich
Atwater	Farkas	Kallinger	Richardson
Ausley	Fasano	Kendrick	Ritter
Baker	Feeney	Kilmer	Romeo
Barreiro	Fields	Kosmas	Ross
Baxley	Fiorentino	Kottkamp	Rubio
Bean	Flanagan	Kravitz	Russell
Bendross-Mindingall	Frankel	Kyle	Ryan
Bennett	Gannon	Lacasa	Seiler
Bense	Garcia	Lee	Simmons
Benson	Gardiner	Lerner	Siplin
Berfield	Gelber	Littlefield	Slosberg
Betancourt	Gibson	Lynn	Smith
Bilirakis	Goodlette	Machek	Sobel
Bowen	Gottlieb	Mack	Sorensen
Brown	Green	Mahon	Spratt
Brummer	Greenstein	Mayfield	Stansel
Brutus	Haridopolos	Maygarden	Wallace
Bucher	Harper	McGriff	Waters
Bullard	Harrell	Meadows	Weissman
Byrd	Harrington	Mealor	Wiles
Cantens	Hart	Melvin	Wilson
Carassas	Henriquez	Miller	Wishner
Clarke	Heyman	Murman	
Crow	Hogan	Needelman	

Nays—1

Allen

So the bill passed, as amended, and was certified to the Senate.

**HB 1821**—A bill to be entitled An act relating to state retirement contributions; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; changing contribution rates for specified classes and subclasses;

amending ss. 121.35, 121.051, 121.055, and 240.3195, F.S.; changing employer contribution rates for participants in the State University System optional retirement program, the Community College optional retirement program, and the Senior Management Service optional annuity program; providing legislative intent; recognizing excess actuarial assets to fund costs and rate reductions; reducing certain contribution rates; repealing subsection (2) of s. 20 of ch. 2000-169, Laws of Florida, relating to increasing contributions rates; providing a finding of important state interest; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 122

Yeas—118

Alexander	Cusack	Holloway	Negron
Allen	Davis	Jennings	Paul
Andrews	Detert	Johnson	Peterman
Argenziano	Diaz de la Portilla	Jordan	Pickens
Arza	Diaz-Balart	Joyner	Prieguez
Attkisson	Dockery	Justice	Rich
Atwater	Farkas	Kallinger	Richardson
Ausley	Fasano	Kendrick	Ritter
Baker	Feeney	Kilmer	Romeo
Barreiro	Fields	Kosmas	Ross
Baxley	Fiorentino	Kottkamp	Rubio
Bean	Flanagan	Kravitz	Russell
Bendross-Mindingall	Frankel	Kyle	Ryan
Bennett	Gannon	Lacasa	Seiler
Bense	Garcia	Lee	Simmons
Benson	Gardiner	Lerner	Siplin
Berfield	Gelber	Littlefield	Slosberg
Betancourt	Gibson	Lynn	Smith
Bilirakis	Goodlette	Machek	Sobel
Bowen	Gottlieb	Mack	Sorensen
Brown	Green	Mahon	Spratt
Brummer	Greenstein	Mayfield	Stansel
Brutus	Haridopolos	Maygarden	Wallace
Bucher	Harper	McGriff	Waters
Bullard	Harrell	Meadows	Weissman
Byrd	Harrington	Mealor	Wiles
Cantens	Hart	Melvin	Wilson
Carassas	Henriquez	Miller	Wishner
Clarke	Heyman	Murman	
Crow	Hogan	Needelman	

Nays—None

So the bill passed, as amended, and was certified to the Senate.

**Waiver of the Rules for Committee and Council Meetings and Bills**

On motion by Rep. Murman, Vice Chair, the rules were waived and the Fiscal Responsibility Council was given permission to add CS/HB 503 to the agenda for its meeting Thursday, April 5, at 10:15 a.m., in 212K.

**Motions Relating to Committee or Council References**

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 427 was withdrawn from the Committee on Education Innovation and remains referred to the Council for Smarter Government.

THE SPEAKER IN THE CHAIR

**Special Orders**

**Special Order Calendar**

**HB 695**—A bill to be entitled An act relating to sentencing; amending s. 874.04, F.S.; providing for enhanced penalties for the commission of

a felony or misdemeanor, or a delinquent act or violation of law that would be a felony or misdemeanor if committed by an adult, under specified circumstances when the defendant committed the charged offense for the purpose of benefiting, promoting, or furthering the interest of a criminal street gang; amending s. 921.0024, F.S., relating to the Criminal Punishment Code worksheet computations and scoresheets; revising guidelines for applying a specified sentence multiplier for offenses committed for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1003**—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and polysaccharide pneumococcal vaccinations; providing an effective date.

—was read the second time by title.

The Committee on Elder & Long-Term Care offered the following:

(Amendment Bar Code: 353929)

**Amendment 1**—On page 1, line 21 of the bill after “any”

insert: *consenting*

Rep. Paul moved the adoption of the amendment, which was adopted.

The Committee on Elder & Long-Term Care offered the following:

(Amendment Bar Code: 262423)

**Amendment 2**—On page 2, line 8 of the bill after “5”

insert: *working*

Rep. Paul moved the adoption of the amendment, which was adopted.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 884667)

**Amendment 3 (with title amendment)**—On page 1, line 31, and page 2, lines 15 and 19, of the bill

after the periods insert: *The agency may adopt and enforce any rules necessary to comply with or implement this subsection.*

And the title is amended as follows:

On page 1, line 5,

after the semicolon insert: providing rulemaking authority;

Rep. Paul moved the adoption of the amendment, which was adopted.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 832177)

**Amendment 4 (with title amendment)**—On page 2, line 2, remove from the bill: *polysaccharide pneumococcal*

and insert in lieu thereof: *pneumococcal polysaccharide*

And the title is amended as follows:

On page 1, line 5,

remove from the title of the bill: polysaccharide pneumococcal

and insert in lieu thereof: pneumococcal polysaccharide

Rep. Paul moved the adoption of the amendment, which was adopted.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 634021)

**Amendment 5**—On page 1, line 17, and page 2, lines 17-18 remove from the bill: *influenzae virus*

and insert in lieu thereof: *influenza viruses*

Rep. Paul moved the adoption of the amendment, which was adopted.

Representative(s) Paul offered the following:

(Amendment Bar Code: 032025)

**Amendment 6**—On page 2, line 8, before the period,

insert: *and, when indicated, vaccinated within 60 days in accordance with the recommendations of the United States Centers for Disease Control and Prevention, subject to exemptions for medical contradictions and religious or personal beliefs*

Rep. Paul moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 353** was taken up. On motion by Rep. Kallinger, SB 218 was substituted for HB 353. Under Rule 5.15, the House bill was laid on the table and—

**SB 218**—A bill to be entitled An act relating to mortgage guaranty insurance; amending ss. 624.408, 635.042, F.S.; revising minimum surplus requirements for mortgage guaranty insurers; revising limits on total liability and exposure to losses for such insurers; requiring mortgage guaranty insurers to include certain information in audited financial reports required pursuant to s. 624.424(8); authorizing the Department of Insurance to take certain actions against a mortgage guaranty insurer that is not in compliance; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

On motion by Rep. Ryan, consideration of **CS/HB 203** was temporarily postponed under Rule 11.10.

**CS/HB 1**—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against their nonexempt assessed property value; specifying funding eligibility of certain projects; providing for future repeal of such eligibility provision; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HJR 951**—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—was read the second time by title.

On motion by Rep. Bilirakis, further consideration of **HJR 951** was temporarily postponed under Rule 11.10.

#### Motion

On motion by Rep. Bense, the privilege of the floor was granted to Chris Weinke.

**HJR 951**—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—was taken up, having been read the second time earlier today.

Representative(s) Ryan and Heyman offered the following:

(Amendment Bar Code: 322479)

**Amendment 1**—On page 1, line 23 and on page 3, line 29, of the bill after the period, insert:

*Notwithstanding any other provision of this section, no person who is convicted of a capital offense shall be sentenced to death if the offense was committed while the person was under 18 years of age.*

Rep. Ryan moved the adoption of the amendment.

On motion by Rep. Kyle, the amendment was laid on the table. The vote was:

Session Vote Sequence: 123

Yeas—69

The Chair	Brummer	Haridopolos	Miller
Alexander	Byrd	Harrell	Murman
Allen	Cantens	Harrington	Needelman
Andrews	Clarke	Hart	Negron
Arza	Davis	Jordan	Paul
Attkisson	Detert	Kallinger	Pickens
Atwater	Diaz de la Portilla	Kilmer	Prieguez
Baker	Diaz-Balart	Kottkamp	Ross
Ball	Dockery	Kravitz	Rubio
Barreiro	Farkas	Kyle	Russell
Baxley	Fasano	Littlefield	Simmons
Bean	Florentino	Lynn	Sorensen
Bense	Flanagan	Mack	Spratt
Benson	Garcia	Mahon	Wallace
Berfield	Gardiner	Mayfield	Waters
Bilirakis	Gibson	Maygarden	
Bowen	Goodlette	Mealor	
Brown	Green	Melvin	

Nays—45

Ausley	Gottlieb	Lee	Siplin
Bendross-Mindingall	Greenstein	Lerner	Slosberg
Betancourt	Harper	Machek	Smith
Brutus	Henriquez	McGriff	Sobel
Bucher	Heyman	Meadows	Stansel
Bullard	Hogan	Peterman	Weissman
Crow	Holloway	Rich	Wiles
Cusack	Jennings	Richardson	Wilson
Fields	Joyner	Ritter	Wishner
Frankel	Justice	Romeo	
Gannon	Kendrick	Ryan	
Gelber	Kosmas	Seiler	

Votes after roll call:

Yeas—Bennett  
Nays to Yeas—Hogan

Representative(s) Ryan and Heyman offered the following:

(Amendment Bar Code: 634897)

**Amendment 2**—On page 1, line 23, and on page 3, line 29, after the period,

insert:

*Notwithstanding any other provision of this section, no person who is convicted of a capital offense shall be sentenced to death if the person suffers from mental retardation. The legislature shall have the power to enforce this exception by appropriate legislation.*

Rep. Ryan moved the adoption of the amendment.

On motion by Rep. Green, the amendment was laid on the table. The vote was:

Session Vote Sequence: 124

Yeas—72

The Chair	Atwater	Bense	Byrd
Alexander	Baker	Benson	Cantens
Allen	Ball	Berfield	Carassas
Andrews	Barreiro	Bilirakis	Clarke
Argenziano	Baxley	Bowen	Davis
Arza	Bean	Brown	Detert
Attkisson	Bennett	Brummer	Diaz de la Portilla

Diaz-Balart	Haridopolos	Lacasa	Needelman
Dockery	Harrell	Littlefield	Negron
Farkas	Harrington	Lynn	Paul
Fasano	Hart	Mack	Pickens
Florentino	Hogan	Mahon	Prieguez
Flanagan	Jordan	Mayfield	Ross
Garcia	Kallinger	Maygarden	Rubio
Gardiner	Kilmer	Mealor	Sorensen
Gibson	Kottkamp	Melvin	Spratt
Goodlette	Kravitz	Miller	Wallace
Green	Kyle	Murman	Waters

Nays—44

Ausley	Gelber	Kosmas	Ryan
Bendross-Mindingall	Gottlieb	Lee	Seiler
Betancourt	Greenstein	Lerner	Siplin
Brutus	Harper	Machek	Slosberg
Bucher	Henriquez	McGriff	Smith
Bullard	Heyman	Meadows	Sobel
Crow	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wilson
Gannon	Kendrick	Romeo	Wishner

Votes after roll call:

Yeas—Russell

**Recognition Ceremony for Chris Weinke**

On motion by Rep. Bense, the rules were waived and the regular order of business was suspended for a recognition ceremony. Speaker Feeney and Rep. Bense gave brief remarks in presenting Chris Weinke, who was recognized to address the Members from the well.

By Representative Bense—

**HR 9047**—A resolution honoring 2000 Heisman Trophy winner Chris Weinke.

WHEREAS, Chris Weinke is the first quarterback to start three seasons for the Florida State University Seminoles football team under Head Coach Bobby Bowden, and

WHEREAS, Chris Weinke was instrumental in leading the Seminoles to the NCAA National Championship game each of the three seasons he started, finishing his college football career as only the second quarterback in NCAA Division 1A history to throw for more than 9,500 yards, with a total of 9,839 yards and 79 touchdown passes, a career average of 8.89 yards per attempt, and a win/loss record of 32 and 2, and

WHEREAS, in 1999, Chris Weinke led the Seminoles to their second national title and Coach Bobby Bowden's first and only perfect 12-0 season, and over the course of his career set 26 school records, as well as the Atlantic Coast Conference record for career passing yards, and he owns the first, second, and fourth best passing games in FSU history, and

WHEREAS, for the 2000 season, Chris Weinke was named the ACC Player of the Year, the ACC Offensive Player of the Year, All-ACC First Team, and All-ACC Academic Team, and was the recipient of several awards, including the ESPY for College Player of the Year, the Davey O'Brien Award, and the Johnny Unitas Golden Arm, which is awarded to the top senior quarterback in college football, and

WHEREAS, before capping his college football career with his second National Championship appearance in a row, Chris Weinke was awarded the 2000 Heisman Trophy, thus designating him as one of the best athletes in college football history, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to honor the accomplishments and the person of Florida State University

quarterback Chris Weinke, the winner of the 2000 Heisman Trophy and the best college football athlete of the 2000 season.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Chris Weinke as a tangible token of the sentiments expressed herein.

—was read the first time by title and the second time by title. On motion by Rep. Bense, the resolution was adopted.

#### Recessed

The House stood in informal recess at 3:07 p.m., to reconvene upon the call of the Speaker.

#### Reconvened

The House was called to order by the Speaker at 3:16 p.m.

### Continuation of Special Orders

#### Continuation of Special Order Calendar

**HJR 951**—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—was taken up, having been read the second time earlier today.

Under Rule 10.13(b), the joint resolution was referred to the Engrossing Clerk.

**HB 1705**—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 17 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

—was read the second time by title.

Representative(s) Heyman, Barreiro, Ryan, Smith, Prieguez, Gottlieb, Trovillion, Bucher, Wilson, Joyner, Detert, and Lerner offered the following:

(Amendment Bar Code: 565031)

**Amendment 1 (with title amendment)**—On page 1, lines 15, 19, 28, and 29, remove: 17

and insert: 18

And the title is amended as follows:

On page 1, line 4, remove from the title of the bill: 17

and insert in lieu thereof: 18

Rep. Heyman moved the adoption of the amendment, which was adopted.

On motion by Rep. Smith, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Smith offered the following:

(Amendment Bar Code: 114891)

**Amendment 2**—On page 1, line 25 and on page 2, line 3, remove from the bill: *shall*

and insert in lieu thereof: *may*

Rep. Smith moved the adoption of the amendment, which failed of adoption.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 45**—A bill to be entitled An act relating to the alcoholic beverage surcharge; amending s. 561.501, F.S.; providing that the surcharges on liquor, wine, cider, and beer sold for consumption on the premises shall

not be imposed beginning July 1, 2001; repealing s. 561.501, F.S.; removing provisions relating to imposition, administration, and enforcement of such surcharges, effective July 1, 2004; amending s. 561.025, F.S.; removing the prohibition against deposit of surcharge revenues in the Alcoholic Beverage and Tobacco Trust Fund; amending s. 561.121, F.S., and repealing subsection (4) thereof; removing provisions relating to transfer of a portion of surtax revenues to the Children and Adolescents Substance Abuse Trust Fund, and the remainder to the General Revenue Fund, and providing for deposit of a portion of the excise taxes on malt beverages, wines and other beverages, and liquors in said trust fund; providing effective dates.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**CS/CS/HB 107**—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103, 717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.1101, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, and 717.129, F.S.; changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner's representatives and receiving and making payments to an owner or owner's representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner's representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; revising provisions relating to escheat of certain property to the state; revising provisions relating to entitlement to, procedures for payment or assignment of, or distributions of certain proceeds; amending s. 215.965, F.S., to conform; amending s. 493.6101, F.S., to conform; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

—was read the second time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 172497)

**Technical Amendment 1**—On page 2, line 26, remove from the bill: *the the*

and insert in lieu thereof: *the*

Rep. Goodlette moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Bense, consideration of **HB 449** was temporarily postponed under Rule 11.10.

**HB 145**—A bill to be entitled An act relating to enterprise zones; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; providing an effective date.

—was read the second time by title.

Representative(s) Flanagan offered the following:

(Amendment Bar Code: 541303)

**Amendment 1 (with title amendment)**—On page 1, line 31, insert:

Section 2. Section 290.00555, Florida Statutes, is amended to read:

290.00555 Satellite enterprise zones.—~~Before December 31, 1999,~~ Any municipality an area of which has previously received designation as an Enterprise Zone in the population category described in s. 290.0065(3)(a)3. may create a satellite enterprise zone not exceeding 1.5 square miles in area outside of and, notwithstanding anything contained in s. 290.0055(4), or any other law, in addition to the previously designated enterprise zone boundaries. The Office of Tourism, Trade, and Economic Development shall amend the boundaries of the areas previously designated by any such municipality as enterprise zones upon receipt of a resolution adopted by the municipality describing the satellite enterprise zone areas, as long as the additional areas are consistent with the categories, criteria, and limitations imposed by s. 290.0055. However, the requirements imposed by s. 290.0055(4)(d) do not apply to such satellite enterprise zone areas.

Section 3. *Satellite enterprise zones may be created pursuant to s. 290.00555, Florida Statutes, effective retroactively to December 31, 1999. Resolutions adopted to create satellite enterprise zones under this section must be submitted to the Office of Tourism, Trade, and Economic Development no later than August 1, 2001. The Office of Tourism, Trade, and Economic Development must amend the boundaries of previously designated enterprise zones to create eligible satellite enterprise zones no later than September 1, 2001. Notwithstanding the time limitations contained in chapter 212, Florida Statutes, a business in a satellite enterprise zone designated under this section which was eligible to receive tax incentives pursuant to ss. 212.08(5)(g) and (h) and 212.096, Florida Statutes, during the period beginning December 31, 1999, and ending on the date of the creation of the satellite enterprise zone must submit an application for the tax incentives by December 1, 2001. All other requirements of the enterprise zone program apply to such a business.*

And the title is amended as follows:

On page 1, line 7, after the semicolon,

insert: amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives;

Rep. Flanagan moved the adoption of the amendment, which was adopted.

On motion by Rep. Gardiner, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Gardiner offered the following:

(Amendment Bar Code: 441107)

**Amendment 2 (with title amendment)**—On page 1, line 10, insert:

Section 1. *Notwithstanding any provision of law to the contrary, the governing body of an inland county with a state-designated enterprise zone and a population greater than 500,000 may apply to the Office of*

*Tourism, Trade, and Economic Development to amend the boundaries of one noncontiguous area of an enterprise zone. The office shall approve the application so long as the amended area does not exceed 4 square miles and is consistent with the categories, criteria, and limitations imposed by s. 290.0055, Florida Statutes, upon the establishment of such enterprise zone. The enterprise zone boundary amendment application must be received before December 31, 2001.*

And the title is amended as follows:

On page 1, line 2,

after the semicolon insert: authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of an enterprise zone upon application by certain counties; providing requirements with respect thereto;

Rep. Gardiner moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Andrews, consideration of **CS/HB 497** was temporarily postponed under Rule 11.10.

**HB 69**—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician's authority to prohibit generic drug substitution by writing "medically necessary" on the prescription; providing an effective date.

—was read the second time by title.

The Committee on Health Regulation offered the following:

(Amendment Bar Code: 495931)

**Amendment 1**—On page 1, lines 16 & 17, remove from the bill: *all drugs that have*

and insert in lieu thereof:

*those drugs where every product marketed has*

Rep. Argenziano moved the adoption of the amendment, which was adopted.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 962427)

**Amendment 2**—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *The Board of Pharmacy and the Board of Medicine shall remove any generic named drug product from the formulary established by s. 465.025(6), Florida Statutes, if every commercially marketed equivalent of that drug product is "A" rated as therapeutically equivalent to a reference listed drug or is a reference listed drug as referred to in "Approved Drug Products with Therapeutic Equivalence Evaluations" (Orange Book) published by the United States Food and Drug Administration.*

Section 2. *Nothing in this act shall alter or amend s. 465.025, Florida Statutes, as to existing law providing for the authority of physicians to prohibit generic drug substitution by writing "medically necessary" on the prescription.*

Section 3. This bill shall take effect upon becoming a law.

Rep. Argenziano moved the adoption of the amendment.

On motion by Rep. Diaz-Balart, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Diaz-Balart and Greenstein offered the following:

(Amendment Bar Code: 515703)

**Amendment 1 to Amendment 2 (with title amendment)**—On page 1, between lines 30 and 31, of the amendment

insert:

Section 3. *Notwithstanding any provision of s. 465.025, Florida Statutes, for any prescription and refill thereunder of a generically equivalent or "A"-rated drug that is on the negative formulary created under that statute as of January 1, 2001, a pharmacist must dispense the drug on the prescription unless prior documented approval to substitute is obtained from the prescriber of the medication.*

And the title is amended as follows:

On page 1, line 9, of the amendment

after the semicolon insert: specifying conditions under which a pharmacist must dispense a prescribed drug that is on the negative formulary as of January 1, 2001;

Rep. Diaz-Balart moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 125

Yeas—39

Arza	Bucher	Holloway	McGriff
Ausley	Cantens	Johnson	Melvin
Barreiro	Cusack	Joyner	Negron
Bendross-Mindingall	Diaz-Balart	Justice	Prieguez
Bennett	Gelber	Kyle	Richardson
Benson	Greenstein	Lacasa	Ross
Betancourt	Harrell	Lee	Simmons
Brown	Henriquez	Lerner	Sobel
Brummer	Heyman	Lynn	Waters
Brutus	Hogan	Machek	

Nays—77

The Chair	Diaz de la Portilla	Kallinger	Ritter
Alexander	Dockery	Rendrick	Romeo
Argenziano	Farkas	Kilmer	Rubio
Attkisson	Fasano	Kosmas	Russell
Atwater	Fields	Kottkamp	Ryan
Baker	Fiorentino	Kravitz	Seiler
Ball	Flanagan	Littlefield	Siplin
Baxley	Frankel	Mack	Slosberg
Bean	Gannon	Mahon	Smith
Bense	Garcia	Mayfield	Sorensen
Berfield	Gardiner	Maygarden	Spratt
Bilirakis	Gibson	Meadows	Stansel
Bowen	Goodlette	Mealor	Wallace
Bullard	Gottlieb	Miller	Weissman
Byrd	Green	Murman	Wiles
Carassas	Haridopolos	Needelman	Wilson
Clarke	Harper	Paul	Wishner
Crow	Hart	Peterman	
Davis	Jennings	Pickens	
Detert	Jordan	Rich	

Votes after roll call:

Nays—Harrington

Yeas to Nays—Heyman

The question recurred on the adoption of **Amendment 2**, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

### Motion

On motion by Rep. Paul, the rules were waived and the following colloquy made earlier today on the floor regarding the court injunction yesterday was ordered spread upon the *Journal*.

**Rep. Goodlette:** Members, if I could have your attention for just a few comments. Each of you received an e-mail this morning from Tom Tedcastle, our General Counsel, pertaining to an extremely important matter that I think all the Members should be aware of. I'd like for those of you who may not have read your e-mail, I'd just like to lift out from Mr. Tedcastle's memorandum a few pertinent remarks.

Mr. Tedcastle reported to us the following: As you may have heard, Judge Ralph Smith has issued a temporary restraining order to the Florida Legislature which asserts that the Legislature may not meet if the meeting will involve the consideration or resolution of collective bargaining disputes.

Of course, much of the legislation that is considered in the Legislature has an impact on such disputes. Nonetheless, in recognition of the constitutional obligation of the Legislature—that I would like to refer to a little bit more fully in a couple of moments—to meet and to represent the interests of the people without interference from either of the other two branches, Speaker Feeney will convene the Legislature in session today, as scheduled, and therefore as needed to consider legislation.

Members, I think that it's important for you to be aware, and I would like to simply refer to provisions of the Florida Constitution that I think are germane to this subject.

Article III of the Florida Constitution, as you are aware, pertains to the powers and duties and responsibilities, indeed, of the Florida Legislature. Section 4 discusses pertinent information pertaining to quorums and the procedures of the House. Section 4(a), in part reads that "Each house shall determine its rules of procedure." Section 4(e) of Article III goes on, in part, as follows: "The rules of procedure of each house shall provide that all legislative committee and subcommittee meetings of each house, and joint conference committee meetings, shall be open and noticed to the public." It goes on, "Each house shall be the sole judge for the interpretation, implementation, and enforcement of this section."

Members, I think that it's important for you—and I want to just extract from an order of the court that was issued yesterday a few relevant provisions. Because I think that we're all aware of how volatile some of these separation of powers issues have been, both in our special session and so far in this session. But, I think that it's important because I want to underscore what I believe to have been shown in the issuance of this order a particular insensitivity by this particular court for the separation of powers that we hold so vitally to be important in the State of Florida. This order was entered yesterday and the style of the case is the Florida Public Employees Council 79 AFSCME as the plaintiff, and it obviously refers to some of the activity that has taken place in this Chamber with respect to the Career Service last week and some activity that's ongoing in the Senate this week, Members.

The defendant in this lawsuit is you and me and each one of us because the defendant is the Florida Legislature. And the order that was entered here, Members, is an important order. It is an order granting a temporary restraining order. Ladies and gentlemen, and those of you, in particular, who are not lawyers and perhaps some of you who are trial lawyers, which I am not, will embellish this point, but in any instance in which a court is called upon to issue a restraining order the level of proof, if you will, is quite high. It's a very—it's seldom done and it's not done unless there's information contained in the motion to establish that restraining order and in any affidavits that have a bearing on that request to be verified and to be supportable before a restraining order is entered. In this case, we believe, and I believe that others may comment later, that the factual basis for the issuance of that order, simply, frankly, Members, did not exist. There was no mention in the affidavits or the motion that the Governor had rejected the Special Master's recommendations. There was no opportunity, Members, for the defendants in that litigation, the state Legislature, the Legislature of this state, to respond or to be heard with respect to the matter that was before the court. There is no precedent, Members, in law, for the temporary restraining order being directed to another branch of government, this Legislature. The temporary restraining order, Members, was going to be used, we believe, to prevent the Senate from further considering some of what we had taken up last week.

I won't go into any more detail on that, except that, I think, that in reading this order and in the issuance of this order there is an evident erosion of—and a lack of respect for—the co-equal branches of government as contemplated by our forefathers in the *Declaration of Independence* and in establishment of the *Bill of Rights* and our *Constitution*.

I think that it's important to refer to a couple of provisions in the *Federalist Papers*. We've talked a lot about this in the past, Members, but it's very germane in this instance as well. James Madison, in *Federalist Paper No. 48*, speaking about the importance of the separation of powers, indicates in part: "After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary, the next and most difficult task is to provide some practical security for each, against the invasion of the others." That's *Federalist Paper 48*. Madison goes on in *Federalist Paper 50* to assert as follows: "...I confine myself to their aptitude for ENFORCING the Constitution, by keeping the several departments of power within their due bounds. ..."

I think, ladies and gentlemen and Members, that the issuance of this order shows such a disregard for those important principles of our forefathers that it bears mentioning today. And just, if I might, Mr. Speaker and Members, on a personal note, I am someone who has—although I am a board-certified real estate lawyer not a trial lawyer, I have served on the Board of Governors of the Florida Bar and I realize that, perhaps, I'm not held in the highest esteem by Representative Brummer and perhaps Representative Melvin for my service on the Board of Governors of the Florida Bar, but I'm proud of that nonetheless—and I've always maintained a fierce passion for the independence of the judiciary and for the separation of powers. But, ladies and gentlemen, I simply must suggest to you that the issuance of this order goes too far, and I think something needs to be said about it, and I think that as we move forward, my hope is that we will respect the separation of powers, notwithstanding what some may assert—perhaps some of our friends in the press and elsewhere—but I would suggest to you that this act should not be ignored. It's very important. The separation of powers is a principle component of the very institution of government as referred to by Madison, by Thomas Jefferson, by Hamilton, and others in the adoption of the *Federalist Papers*, etc.

We have talked a lot about these matters, Members, during the special session and I simply would suggest to you that we should take this very seriously and I think the Speaker will have more to say about that perhaps as our session today ensues. Thank you, Mr. Speaker, I felt that it was important. [applause]

**Speaker Feeney:** Thank you, Representative Goodlette. Representative Frankel, we will take questions in a minute or two, but why don't you let me say a few words and then perhaps Representative Goodlette can attempt to defend us both.

Ladies and gentlemen, the court order potentially puts each and every one of you, it names every legislator, actually names all of our staffs, it names our legal consultants and others, and it attempts to prohibit us from undertaking certain duties that we consider to be our constitutional duties. So that it's important that you know as we convene here today at 1:00, and as we take certain votes the judiciary may consider some or all of you to be in defiance of the court order and may be subject to certain penalties. We don't think so because we do believe there is a separation of powers and thus we've told all of you that we are prepared to defend anybody who acts in accordance with the House Rules and procedures. I just, and the reason that I take the extraordinary step of saying a few words is that I've required each one of you to be here today. If you weren't here I would have the power, I doubt I would, but if you weren't here I would have the power to send the Sergeant out after you. So that you are put in a very difficult dilemma between doing your constitutional duty as a legislator and violating a court order, potentially. And I think that we had three Members last night that had to make that decision and I'm proud to say that they did their constitutional duty as they saw fit.

But when the first reports of the restraining order were provided to us and ultimately served on me, around 4:00 yesterday, and Chairman

Brummer, who is the Chairman of the Joint Select Committee affected, I had to answer to the press, you know, instantly on the subject of why it was we felt that we could not comply with the court order. The truth of the matter is, Representative Kyle, there is very little case law on this. American courts are not in the habit of trying to dissolve their legislatures or telling them they can't meet or telling them they can't say things or conduct business at a certain hour. Not a whole lot of case law on this Representative Goodlette would tell you. And so it was very difficult to explain exactly why it was that the Legislature could legislate notwithstanding the temporary restraining order. What I suggested to the press was that I thought it was a privilege that was at least 400 if not 500 years old of legislative governance, to act with immunity from court challenge of process during the regular course of business. Turns out that I didn't have all of the history of the common law at my disposal yesterday afternoon. Turns out we've done a little research. It was the year 1513, about 488 years ago, when the *Strode's Case* for the first time recognized the right of Parliament in Britain, formally the Commons, to conduct its business as part of the *High Court of Parliament*, and they were privileged against interference from other courts in the realm. Subsequently, for those of you that read a little bit of common law history, you will remember that James I in 1621 had a significant battle with an increasingly powerful Parliament. And in what was called the "Great Protestation" of the day, the Parliament asserted its right, essentially, to debate, any issue in Parliament at any time. And here's what Parliament issued as a proclamation: It was undoubtedly the "birthright of every Englishman" who is a member of Parliament to debate any subject without fear of arrest or punishment. And yet, that is precisely the fear that three Members of our House had to deal with, potentially, last night given the court order.

In 1642, Charles I had another significant battle with Parliament and these are precedents that are historic—and they are 400 and some years old—that have protected the rights of represented democracies in free countries to operate. They are important. John Pym, who was the ringleader of a group of issues that King Charles found very offensive. King Charles sent out his soldiers to arrest five Members of Parliament, including the ringleader, John Pym. They couldn't find the five members of the Parliament to arrest and punish. Who knows what the punishment may have been? But the King summoned the Speaker of the House, a fellow by the name of Lenthall, to go answer to the King as to why Parliament was behaving the way it was and to find out where these five members of Parliament were so they could be subject to arrest and punishment. And Lenthall in a very important pronouncement, Speaker of the Parliament at the time, said the following to the King of England: I have neither eyes to see, nor tongue to speak in this place, but as the House is the place to direct whose servant I am here and I humbly beg your Majesty's pardon that I cannot give any other answer than this to what your Majesty is pleased to demand of me. In other words, the Speaker of the House told the King that he didn't serve the King, he served the House of Representatives, and so, ladies and gentlemen, we are going to do the best we can with advice. We've got our lawyers now going back not just a hundred years for precedents but 500 years. We are going to do the best we can to operate the Legislature, notwithstanding submissions of the court from time to time. So with that, thank you, Representative Goodlette.

And Representative Frankel would like to weigh in on behalf of the legislative prerogatives, I'm sure. Representative Frankel, you are recognized.

**Rep. Frankel:** Thank you, Mr. Speaker. First of all I'd like to say to Mr. Goodlette I know where you have been hanging out these last few weeks. Let me just say this, Mr. Speaker. Thank goodness for lawyers, I tell you what would we do? Listen, truthfully, I'm just a country lawyer from Brooklyn, OK? [laughter] And I don't know if I ever read the *Federalist Papers* but you can lend them to me sometime. But I tell you I looked at this order, really, I don't know, truthfully I think it's just a poorly worded order. And I think that if the lawyers go back to the court and ask for clarification, I really don't believe that this court was in any way trying to tell us not to come into session. And what I think would be helpful, Mr. Goodlette, if you'd yield to a question. If you could explain to the Members how this came about. There is a Joint Select Committee on Impasse Issues and if you could just explain to the

Members what that is and why this lawsuit came about I think it would be clearer to all of us. Would that be alright, Mr. Speaker?

**Speaker Feeney:** Representative Goodlette could do that or perhaps Representative Cantens or Brummer, who are on the committee or Diaz-Balart. Representative Goodlette, what's your pleasure?

**Rep. Goodlette:** Mr. Speaker, perhaps it would be best to defer to the Chairman of the Joint Committee, Representative Brummer. If he would prefer to yield to me I will be happy to try to answer that but I would like to respect the Chairman's prerogative in that regard, Mr. Speaker.

**Speaker Feeney:** Fred Brummer, Esquire, to answer your question, Representative Frankel. [laughter]

**Rep. Brummer:** I would appreciate Representative Goodlette, if you would handle the question because I'm perhaps not in the best frame of mind to respond in a temperate manner.

**Speaker Feeney:** Representative Goodlette or Representative Diaz-Balart, Representative Goodlette what's your pleasure? Representative Cantens, why don't you—Representative Frankel said she wanted to know the posture we were in when the court issued its order yesterday with respect to the Committee. Representative Cantens.

**Rep. Cantens:** Thank you, Mr. Speaker. Representative Frankel, the statutes provide for collective bargaining between the executive branch and this is what we are dealing with, the executive branch and the unions. They had declared an impasse at one point; they had appointed a Special Master. The Special Master had conducted hearings. The Special Master issued the Special Master's recommendation. The statute reads that if within 20 days no one has objected then that Special Master's recommendations become effective. If, however, someone files an objection or files their own recommendation, then it's deemed to have been rejected. That's where we were at yesterday. We were within the 20-day period. The executive branch filed their objection. It was submitted to the Legislature for the Legislature to take it up at the Select Committee. And we had to do so within—actually the language of the statute reads forthwith.

**Speaker Feeney:** Representative Frankel, for a question.

**Rep. Frankel:** Thank you. Representative Cantens, I don't know whether you would be the one to answer, whoever wants to answer it, whoever is in the right frame of mind can answer this. Don't you think it would be reasonable to believe that the court order was probably just aimed specifically at this Joint Select Committee and that what the judge was trying to do was to stop that particular meeting and not the meeting of the legislative body?

**Speaker Feeney:** Representative Goodlette, I think you touched on that in your address, but you can elaborate.

**Rep. Goodlette:** Thank you, Mr. Speaker. And I welcome the opportunity, Mr. Speaker, to elaborate on that because I don't know who may have prepared this order, Representative Frankel, but the judge signed the order. And that's what's important. It's an order of the court and this is a very far-reaching order. It orders, Representative Frankel, that the defendants, that's us, ladies and gentlemen, their officers, agents, servants, employees, attorneys, and other persons in active concert or participation with them, are directed to cancel any meeting, hearing, or conference now scheduled for April 3, 2001, or to be scheduled later on any matter implicated in a bargaining dispute or bargaining impasse between the Governor of the State of Florida and the plaintiff, until the parties invoke the jurisdiction of the defendants in the manner subscribed by Section 447.403. That is a very broad order, Representative Frankel. As a lawyer, you recognize that. I think a lot of the non-lawyers who are Members here recognize that.

**Speaker Feeney:** Representative Frankel, could I just maybe ask a follow-up question to yours, with your permission?

Representative Goodlette, conceivably the matters under discussion would include things like the budget and salaries, and civil service reform, and retirement issues, at least conceivably.

**Rep. Goodlette:** Certainly, Mr. Speaker, that's the inference from the order itself. In reading the order, it's clear to me that anything that would have any budgetary impact would be something that would have been contemplated by the person who drafted the order on the first hand and presumably by the judge in conjunction with his execution of the order.

**Speaker Feeney:** Representative Frankel, and to elaborate from the Chair, at least with respect with having not appointed the budget conference committee yet, I'm in compliance with at least that small part of the order. You are recognized for another question.

**Rep. Frankel:** Thank you, Mr. Speaker. You know I feel like I'm being double-teamed back here. Alright, now [applause] alright, now, let me just say this, I want to say two things, OK? I can't possibly be as erudite as you but I want to say two things. One is that I know that many times courts issue injunctions over different governmental bodies and it's part of the common—really, it is part of a jurisprudence system. But I do want to say this for the record, and I want to say this because I was aware of your memorandum. I want to say this because I personally, in this instance, I would not favor civil disobedience. I believe that my protesting days are over, other than on the floor of the House. It is my interpretation of this order that it is not aimed at us here. It may be your interpretation because I will tell you this, that if I personally believed that I was violating this order I would not be here today because I would not want to be held in contempt of court. And I would use the judicial process to remedy that and I think I speak on behalf of my caucus back here, that with all due respect, we are not interpreting this order in a way that we would be held in contempt. So if anyone ever wants to question me at a later date, I think I've stated publicly that I believe that this order was aimed only at that specific committee, that joint committee. And with that I want to thank you for your courtesy, Mr. Speaker. [applause]

**Speaker Feeney:** Thank you, Representative Frankel. Representative Frankel, so that we understand, are you going to indemnify your members or do you want the House to, just in case?

Representative Smith, you are recognized.

**Rep. Smith:** Mr. Speaker, thank you, for a question and a slight comment.

I am a little concerned, more than just being a Member, meeting here, because as Members we are all under your interpretation of a violation of a court order. But there are about 30-something of us here who are officers of the court, so we have to answer not only to the court system but to the Florida Bar. And I wanted to make sure that your agreement to indemnify us in court as Members also extends to indemnifying us in front of the Florida Bar as we have disciplinary procedures. And I am very serious about that, Mr. Speaker. Dealing with the Florida Bar, you know, it can be a contentious situation for an officer of the court to violate a court order. In that vein, Mr. Speaker, could you have someone comment on where we are on the appellate process? And if possible if you could, I don't know, under the rules, if you could appoint a small committee to keep us constantly informed so that we can constantly make informed decisions of whether as officers of the court we violate court orders?

**Speaker Feeney:** Representative Goodlette, do you want to take a stab at answering Representative Smith's question? His question is with respect to whether or not the House—and you know from my perspective we'll take a look at any obligations that all of us who are members of the court may have as officers of the court. My intention would be that Members doing their constitutional duty would be completely protected by the actions of the House Counsel and that you could count on us to do our best.

Representative Goodlette, with respect to the rest of the question, go ahead.

**Representative Goodlette:** Mr. Speaker, I would suggest that to the extent that the appropriate answer to that question may be offered by our General Counsel, that Tom Tedcastle be called upon to answer



some of the specifics of that if he is in the Chamber or otherwise available.

**Speaker Feeney:** Well I don't think it's appropriate to have our staff, even our General Counsel, answer that question here. But Representative Smith, I think it would be appropriate that we ask our General Counsel to respond to your question. We will put a copy on every Member's desk or in their office, if we can. Thank you for the question.

Is there any other—we have made a little light, but this is a serious issue, ladies and gentlemen, and it affects our ability to conduct our business.

Representative Goodlette, what is your pleasure about the Order of Business? Are you ready to get to work?

**Rep. Goodlette:** Indeed we are, Mr. Speaker.

**Speaker Feeney:** Representative Baxley, for what purpose?

**Rep. Baxley:** For a comment, Mr. Speaker.

**Speaker Feeney:** Representative Baxley, why don't you make a short comment if you feel compelled; but what we would like to do probably is get into business.

**Rep. Baxley:** My short comment that is on the behalf of my colleagues to you. I would like to thank you for standing up for our legislative authority. And we need to thank our Speaker. [applause]

#### Resolutions

**HR 9023**—A resolution honoring Mr. William Russell Mote.

WHEREAS, born in 1906 in Tampa, Florida, Mr. William Russell Mote grew up by the sea and developed an intense love for all the treasures that it holds, and

WHEREAS, Mr. Mote left his home in 1929 for New York, where he founded the Republic Carloading and Distributing Company with partner Ted Bartels, popularizing a technique that made it practical to transport large trailers and containers on train flatcars across the United States, and

WHEREAS, although he made his fortune developing efficient means of moving cargo from ship to shore, Mr. William Mote never forgot his love for the sea, and focused much of his energy and his fortune to protecting the vast riches it held, and

WHEREAS, upon his retirement from the Republic Carloading and Distributing Company's Board of Directors, Mr. Mote directed his focus on his first love, serving on The Florida Council of 100 Committee on Oceanography and, after moving to Sarasota, Florida, in 1965, working to make Cape Haze Marine Laboratory a thriving marine research facility, and

WHEREAS, for his efforts in transforming the small Cape Haze Marine laboratory into an internationally recognized institution, the name was changed to Mote Marine Laboratory in 1967, in honor of the members of the Mote family, the laboratory's main benefactors, and the following year, Mr. William Mote received the Gold Medal Award of the International Oceanographic Foundation, and

WHEREAS, Mr. William Russell Mote actively participated in the Mote Marine laboratory affairs until his death on July 18, 2000, and

WHEREAS, in his lifetime, Mr. Mote dedicated his services to preserving the sea through partnerships with the Florida State University, from which he received an honorary doctorate degree, establishing the William R. and Lenore Mote Eminent Scholar Chair in Fisheries Ecology and Enhancement and providing intern scholarships, as well as establishing the Mote Vascular Foundation to further the lay public's and the medical community's knowledge of vascular diseases and their treatment, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to honor the memory of Mr. William Russell Mote in recognition of his tireless efforts to preserve our beautiful seas and all life therein, and to encourage all citizens to honor the memory of one of Florida's most accomplished philanthropists, a man whose life is a testament to the good that we all can accomplish when we follow our hearts.

—was read the second time by title. On motion by Rep. Flanagan, the resolution was adopted.

**HR 9043**—A resolution recognizing April 2-8, 2001, as "Oceans Week" and April 4, 2001, as "Oceans Day."

WHEREAS, the Florida House of Representatives recognizes that coastal and ocean resources are vital to Florida's quality of life and economic vitality, and

WHEREAS, it is the policy of the State of Florida to conserve and protect its natural resources and scenic beauty, in accordance with Article II, Section 7 of the Florida Constitution, and

WHEREAS, Florida is the only state in the contiguous United States that is bordered on three sides by the sea, with over 8,000 miles of continuous tidal shoreline, and

WHEREAS, over 75 percent of Florida's citizens live within its coastal counties, and

WHEREAS, there is a need to coordinate the protection, enhancement, and management of our state's ocean resources so that future generations will enjoy healthy ocean and coastal resources, and

WHEREAS, oceans provide the basis for a significant part of the state's economic, ecological, and social well-being, and

WHEREAS, the United States Congress has called for the establishment of a coordinated and comprehensive national ocean policy by passing the Oceans Act of 2000, with appointment of a national commission by April 20, 2001, and a final report due 18 months after the commission is established, or by late 2002, and

WHEREAS, Oceanology International 2001, a world-class exhibition and joint ocean forum, is holding its first biennial Americas Conference in Miami, Florida, on April 3-5, 2001, and

WHEREAS, Mote Marine Laboratory and the Florida Institute of Oceanography are organizing ocean-related exhibitions and a reception for legislators and governmental officials at the State Capitol on April 4, 2001, and

WHEREAS, the Florida Ocean Alliance has been formed as a nonprofit, nonpartisan, public-private partnership of ocean-related interests to promote awareness and understanding of the ocean's importance to the ecology and economy of Florida and its neighbors, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives recognizes the week of April 2-8, 2001, as Oceans Week, and April 4, 2001, as Oceans Day in recognition of the importance of Florida's ocean resources, and to promote public awareness of this importance.

—was read the second time by title. On motion by Rep. Clarke, the resolution was adopted.

By Representative Murman—

**HR 9049**—A resolution commending the osteopathic physicians of this state and recognizing April 4, 2001, as Osteopathic Medicine Day.

WHEREAS, osteopathic physicians provide health care services that account for more than 100 million patient visits in this country each year, and

WHEREAS, this state has ten accredited osteopathic hospitals, an osteopathic medical college, and the fourth largest osteopathic physician population in the United States, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives commends the osteopathic physicians of this state for their contributions to the health and welfare of the residents of this state and recognizes April 4, 2001, as Osteopathic Medicine Day.

—was read the first time by title and the second time by title. On motion by Rep. Murman, the resolution was adopted.

By Representative Barreiro—

**HR 9051**—A resolution recognizing Wednesday and Thursday, April 4 and 5, 2001, as “Miami-Dade County Days.”

WHEREAS, Miami-Dade County is a center of world finance, with 135 financial institutions and foreign agencies within its boundaries, and

WHEREAS, Greater Miami-Dade County is the site of approximately 50 foreign consulates and numerous international trade offices and bi-national Chambers of Commerce, and

WHEREAS, the film and TV industry has made Miami-Dade County one of the largest production centers in the nation, and

WHEREAS, agriculture continues to provide significant economic activity, and the industry has diversified such that Miami-Dade County is one of the largest producers in the United States of tropical fruits, ornamental plants, and fish, and

WHEREAS, manufacturing is also a key industry in Miami-Dade County, with nearly 3,000 companies that employ approximately 80,000 individuals, and

WHEREAS, Miami-Dade County is experiencing a cultural boom in world-class entertainment and cultural activities, which is evidenced by the nonprofit cultural organizations offering dance, theater, music and visual arts, and festivals and special events, and

WHEREAS, the Miami-Dade community is a microcosm of the world, in the number of countries represented, languages spoken daily, and languages taught in the community’s schools, and a hub from which nonstop flights take passengers to Latin America and the Caribbean, and at which trade flourishes in the continental U.S. port located closest to Africa, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That Wednesday and Thursday, April 4 and 5, 2001, are recognized as “Miami-Dade County Days.”

—was read the first time by title and the second time by title. On motion by Rep. Barreiro, the resolution was adopted.

## Messages from the Senate

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS/HB 215.

*Faye W. Blanton, Secretary*

The above bill was ordered enrolled.

## Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 1:30 p.m., Tuesday, April 10. The motion was agreed to.

## Recorded Votes

Rep. Clarke:

Change from Yeas to Nays—Amendment 4 to HB 1753

Rep. Gelber:

Yeas—HB 1727; HB 1739

Rep. Gibson:

Nays—Amendment 4 to HB 1753

Rep. Lee:

Yeas—HB 1743

Rep. Lerner:

Change from Yeas to Nays—HB 1809

## Prime Sponsors

HB 953—Cantens

HB 1091—Mahon

## Cosponsors

HB 23—Atwater

HB 45—Clarke, Harrington, Henriquez, Kottkamp, Kyle, Sorensen, Stansel, Trovillion

HJR 49—Betancourt, Bucher, Machek, Rich, Slosberg, Weissman

HB 135—Harper

HB 189—Carassas

HB 213—Kosmas

HB 317—Slosberg

HB 329—Hogan

CS/HB 337—Lynn

HB 349—Machek

HB 379—Lerner

HB 449—Haridopolos

HB 553—Slosberg

CS/HB 681—Greenstein, Kosmas

HB 695—Sobel

HB 701—Kendrick

HB 715—Atwater

CS/HB 809—Brown

HB 1019—Cantens, Diaz-Balart, Lacasa, Rubio

HB 1035—Bense, Johnson

HB 1077—Farkas

HB 1109—Mack

CS/HB 1145—Bullard

HB 1165—Kravitz

HB 1173—Hart

HB 1203—McGriff, Wiles

HB 1225—Betancourt

HB 1371—Siplin

HB 1403—Kravitz

HB 1409—Diaz de la Portilla, Lynn, Rich

HB 1411—Kendrick

HB 1419—Kilmer

HB 1705—Detert

## Introduction and Reference

By the Committee on Health Regulation; Representatives Farkas, Harrell, Wishner, Fiorentino, and Rubio—

**HB 1867**—A bill to be entitled An act relating to health care practitioner regulation; providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of

maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; capping indirect costs allowable under contracts the department has with private entity vendors or other state agencies; exempting the Medical Quality Assurance Trust Fund from the general revenue service charge for a specified period; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing education tracking system; amending s. 456.065, F.S.; requiring the unlicensed activity fee to be in addition to all other fees collected from each licensee; amending ss. 456.015, 457.105, 457.107, 457.108, 458.311, 458.313, 458.3135, 458.314, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345, 458.347, 459.009, 459.0092, 459.021, 459.022, 460.406, 460.407, 460.4165, 460.4166, 461.006, 461.007, 461.008, 462.08, 462.16, 462.19, 463.0057, 463.006, 463.007, 463.008, 464.008, 464.009, 464.012, 464.014, 464.019, 464.0205, 465.007, 465.008, 465.012, 465.0125, 465.0126, 465.0156, 465.022, 465.0276, 466.004, 466.006, 466.007, 466.008, 466.009, 466.013, 466.015, 466.017, 466.032, 467.0125, 467.0135, 468.1145, 468.1695, 468.1705, 468.1725, 468.1735, 468.209, 468.211, 468.221, 468.357, 468.361, 468.364, 468.508, 468.509, 468.513, 468.705, 468.709, 468.803, 468.805, 468.806, 478.45, 478.47, 478.50, 478.51, 478.55, 480.043, 480.044, 483.807, 483.819, 483.901, 484.002, 484.007, 484.008, 484.009, 484.0447, 486.041, 486.061, 486.081, 486.085, 486.103, 486.106, 486.107, 486.108, 490.005, 490.0051, 490.007, 491.0045, 491.0046, 491.005, 491.007, 491.008, and 491.0145, F.S.; conforming provisions relating to fees; repealing s. 458.31151, F.S., relating to development of the examination for foreign-trained physicians and the fees therefor; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations and the removal of state-administered examinations as a barrier to licensure; providing for electronic access to and posting of examination scores under certain conditions; providing for the sharing of examinations or examination item banks with certain entities; providing for review of questions by legal counsel under certain circumstances; providing for electronic administration of all laws and rules examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee's current mailing address and place of practice; amending s. 456.036, F.S.; conforming fee provisions; amending s. 456.037, F.S.; including optical establishments and optometry branch offices among provisions relating to active status requirements of business establishments; amending s. 456.073, F.S.; authorizing a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for the posting of newsletters on the department's website; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising and providing disciplinary actions; amending s. 456.079, F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 459.0085, 459.015, 460.413, 461.013, 462.14, 463.016, 464.018, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, and 491.009, F.S.; conforming provisions relating to disciplinary actions; repealing s. 483.827, F.S., relating to administrative penalties applicable to clinical laboratory personnel; amending s. 456.074, F.S.; providing for immediate suspension of license for violations relating to fraudulent practices; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Judicial Oversight; Representative Crow—

**HB 1869**—A bill to be entitled An act relating to child support enforcement; amending ss. 61.11, 61.13, 61.13015, 61.13016, 61.13017,

61.181, 61.1824, 409.2557, 409.25575, 409.2561, 409.2564, 409.2565, 409.25657, 409.2567, 409.2578, 409.2579, 409.2594, 409.2598, 414.095, and 443.051, F.S.; deleting reference to child support and providing reference to support; amending ss. 69.041, 213.053, 231.097, 320.05, 328.42, 414.065, 455.203, 456.004, 559.79, and 943.053, F.S.; including reference to the definition of support; amending s. 24.115, F.S.; including spousal support or alimony for former spouse of an obligor if child support is being enforced by the Department of Revenue among a list of items which must be paid prior to the award of certain prizes; amending s. 61.046, F.S.; redefining the term “support order”; defining the term “support”; amending s. 61.1301, F.S.; revising language with respect to income deduction orders to provide for such orders under certain circumstances; amending s. 61.1354, F.S.; revising language with respect to the sharing of information between consumer reporting agencies and the Title IV-D agency; amending s. 61.14, F.S.; including reference to the State Disbursement Unit with respect to support payments; amending s. 61.14, F.S.; authorizing the court to modify an order for child support, maintenance, or alimony retroactive to the date of the filing of the action; providing an exception; providing requirements for judges of compensation claims with respect to settlement of a lump-sum payment; amending s. 61.1825, F.S.; revising language with respect to the state case registry to include additional provisions requiring the placement of a family violence indicator in the record; amending s. 61.30, F.S.; redefining the term “gross income” with respect to child support guidelines; authorizing the court to adjust the minimum child support award based on consideration of the particular shared parental arrangement; specifying procedure for adjustment of any award of child support when the particular shared parental arrangement provides that each child spend a substantial amount of time with each parent; specifying circumstances under which failure of a noncustodial parent to exercise visitation may trigger modification of the child support award; providing for retroactive application of such modified support award; amending s. 120.80, F.S.; providing for proceedings for administrative child support orders under the Department of Revenue; amending s. 322.058, F.S.; including additional provisions requiring the suspension of a drivers' license for failure to comply with a subpoena, order to appear, order to show cause, or similar order with respect to a delinquent support obligation; amending s. 322.142, F.S.; including an additional reason that reproductions of records with respect to drivers' licenses may be sent from the Department of Highway Safety and Motor Vehicles; amending s. 328.42, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to allow the Department of Revenue to screen applicants for new or renewal vessel registrations to assure compliance with an obligation for support; amending s. 409.2554, F.S.; redefining the terms “public assistance” and “support”; defining the terms “undistributable collection” and “unidentifiable collection”; amending s. 409.2558, F.S.; revising language with respect to support distribution and disbursement to include reference to undistributable collections and unidentifiable collections; providing for the disbursement of support payments; creating s. 409.2563, F.S.; providing for a pilot program for administrative establishment of child support obligations; amending s. 409.2564, F.S.; revising language with respect to actions for support; amending s. 409.25645, F.S.; revising language with respect to administrative orders for genetic testing; amending s. 409.25656, F.S.; clarifying language with respect to garnishment; amending s. 409.2572, F.S.; including reference to public assistance with respect to certain acts of noncooperation; amending s. 409.2578, F.S.; revising language with respect to access to employment information for enforcing support obligations; repealing s. 409.2591, F.S., relating to unidentifiable moneys held in a special account; amending s. 414.065, F.S., relating to work activity requirements for noncustodial parents; amending s. 414.32, F.S.; revising language with respect to certain food stamp programs; amending s. 440.20, F.S.; revising language with respect to lump-sum payments under workers compensation; amending s. 440.22, F.S.; providing that exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony; amending s. 742.12, F.S.; revising language with respect to scientific testing to determine paternity; providing for a case analysis; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Health Regulation; Representatives Farkas, Sobel, Alexander, Ritter, Harrell, and Wishner—

**HB 1871**—A bill to be entitled An act relating to public records; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Health Regulation; Representatives Farkas, Sobel, Alexander, Ritter, Harrell, and Wishner—

**HB 1873**—A bill to be entitled An act relating to health care; amending s. 395.0197, F.S.; revising provisions relating to hospital and ambulatory surgical center internal risk management programs; modifying requirements for risk management and prevention education and training; restricting participation of unlicensed persons in surgical procedures; requiring ongoing evaluation of surgical procedures and protocols; eliminating an annual report summarizing facility incident reports and disciplinary actions; requiring the Agency for Health Care Administration to publish website summaries of adverse incident reports; requiring facility reporting of allegations of sexual misconduct by health care practitioners; providing certain civil liability for licensed risk managers; prohibiting intimidation of a risk manager; providing a penalty; amending s. 395.10972, F.S.; increasing membership on the Health Care Risk Management Advisory Council; amending s. 395.701, F.S.; limiting the financial information the agency may require to determine the amount of hospital annual assessments; amending s. 456.013, F.S.; providing a professional continuing education requirement relating to prevention of medical errors; amending s. 456.063, F.S.; requiring licensed health care practitioners to report to the Department of Health any allegations of sexual misconduct; amending s. 456.072, F.S.; providing additional grounds for disciplinary actions; clarifying a penalty involving restriction of professional practice or license; providing additional penalties; requiring assessment of costs related to investigation and prosecution; amending s. 456.073, F.S.; requiring the department to notify the patient or legal representative of the status of a disciplinary case; requiring the agency to provide certain information to the complainant; amending s. 456.077, F.S.; specifying violations for which the department or a regulatory board may issue citations; amending s. 456.081, F.S.; requiring the department and regulatory boards to maintain a website containing specified information; amending ss. 458.331 and 459.015, F.S.; conforming language and cross references to changes made by the act; amending ss. 465.019 and 465.0196, F.S.; requiring institutional pharmacies and special pharmacy permittees that use pharmacy technicians to have a written policy and procedures manual; directing the department and agency to review health care practitioner and facility reporting requirements; requiring a report to the Legislature; amending s. 468.1755, F.S.; providing an additional ground for disciplinary action against a nursing home administrator; reenacting ss. 468.1695(3) and 468.1735, F.S., to incorporate said amendment in references; reenacting s. 484.056(1)(a), F.S., relating to disciplinary action against hearing aid specialists, to incorporate the amendment to s. 456.072(1), in a reference; amending s. 766.101, F.S.; providing that a continuous quality improvement committee of a licensed pharmacy is a medical review committee for purposes of immunity from liability, and reenacting ss. 440.105(1)(a) and 626.989(6), F.S., to incorporate said amendment in references; amending s. 766.1115, F.S.; conforming language and cross references to changes made by the act; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Transportation; Representative Russell—

**HB 1875**—A bill to be entitled An act relating to driver licensing; creating the Driver Licensing Study Commission within the Department of Highway Safety and Motor Vehicles; providing for membership and appointment; providing for staff; providing for duties

of the commission; providing for dissolution of the commission upon submission of a required report; providing an appropriation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

**HR 9047**—Adopted earlier today

**HR 9049**—Adopted earlier today

**HR 9051**—Adopted earlier today

#### First Reading of Council and Committee Substitutes by Publication

By the Council for Healthy Communities; Representatives Harrington, Kravitz, Cantens, Fiorentino, Bean, Spratt, Mahon, and Dockery—

**CS/HB 131**—A bill to be entitled An act relating to correctional facilities; creating s. 784.074, F.S.; providing for reclassification of offenses of assault or battery on a staff member of a sexually violent predators detention or commitment facility; creating s. 784.078, F.S.; defining “facility” and “employee”; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a sexually violent predators detention or commitment facility or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; amending s. 806.13, F.S.; providing a penalty for criminal mischief upon a sexually violent predators detention or commitment facility and reenacting s. 901.15, F.S., relating to arrest without a warrant, to incorporate said amendment in a reference; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee and assault or battery of a staff member of a sexually violent predators facility, for purposes of the Criminal Punishment Code offense severity ranking chart; amending s. 945.35, F.S.; providing an educational requirement for correctional facility inmates on communicable diseases; providing, upon the request of a correctional officer or other employee, for testing of such person and any inmate who may have transmitted a communicable disease to such person; providing for results to be communicated to affected parties; providing for access to health care; providing that test results are inadmissible in court cases; requiring the department to promulgate rules; providing an effective date.

By the Committee on Colleges & Universities; Representatives Alexander and Lynn—

**CS/HB 281**—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; creating the “Higher Educational Facilities Financing Act”; providing legislative findings and declarations; providing definitions; creating the Higher Educational Facilities Financing Authority; providing for membership of the authority; providing for its powers; providing criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; amending s. 196.012, F.S.; providing that institutions funded by the Higher Educational Facilities Financing Act are educational institutions for purposes of state taxation; providing an effective date.

By the Committee on Education Innovation; Representative Sorensen—

**CS/HB 481**—A bill to be entitled An act relating to educational finance; amending s. 236.081, F.S.; revising the limitation on the percentage of a school district’s total K-12 Florida Education Finance Program calculation that may be produced by the district’s revenue from required local effort millage for certain counties; providing an effective date.

By the Committee on Colleges & Universities; Representatives Lynn, Melvin, Waters, Wallace, Dockery, Lacasa, Murman, Maygarden, Johnson, Andrews, and Kilmer—

**CS/HB 1533**—A bill to be entitled An act relating to education governance reorganization; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Education K-20 Policy and Research Commission, respectively; creating the Education K-20 Policy and Research Commission within OPPAGA; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Education K-20 Policy and Research Commission; establishing the membership and duties of the commission; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and oversee the chancellors and the executive director and to serve as secretary of the Florida Board of Education and as chief executive officer of the seamless K-20 education system; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission, goals, and systemwide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees and a Florida Board of Education; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Florida Board of Education to appoint advisory bodies as necessary, and develop and recommend to the Legislature a new School Code; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full

implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; creating s. 229.0073, F.S.; establishing the commissioner's Education Reorganization Workgroup to direct and oversee reorganization of the Department of Education; providing requirements for reorganization to include the establishment of offices and divisions; transferring the SMART Schools Clearinghouse to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing duties of the commission; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; providing legislative intent regarding the School Readiness Act; clarifying and providing responsibilities of the Florida Partnership for School Readiness, the Department of Education, and parents relating to school readiness; assigning the Florida Partnership for School Readiness to the Agency for Workforce Innovation for administrative purposes; requiring a plan for distribution and expenditure of school readiness funds; creating s. 229.0084, F.S.; providing a statement of legislative findings and intent regarding liability for student achievement and the autonomy of independent K-12 schools and home education programs; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; repealing s. 229.8065, F.S., relating to expenditures for the Knott Data Center and projects, contracts, and grants programs; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; repealing s. 235.217(1)(b), (c), and (d), (2), (3)(a), (c), (d), and (e), (4), and (5), F.S., relating to membership and certain duties of the SMART Schools Clearinghouse; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; providing effective dates.

## Reports of Councils and Standing Committees

### Council Reports

#### Received April 4:

The Council for Healthy Communities recommends a council substitute for the following:

HB 131

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 131 was laid on the table.**

### Committee Reports

#### Received April 4:

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

CS/HB 719

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on General Government Appropriations recommends the following pass:

CS/HB 681, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Health Promotion recommends the following pass:  
CS/HB 809, with 1 amendment

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on State Administration recommends the following pass:

CS/HB 591

CS/HB 721, with 1 amendment

HB 1541

**The above bills were referred to the Council for Competitive Commerce.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 503, with 1 amendment (fiscal note attached)

HB 645 (fiscal note attached)

**The above bills were referred to the Fiscal Responsibility Council.**

The Committee on Judicial Oversight recommends the following pass:  
HJR 689

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on State Administration recommends the following pass:

HB 1249

HB 1513

**The above bills were referred to the Fiscal Responsibility Council.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 1777, with 1 amendment

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Health Regulation recommends the following pass:  
HB 1403, with 1 amendment

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Judicial Oversight recommends the following pass:  
HB 315

**The above bill was referred to the Council for Healthy Communities.**

The Committee on State Administration recommends the following pass:

HB 1067, with 1 amendment

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Health Promotion recommends the following pass:  
HB 329, with 1 amendment

**The above bill was referred to the Procedural & Redistricting Council.**

The Committee on Judicial Oversight recommends the following pass:  
CS/HB 371

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Transportation recommends the following pass:  
HB 1173, with 1 amendment

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Business Regulation recommends the following pass:

HB 579, with 1 amendment

HB 1397, with 1 amendment

**The above bills were referred to the Council for Smarter Government.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 955

**The above bill was referred to the Council for Smarter Government.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 1425, with 3 amendments

**The above bill was referred to the Committee on Criminal Justice Appropriations.**

The Committee on Judicial Oversight recommends the following pass:  
HB 321, with 1 amendment

**The above bill was referred to the Committee on Criminal Justice Appropriations.**

The Committee on State Administration recommends the following pass:

HB 301, with 1 amendment

**The above bill was referred to the Committee on Criminal Justice Appropriations.**

The Committee on Education Innovation recommends the following pass:

HB 1615

**The above bill was referred to the Committee on Education Appropriations.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 213

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Judicial Oversight recommends the following pass:  
HB 1027, with 1 amendment

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on State Administration recommends the following pass:

HB 95

HB 651, with 1 amendment

HB 1549, with 1 amendment

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on State Administration recommends the following pass:

CS/HB 255

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on Health Promotion recommends the following pass:  
HB 1799

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Colleges & Universities recommends a committee substitute for the following:  
HB 1533

**The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1533 was laid on the table.**

The Committee on Education Innovation recommends a committee substitute for the following:  
HB 481

**The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 481 was laid on the table.**

The Committee on Colleges & Universities recommends a committee substitute for the following:  
HB 281

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 281 was laid on the table.**

The Committee on Judicial Oversight recommends the following pass:  
HB 1391, with 1 amendment  
HB 1485, with 1 amendment

**The above bills were referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on State Administration recommends the following pass:  
HB 727, with 1 amendment

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on State Administration recommends the following pass:  
HB 1519, with 1 amendment

**The above bill was referred to the Committee on Elder & Long-Term Care.**

The Committee on State Administration recommends the following pass:  
HB 751

**The above bill was referred to the Committee on Health Promotion.**

The Committee on Health Promotion recommends the following pass:  
HB 1373, with 1 amendment

**The above bill was referred to the Committee on Insurance.**

The Committee on Health Regulation recommends the following pass:  
HB 947  
HB 1153, with 1 amendment

**The above bills were referred to the Committee on Judicial Oversight.**

The Committee on Business Regulation recommends the following pass:  
HB 1223, with 1 amendment

**The above bill was referred to the Committee on Local Government & Veterans Affairs.**

The Committee on Transportation recommends the following pass:  
HB 1099

**The above bill was referred to the Committee on Local Government & Veterans Affairs.**

The Committee on Judicial Oversight recommends the following pass:  
HJR 825

**The above bill was referred to the Committee on Rules, Ethics & Elections.**

The Committee on Education Innovation recommends the following pass:  
HB 1347

**The above bill was referred to the Committee on Transportation.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:  
HB 1349, with 1 amendment

**The above bill was referred to the Committee on Utilities & Telecommunications.**

## Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 4:18 p.m., to reconvene at 1:30 p.m., Tuesday, April 10.



# The Journal OF THE House of Representatives

Number 12

Tuesday, April 10, 2001

The House was called to order by the Speaker at 1:30 p.m.

## Prayer

The following prayer was offered by Rabbi Norman Lipson of Temple Dor Dorim of Weston, upon invitation of Rep. Rich:

Master of the Universe, Malka D'almah:

May these children of Adam and Eve, of all colors, faiths, and cultures, the chosen Representatives of the citizens of Florida, Your children, Christian and Jew, atheist and agnostic, man and woman, stand before You this day ready to work together to bring the blessings of hope, peace, and equity to their fellow citizens of this great state.

May the deliberations held within these walls always be on the highest level of discourse. May the words spoken by them, in fervor and passion, be free from rancor and discord. And may the compromises which will come from their sitting and reasoning together be for the betterment of their fellow citizens as a whole and not for the privileged few, at the expense of the many.

At this springtime season of Passover and Easter, of dreams of freedom from slavery and rebirth to a new world, may the words they utter match their deeds. And may their deeds reach to Your throne, O Ruler of all.

Bless these Representatives with wisdom and courage as they labor together: wisdom to see beyond the petty to the great, and courage to stand firmly for justice in the face of derision and scorn. Be with them always so that, together, they may one day, by their works here, help usher in the great promise of this land: true freedom and liberty for all.

Baruch Ata Adonay, Eloheinu Melech haolam, shehecheyanu, v'kiy'manu, v'higiyanu lazman hazeh.

Praised are You, Adonay our God, Ruler of the universe, who has kept us alive, sustained us, and enabled us to reach this moment in time. Amen.

## Recessed

The House stood in informal recess at 1:35 p.m., to reconvene upon the call of the Speaker.

## Reconvened

The House was called to order by the Speaker at 1:52 p.m.

The following Members were recorded present:

Session Vote Sequence: 126

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Ausley	Diaz-Balart	Jordan	Paul
Baker	Dockery	Joyner	Peterman
Ball	Farkas	Justice	Pickens
Barreiro	Fasano	Kallinger	Prieguez
Baxley	Fields	Kendrick	Rich
Bean	Fiorentino	Kilmer	Richardson
Bendross-Mindingall	Flanagan	Kosmas	Ritter
Bennett	Frankel	Kottkamp	Romeo
Bense	Gannon	Kravitz	Ross
Benson	Garcia	Kyle	Rubio
Berfield	Gardiner	Lacasa	Russell
Betancourt	Gelber	Lee	Ryan
Bilirakis	Gibson	Lerner	Seiler
Bowen	Goodlette	Littlefield	Simmons
Brown	Gottlieb	Lynn	Siplin
Brummer	Green	Machek	Slosberg
Brutus	Greenstein	Mack	Smith
Bucher	Haridopolos	Mahon	Sobel
Bullard	Harper	Mayfield	Sorensen
Byrd	Harrell	Maygarden	Spratt
Cantens	Harrington	McGriff	Stansel
Carassas	Hart	Meadows	Trovillion
Clarke	Henriquez	Mealor	Wallace
Crow	Heyman	Melvin	Waters
Cusack	Hogan	Miller	Weissman
Davis	Holloway	Murman	Wiles
Detert	Jennings	Needelman	Wilson
Diaz de la Portilla	Johnson	Negron	Wishner

A quorum was present.

## Pledge

The Members, led by Roger Amundsen, John B. Atwater of North Palm Beach, Malaika Brutus of Miami Shores, Jennifer J. Fiorentino of New Port Richey, Brendan Flanagan, Kevin Flanagan, Margaret Giampavolo of Holiday, Sara Nicole Jans of Rutherfordton, NC, Whitney Tyler Jernigan of Pace, David Lerner of Miami, Zachary L'Hote of Naples, Sarah C. Maguire of Ponte Vedra Beach, Harrison S. Mahon of Port St. Lucie, Gregory D. Owens of Miami, Page Painter of Tampa, Steven W. Pruitt of Port St. Lucie, Sara Beth Rawlings of Babson Park, Timothy Rawlins of Key Largo, Kyle Ruditz of Tallahassee, Kristie Sebesta of Jacksonville, Robby Stahl of St. Petersburg Beach, Blaine Varn of Tallahassee, Salem Willis of Tampa, and Andrew Wilson of Gainesville, pledged allegiance to the Flag. Roger Amundsen served at the invitation of Rep. Allen. John B. Atwater served at the invitation of his father, Rep. Atwater. Malaika Brutus served at the invitation of her father, Rep. Brutus. Jennifer J. Fiorentino served at the invitation of Rep. Crow. Brendan Flanagan and Kevin Flanagan served at the invitation of their father, Rep. Flanagan. Margaret Giampavolo served



at the invitation of Rep. Fiorentino. Sara Nicole Jans served at the invitation of Rep. Lynn. Whitney Tyler Jernigan served at the invitation of Rep. Miller. David Lerner served at the invitation of his mother, Rep. Lerner. Zachary L'Hote served at the invitation of Rep. Goodlette. Sarah C. Maguire served at the invitation of Rep. Davis. Harrison S. Mahon served at the invitation of his father, Rep. Mahon. Gregory D. Owens served at the invitation of Rep. Harper. Page Painter served at the invitation of Rep. Jennings. Steven W. Pruitt served at the invitation of Rep. Mayfield. Sara Beth Rawlings served at the invitation of Rep. Alexander. Timothy Rawlins served at the invitation of Rep. Carassas. Kristie Sebasta served at the invitation of Rep. Waters. Robby Stahl and Salem Willis served at the invitation of Rep. Murman. Blaine Varn served at the invitation of Rep. Byrd. Andrew Wilson served at the invitation of Rep. Hart.

**House Physician**

The Speaker introduced Dr. Ed Homan of Tampa, who served in the Clinic today upon invitation of Rep. Byrd.

**Correction of the Journal**

The *Journal* of April 4 was corrected and approved as follows: On page 465, column 1, line 10 from the bottom, delete the period and insert in lieu thereof: , which was adopted.

**Installation of Murals**

The Speaker recognized Christopher Still, artist, to approach the well, where he gave brief remarks regarding previously installed murals and the two murals installed yesterday, April 9. The newly installed murals present Seminole Chief Osceola and the Civil War era.

**Messages from the Senate**

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 2000, as amended, and requests the concurrence of the House, and in the event the House refuses to concur, the Senate requests that a conference committee be appointed.

*Faye W. Blanton, Secretary*

By the Committee on Appropriations—

**SB 2000**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the first time by title. On motion by Rep. Lacasa, the rules were waived and the bill was read the second time by title.

Rep. Lacasa offered an amendment striking everything after the enacting clause and inserting the text of HB 1807. Under Rule 12.11, the amendment was not printed in the *Journal*.

Rep. Lacasa moved the adoption of the amendment, which was adopted.

On motion by Rep. Lacasa, the rules were waived and SB 2000, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 127

Yeas—111

The Chair	Atwater	Bendross-Mindingall	Brown
Alexander	Ausley	Bennett	Brummer
Allen	Baker	Bense	Brutus
Andrews	Ball	Benson	Bullard
Argenziano	Barreiro	Berfield	Byrd
Arza	Baxley	Betancourt	Cantens
Attkisson	Bean	Bowen	Carassas

Clarke	Haridopolos	Lerner	Romeo
Crow	Harper	Littlefield	Ross
Cusack	Harrington	Lynn	Rubio
Davis	Hart	Machek	Russell
Detert	Henriquez	Mack	Ryan
Diaz de la Portilla	Heyman	Mahon	Seiler
Dockery	Hogan	Maygarden	Simmons
Farkas	Holloway	McGriff	Siplin
Fasano	Jennings	Meadows	Slosberg
Fields	Johnson	Mealor	Smith
Fiorentino	Jordan	Miller	Sobel
Flanagan	Joyner	Murman	Sorensen
Gannon	Justice	Needelman	Spratt
Garcia	Kallinger	Negron	Stansel
Gardiner	Kendrick	Paul	Trovillion
Gelber	Kilmer	Peterman	Wallace
Gibson	Kosmas	Pickens	Waters
Goodlette	Kottkamp	Prieguez	Wiles
Gottlieb	Kravitz	Rich	Wilson
Green	Kyle	Richardson	Wishner
Greenstein	Lacasa	Ritter	

Nays—3

Bucher	Frankel	Weissman
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Votes after roll call:

Yeas—Bilirakis

So the bill passed, as amended. On motion by Rep. Lacasa, the rules were waived and the bill was immediately certified to the Senate.

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 2002, as amended, and requests the concurrence of the House, and in the event the House refuses to concur, the Senate requests that a conference committee be appointed.

*Faye W. Blanton, Secretary*

By the Committee on Appropriations—

**SB 2002**—A bill to be entitled An act implementing the 2001-2002 General Appropriations Act; providing legislative intent; providing for allocation of moneys provided for workforce development and providing for budget amendment when a program is moved; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 2001-2002 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; amending s. 216.177, F.S.; providing notice requirements for the Department of Children and Family Services with respect to transferring portions of district budgets; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursements to hospitals; revising the level of county participation; prohibiting the Agency for Health Care Administration from adjusting premiums paid to health maintenance organizations or prepaid health care plans due to elimination of Medicaid ceilings on certain types of hospitals and special Medicaid payments to hospitals; amending s. 409.904, F.S.; revising eligibility requirements for certain medical assistance payments; amending s. 409.905, F.S.; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; revising standards for payable intermediate care services; amending s. 409.908, F.S.; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.91195, F.S.; providing for a restricted drug formulary applicable to Medicaid providers; amending s.

409.912, F.S.; prescribing additional services that the Agency for Health Care Administration may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted drug formulary; amending s. 409.904, F.S.; providing additional limitations on services that may be furnished to medically needy patients; amending s. 409.913, F.S.; requiring the Agency for Health Care Administration to implement a pilot program to prevent Medicaid fraud and abuse with respect to pharmaceuticals; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; amending s. 409.912, F.S.; authorizing the agency to contract with children's clinic networks for certain purposes; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for the assignment of certain Medicaid recipients to managed care plans; amending s. 409.904, F.S.; providing for the Agency for Health Care Administration to pay for specified cancer treatment; amending s. 39.3065, F.S.; prescribing responsibility of the Seminole County Sheriff with respect to child protective investigations; amending s. 414.045, F.S.; revising reporting requirements with respect to the cash assistance program; providing legislative intent and directives with respect to community-based care initiatives; requiring the availability of certain funds for the temporary assistance for needy families program; authorizing a transfer of funds between the Department of Children and Family Services and the Department of Juvenile Justice relating to transfer of staff between the departments; amending s. 318.21, F.S.; distributing a portion of the civil penalties paid to the county courts to the state courts system instead of the Department of Children and Family Services for administrative, training, and other costs associated with the implementation and maintenance of Florida foster care citizen review panels; amending s. 925.037, F.S.; providing that the state courts system shall allocate conflict counsel funds among certain counties; amending s. 25.402, F.S.; revising membership of the County Article V Trust Fund advisory committee; revising uses of the fund; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for future reversion to current text; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing matching funds for the administration of such program; directing Enterprise Florida, Inc., to operate sister-city and sister-state programs according to specified standards; authorizing Enterprise Florida, Inc., to contract for the implementation of Florida's international volunteer corps; authorizing the Department of Community Affairs to use specified methods to issue notices of intent; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 259.101, F.S.; requiring appropriations from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund for land acquisition; providing for disposition and use of certain moneys accruing to the Florida Forever Trust Fund; amending s. 259.105, F.S.; deleting a restriction on use of moneys allocated under the Florida Forever Act to the South Florida Water Management District; amending s. 403.709, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; amending s. 403.7095, F.S., relating to the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; providing for future repeal of various provisions; providing

effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

—was read the first time by title. On motion by Rep. Lacasa, the rules were waived and the bill was read the second time by title.

Rep. Lacasa offered an amendment striking everything after the enacting clause and inserting the text of HB 1809. Under Rule 12.11, the amendment was not printed in the *Journal*.

Rep. Lacasa moved the adoption of the amendment, which was adopted.

On motion by Rep. Lacasa, the rules were waived and SB 2002, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 128

Yeas—118

The Chair	Clarke	Holloway	Negron
Alexander	Crow	Jennings	Paul
Allen	Cusack	Johnson	Peterman
Andrews	Davis	Jordan	Pickens
Argenziano	Detert	Joyner	Prieguez
Arza	Diaz de la Portilla	Justice	Rich
Attkisson	Diaz-Balart	Kallinger	Richardson
Atwater	Dockery	Kendrick	Ritter
Ausley	Farkas	Kilmer	Romeo
Baker	Fasano	Kosmas	Ross
Ball	Fields	Kottkamp	Rubio
Barreiro	Fiorentino	Kravitz	Russell
Baxley	Flanagan	Kyle	Ryan
Bean	Gannon	Lacasa	Seiler
Bendross-Mindingall	Garcia	Lee	Simmons
Bennett	Gardiner	Lerner	Siplin
Bense	Gelber	Littlefield	Slosberg
Benson	Gibson	Lynn	Smith
Berfield	Goodlette	Machek	Sobel
Betancourt	Gottlieb	Mack	Sorensen
Bilirakis	Green	Mahon	Spratt
Bowen	Greenstein	Mayfield	Stansel
Brown	Haridopolos	Maygarden	Trovillion
Brummer	Harper	McGriff	Wallace
Brutus	Harrell	Meadows	Waters
Bucher	Harrington	Mealor	Wiles
Bullard	Hart	Melvin	Wilson
Byrd	Henriquez	Miller	Wishner
Cantens	Heyman	Murman	
Carassas	Hogan	Needelman	

Nays—1

Frankel

Votes after roll call:

Nays—Weissman

So the bill passed, as amended. On motion by Rep. Lacasa, the rules were waived and the bill was immediately certified to the Senate.

#### Motion

On motion by Rep. Lacasa, the House requested the Senate to concur in House Amendment 1 to **SB 2000** and House Amendment 1 to **SB 2002**, or failing to concur, requested the Senate to appoint a committee of conference to meet with a like committee to be appointed by the House.

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 304, as amended; passed SBs 720 and 810; passed SB 946, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senator Pruitt—

**SB 304**—A bill to be entitled An act relating to deferred compensation programs for government employees; amending s. 112.215, F.S.; redefining the term “employee,” for purposes of participation in such programs, to include employees of constitutional county officers; prescribing duties of constitutional county officers with respect to their employees; providing for negotiation of a joint deferred compensation program for certain local employees currently eligible for participation in such programs and employees of constitutional county officers; providing for funding costs of the deferred compensation plan; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By Senators Carlton and Crist—

**SB 720**—A bill to be entitled An act relating to criminal history records; amending ss. 943.0585, 943.059, F.S.; prohibiting a court from expunging or sealing the criminal history record of a person who has been found guilty of or pled guilty or nolo contendere to distributing or showing obscene material to a minor or who has been found guilty of or pled guilty or nolo contendere to certain activities involving computer pornography; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By Senators Laurent and Crist—

**SB 810**—A bill to be entitled An act relating to law enforcement officers; amending s. 901.252, F.S.; providing authority to municipal law enforcement officers to patrol property and facilities leased by the municipality but located outside its territorial jurisdiction; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

By Senator Diaz de la Portilla—

**SB 946**—A bill to be entitled An act relating to the Key Largo Hammock State Botanical Site; changing the name of the site; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

## Reports of Councils and Standing Committees

### Report of the Procedural & Redistricting Council

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

April 5, 2001

*Dear Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits as Special Orders for Tuesday, April 10, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):
  - CS/HB 705—Aquifer Storage & Recovery Wells
  - CS/HJR 471—County Home Rule Charter
  - HB 469—Enrique Villedor Way
  - CS/HB 563—Lawton Chiles Endowment
  - CS/HB 339—Certificate of Need/Heart Surgery

CS/CS/HB 453—Energy Performance Savings  
CS/HB 19—Fair Housing Act  
HB 441—County Government/Property Sales  
HB 791—Property Exempt from Legal Process  
CS/HJR 295—Ad Val Tax Exemption/Elderly Living  
CS/HB 573—Homestead Assessment/Elderly Living  
CS/HB 789—Governmental Data Processing  
HB 731—Public Records/Local Government/WMD  
HB 593—Municipal Law Enforcement Officers  
CS/HB 203—Child Pornography  
CS/HB 331—Physician Assistants  
HB 805—Pool/Spa Servicing Contractor  
HB 351—Deferred Compensation Programs  
HB 989—Universities Designations  
HB 1401—DUI  
HB 811—Criminal Records/Obscene Materials  
HB 601—Judgment Liens on Personal Property  
HB 545—David Levitt School Anti-Hunger Act  
CS/HB 175—Reckless Driving  
HB 449—Civil Actions/Firearms & Ammunition  
CS/HB 497—Homicide of an Unborn Child  
HB 953—Burglary  
HB 1747—Controlled Substances/Hydrocodone  
CS/SB 232—Controlled Substances/Hydrocodone  
CS/HB 73—Fla. Customer Service Standards Act  
CS/HB 113—Construction/Prompt Payment Act  
HM 1161—Florida Keys/Fed. Emergency Mgmt.

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

On motion by Rep. Goodlette, the rules were waived and **HR 9035**, **HR 9055**, and **HR 9061** were added to the Special Order Calendar.

On motion by Rep. Goodlette, the above report was adopted, as amended.

### Motions Relating to Committee or Council References

On motion by Rep. Lacasa, agreed to by two-thirds vote, HB 423 was withdrawn from the Committee on General Government Appropriations, further referred to the Committee on Transportation & Economic Development Appropriations, and remains referred to the Council for Lifelong Learning.

On motion by Rep. Lacasa, agreed to by two-thirds vote, CS/HB 987 was withdrawn from the Committee on General Government Appropriations, further referred to the Committee on Transportation & Economic Development Appropriations, and remains referred to the Council for Ready Infrastructure.

On motion by Rep. Lacasa, agreed to by two-thirds vote, HB 1167 was withdrawn from the Committee on General Government Appropriations, further referred to the Committee on Transportation & Economic Development Appropriations, and remains referred to the Procedural & Redistricting Council.

On motion by Rep. Lacasa, agreed to by two-thirds vote, HB 1241 was withdrawn from the Committee on Health & Human Services Appropriations, further referred to the Committee on Transportation & Economic Development Appropriations, and remains referred to the Fiscal Responsibility Council.

On motion by Rep. Lacasa, agreed to by two-thirds vote, CS/HB 135 was withdrawn from the Committee on Education Appropriations, further referred to the Committee on Transportation & Economic Development Appropriations, and remains referred to the Fiscal Policy & Resources and the Council for Lifelong Learning.

On motion by Rep. Harper, agreed to by two-thirds vote, HB 861 was withdrawn from further consideration of the House.

On motion by Rep. Hogan, agreed to by two-thirds vote, HB 1795 was withdrawn from further consideration of the House.

**Bills and Joint Resolutions on Third Reading**

**CS/HB 77** was taken up. On motion by Rep. Sorensen, the rules were waived and—

**SB 946**—A bill to be entitled An act relating to the Key Largo Hammock State Botanical Site; changing the name of the site; providing an effective date.

—was substituted for CS/HB 77 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Sorensen, the rules were waived and SB 946 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 129

Yeas—119

The Chair	Clarke	Holloway	Negron
Alexander	Crow	Jennings	Paul
Allen	Cusack	Johnson	Peterman
Andrews	Davis	Jordan	Pickens
Argenziano	Detert	Joyner	Prieguez
Arza	Diaz de la Portilla	Justice	Rich
Attkisson	Diaz-Balart	Kallinger	Richardson
Atwater	Dockery	Kendrick	Ritter
Ausley	Farkas	Kilmer	Romeo
Baker	Fasano	Kosmas	Ross
Ball	Fields	Kottkamp	Rubio
Barreiro	Fiorentino	Kravitz	Russell
Baxley	Flanagan	Kyle	Ryan
Bean	Frankel	Lacasa	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harrell	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	

Nays—None

Votes after roll call:

Yeas—Harper

So the bill passed and was certified to the Senate.

**HB 695**—A bill to be entitled An act relating to sentencing; amending s. 874.04, F.S.; providing for enhanced penalties for the commission of a felony or misdemeanor, or a delinquent act or violation of law that would be a felony or misdemeanor if committed by an adult, under specified circumstances when the defendant committed the charged offense for the purpose of benefiting, promoting, or furthering the interest of a criminal street gang; amending s. 921.0024, F.S., relating to the Criminal Punishment Code worksheet computations and scoresheets; revising guidelines for applying a specified sentence multiplier for offenses committed for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 130

Yeas—118

The Chair	Clarke	Holloway	Paul
Alexander	Crow	Jennings	Peterman
Allen	Cusack	Johnson	Pickens
Andrews	Davis	Joyner	Prieguez
Argenziano	Detert	Justice	Rich
Arza	Diaz de la Portilla	Kallinger	Richardson
Attkisson	Diaz-Balart	Kendrick	Ritter
Atwater	Dockery	Kilmer	Romeo
Ausley	Farkas	Kosmas	Ross
Baker	Fasano	Kottkamp	Rubio
Ball	Fields	Kravitz	Russell
Barreiro	Fiorentino	Kyle	Ryan
Baxley	Flanagan	Lacasa	Seiler
Bean	Frankel	Lee	Simmons
Bendross-Mindingall	Gannon	Lerner	Siplin
Bennett	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayer	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Haridopolos	Meadows	Waters
Brutus	Harper	Mealor	Weissman
Bucher	Harrell	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	

Nays—None

So the bill passed and was certified to the Senate.

**HB 1003**—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and pneumococcal polysaccharide vaccinations; providing rulemaking authority; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 131

Yeas—117

The Chair	Brutus	Gelber	Kravitz
Alexander	Bucher	Gibson	Kyle
Allen	Bullard	Goodlette	Lacasa
Andrews	Byrd	Green	Lee
Argenziano	Cantens	Greenstein	Lerner
Arza	Carassas	Haridopolos	Littlefield
Attkisson	Clarke	Harrell	Lynn
Atwater	Crow	Harrington	Machek
Ausley	Cusack	Hart	Mack
Baker	Davis	Henriquez	Mahon
Ball	Detert	Heyman	Mayfield
Baxley	Diaz de la Portilla	Hogan	Maygarden
Bean	Diaz-Balart	Holloway	McGriff
Bendross-Mindingall	Dockery	Jennings	Meadows
Bennett	Farkas	Johnson	Mealor
Bense	Fasano	Jordan	Melvin
Benson	Fields	Joyner	Miller
Berfield	Fiorentino	Justice	Murman
Betancourt	Flanagan	Kallinger	Needelman
Bilirakis	Frankel	Kendrick	Negron
Bowen	Gannon	Kilmer	Paul
Brown	Garcia	Kosmas	Peterman
Brummer	Gardiner	Kottkamp	Pickens

Prieguez	Russell	Sobel	Weissman
Rich	Ryan	Sorensen	Wiles
Richardson	Seiler	Spratt	Wilson
Ritter	Simmons	Stansel	Wishner
Romeo	Siplin	Trovillion	
Ross	Slosberg	Wallace	
Rubio	Smith	Waters	

Nays—None

Votes after roll call:

Yeas—Gottlieb

So the bill passed, as amended, and was certified to the Senate.

**SB 218**—A bill to be entitled An act relating to mortgage guaranty insurance; amending ss. 624.408, 635.042, F.S.; revising minimum surplus requirements for mortgage guaranty insurers; revising limits on total liability and exposure to losses for such insurers; requiring mortgage guaranty insurers to include certain information in audited financial reports required pursuant to s. 624.424(8); authorizing the Department of Insurance to take certain actions against a mortgage guaranty insurer that is not in compliance; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 132

Yeas—118

The Chair	Clarke	Holloway	Paul
Alexander	Crow	Jennings	Peterman
Allen	Cusack	Johnson	Pickens
Andrews	Davis	Jordan	Prieguez
Argenziano	Detert	Joyner	Rich
Arza	Diaz de la Portilla	Justice	Richardson
Attkisson	Diaz-Balart	Kallinger	Ritter
Atwater	Dockery	Kendrick	Romeo
Ausley	Farkas	Kilmer	Ross
Baker	Fasano	Kosmas	Rubio
Ball	Fields	Kottkamp	Russell
Barreiro	Fiorentino	Kravitz	Ryan
Baxley	Flanagan	Kyle	Seiler
Bean	Frankel	Lacasa	Simmons
Bendross-Mindingall	Gannon	Lee	Siplin
Bennett	Garcia	Lerner	Slosberg
Bense	Gardiner	Littlefield	Smith
Benson	Gibson	Lynn	Sobel
Berfield	Goodlette	Machek	Sorensen
Betancourt	Gottlieb	Mack	Spratt
Bilirakis	Green	Mahon	Stansel
Bowen	Greenstein	Mayfield	Trovillion
Brown	Haridopolos	Maygarden	Wallace
Brunner	Harper	McGriff	Waters
Brutus	Harrell	Meadows	Weissman
Bucher	Harrington	Mealor	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Carassas	Hogan	Negron	

Nays—None

So the bill passed and was certified to the Senate.

**CS/HB 1**—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against their nonexempt assessed property value; specifying funding eligibility of certain projects; providing for future repeal of such eligibility provision; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 133

Yeas—118

The Chair	Clarke	Holloway	Negron
Alexander	Crow	Jennings	Paul
Allen	Cusack	Johnson	Peterman
Andrews	Davis	Jordan	Pickens
Argenziano	Detert	Joyner	Prieguez
Arza	Diaz de la Portilla	Justice	Rich
Attkisson	Diaz-Balart	Kallinger	Richardson
Atwater	Dockery	Kendrick	Ritter
Ausley	Farkas	Kilmer	Ross
Baker	Fasano	Kosmas	Rubio
Ball	Fiorentino	Kottkamp	Russell
Barreiro	Flanagan	Kravitz	Ryan
Baxley	Frankel	Kyle	Seiler
Bean	Gannon	Lacasa	Simmons
Bendross-Mindingall	Garcia	Lee	Siplin
Bennett	Gardiner	Lerner	Slosberg
Bense	Gelber	Littlefield	Smith
Benson	Gibson	Lynn	Sobel
Berfield	Goodlette	Machek	Sorensen
Betancourt	Gottlieb	Mack	Spratt
Bilirakis	Green	Mahon	Stansel
Bowen	Greenstein	Mayfield	Trovillion
Brown	Haridopolos	Maygarden	Wallace
Brunner	Harper	McGriff	Waters
Brutus	Harrell	Meadows	Weissman
Bucher	Harrington	Mealor	Wiles
Bullard	Hart	Melvin	Wilson
Byrd	Henriquez	Miller	Wishner
Cantens	Heyman	Murman	
Carassas	Hogan	Needelman	

Nays—None

So the bill passed and was certified to the Senate.

**HJR 951**—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 17 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized for that purpose.

**SECTION 17. Excessive punishments.**—Excessive fines, cruel and ~~or~~ unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. *The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

AMENDING ARTICLE I, SECTION 17 OF THE STATE CONSTITUTION

Proposing an amendment to the State Constitution identical to a proposed amendment to Section 17 of Article I of the State Constitution

which was approved by a statewide vote in 1998. The Supreme Court of Florida struck the 1998 amendment in a ruling in which four of the seven justices found that the ballot summary was inaccurate. The proposed amendment expressly authorizes the death penalty for capital crimes and expressly authorizes retroactive changes in the method of execution. The amendment changes the prohibition against “cruel or unusual punishment,” currently provided in Section 17 of Article I of the State Constitution, to a prohibition against “cruel and unusual punishment” to conform with the wording of the Eighth Amendment to the United States Constitution. The amendment prohibits reduction of a death sentence based on invalidity of an execution method and provides for continued force of the sentence. The amendment permits any execution method unless prohibited by the United States Constitution. The amendment requires construction of the prohibition against cruel or unusual punishment and the proposed prohibition against cruel and unusual punishment to conform to United States Supreme Court interpretation of the Eighth Amendment to the United States Constitution. The amendment would prevent state courts, including the Florida Supreme Court, from treating the state constitutional prohibition against cruel or unusual punishment as being more expansive than the federal constitutional prohibition against cruel and unusual punishment or United States Supreme Court interpretations thereof. The amendment effectively nullifies rights currently allowed under the state prohibition against cruel or unusual punishment which may afford greater protections for those subject to punishment for crimes than will be provided by the amendment. Under the amendment, the protections afforded those subject to punishment for crimes under the “cruel or unusual punishment” clause, as that clause currently appears in Section 17 of Article I of the State Constitution, will be the same as the minimum protections provided under the “cruel and unusual” punishments clause of the Eighth Amendment to the United States Constitution. The amendment provides for retroactive applicability.

Specifically, the proposal amends Section 17 of Article I of the State Constitution, to read as set forth below. The word ~~stricken~~ is a deletion; words underlined are additions:

**SECTION 17. Excessive punishments.**—Excessive fines, cruel and ~~or~~ unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. *The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.*

—was read the third time by title.

Rep. Heyman moved that, under Rule 12.2(c), a late-filed amendment be allowed for consideration, which was not agreed to. The vote was:

Session Vote Sequence: 134

Yeas—45

Arza	Cusack	Henriquez	Lerner
Ausley	Fields	Heyman	Lynn
Bendross-Mindingall	Frankel	Holloway	Machek
Betancourt	Gannon	Jennings	McGriff
Brutus	Gelber	Joyner	Meadows
Bucher	Gottlieb	Justice	Peterman
Bullard	Greenstein	Kosmas	Prieguez
Crow	Harper	Lee	Rich

Richardson	Seiler	Smith	Wiles
Ritter	Siplin	Sobel	Wilson
Romeo	Slosberg	Weissman	Wishner
Ryan			

Nays—72

The Chair	Byrd	Haridopolos	Mealor
Alexander	Cantens	Harrell	Melvin
Allen	Carassas	Harrington	Miller
Andrews	Clarke	Hart	Murman
Argenziano	Davis	Hogan	Needelman
Attkisson	Detert	Johnson	Negron
Atwater	Diaz de la Portilla	Kallinger	Paul
Baker	Diaz-Balart	Kendrick	Pickens
Ball	Dockery	Kilmer	Ross
Baxley	Farkas	Kottkamp	Rubio
Bennett	Fasano	Kravitz	Russell
Bense	Fiorentino	Kyle	Simmons
Benson	Flanagan	Lacasa	Sorensen
Berfield	Garcia	Littlefield	Spratt
Bilirakis	Gardiner	Mack	Stansel
Bowen	Gibson	Mahon	Trovillion
Brown	Goodlette	Mayfield	Wallace
Brummer	Green	Maygarden	Waters

The question recurred on the passage of HJR 951. The vote was:

Session Vote Sequence: 135

Yeas—96

The Chair	Carassas	Heyman	Murman
Alexander	Clarke	Hogan	Needelman
Allen	Crow	Johnson	Negron
Andrews	Davis	Jordan	Paul
Argenziano	Detert	Justice	Pickens
Arza	Diaz de la Portilla	Kallinger	Prieguez
Attkisson	Diaz-Balart	Kendrick	Ritter
Atwater	Dockery	Kilmer	Ross
Baker	Fasano	Kosmas	Rubio
Ball	Fiorentino	Kottkamp	Russell
Barreiro	Flanagan	Kravitz	Ryan
Baxley	Frankel	Kyle	Seiler
Bean	Garcia	Lacasa	Simmons
Bennett	Gardiner	Lee	Slosberg
Bense	Gelber	Lerner	Sobel
Benson	Gibson	Littlefield	Sorensen
Berfield	Goodlette	Lynn	Spratt
Bilirakis	Green	Mack	Stansel
Bowen	Greenstein	Mahon	Trovillion
Brown	Haridopolos	Mayfield	Wallace
Brummer	Harrell	Maygarden	Waters
Bucher	Harrington	McGriff	Weissman
Byrd	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wishner

Nays—22

Ausley	Fields	Joyner	Romeo
Bendross-Mindingall	Gannon	Machek	Siplin
Betancourt	Gottlieb	Meadows	Smith
Brutus	Harper	Peterman	Wilson
Bullard	Holloway	Rich	
Cusack	Jennings	Richardson	

Votes after roll call:

Yeas—Farkas  
Yeas to Nays—Lee

So the joint resolution passed by the required constitutional three-fifths vote of the membership and was certified to the Senate.

**Motion**

On motion by Rep. Byrd, the rules were waived and the privilege of the floor was granted to the Honorable Stephen M. Saland, New York State Senator.

On motion by Rep. Fasano, consideration of **HB 1705** was temporarily postponed under Rule 11.10. The vote was:

Session Vote Sequence: 136

Yeas—73

The Chair	Byrd	Harrington	Miller
Alexander	Cantens	Hart	Murman
Allen	Clarke	Hogan	Needelman
Andrews	Davis	Johnson	Negron
Argenziano	Detert	Jordan	Paul
Arza	Diaz de la Portilla	Kallinger	Pickens
Atwater	Diaz-Balart	Kilmer	Prieguez
Baker	Dockery	Kottkamp	Ross
Ball	Farkas	Kravitz	Rubio
Baxley	Fasano	Kyle	Russell
Bean	Fiorentino	Lacasa	Simmons
Bennett	Flanagan	Littlefield	Sorensen
Bense	Garcia	Lynn	Spratt
Benson	Gardiner	Mack	Trovillion
Berfield	Gibson	Mahon	Wallace
Bilirakis	Goodlette	Mayfield	Waters
Bowen	Green	Maygarden	
Brown	Haridopolos	Mealor	
Brummer	Harrell	Melvin	

Nays—44

Ausley	Gelber	Kosmas	Ryan
Barreiro	Gottlieb	Lee	Seiler
Bendross-Mindingall	Greenstein	Lerner	Siplin
Betancourt	Harper	Machek	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wilson
Gannon	Kendrick	Romeo	Wishner

**HB 45**—A bill to be entitled An act relating to the alcoholic beverage surcharge; amending s. 561.501, F.S.; providing that the surcharges on liquor, wine, cider, and beer sold for consumption on the premises shall not be imposed beginning July 1, 2001; repealing s. 561.501, F.S.; removing provisions relating to imposition, administration, and enforcement of such surcharges, effective July 1, 2004; amending s. 561.025, F.S.; removing the prohibition against deposit of surcharge revenues in the Alcoholic Beverage and Tobacco Trust Fund; amending s. 561.121, F.S., and repealing subsection (4) thereof; removing provisions relating to transfer of a portion of surtax revenues to the Children and Adolescents Substance Abuse Trust Fund, and the remainder to the General Revenue Fund, and providing for deposit of a portion of the excise taxes on malt beverages, wines and other beverages, and liquors in said trust fund; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 137

Yeas—92

The Chair	Attkisson	Baxley	Betancourt
Alexander	Atwater	Bean	Bilirakis
Allen	Ausley	Bennett	Bowen
Andrews	Baker	Bense	Brown
Argenziano	Ball	Benson	Brummer
Arza	Barreiro	Berfield	Byrd

Cantens	Haridopolos	Lacasa	Romeo
Carassas	Harper	Lee	Ross
Clarke	Harrell	Littlefield	Rubio
Davis	Harrington	Machek	Russell
Detert	Hart	Mack	Ryan
Diaz de la Portilla	Henriquez	Mahon	Seiler
Diaz-Balart	Heyman	Mayfield	Simmons
Dockery	Johnson	Maygarden	Siplin
Fasano	Jordan	Mealor	Slosberg
Fields	Justice	Miller	Sorensen
Fiorentino	Kallinger	Murman	Spratt
Garcia	Kendrick	Needelman	Stansel
Gardiner	Kilmer	Negron	Trovillion
Gibson	Kosmas	Paul	Wallace
Goodlette	Kottkamp	Pickens	Waters
Green	Kravitz	Prieguez	Weissman
Greenstein	Kyle	Ritter	Wishner

Nays—25

Bendross-Mindingall	Gannon	Lerner	Smith
Brutus	Gelber	Lynn	Sobel
Bucher	Gottlieb	McGriff	Wiles
Bullard	Hogan	Meadows	Wilson
Crow	Holloway	Peterman	
Cusack	Jennings	Rich	
Frankel	Joyner	Richardson	

Votes after roll call:

Yeas—Farkas, Melvin  
Nays to Yeas—Gottlieb

So the bill passed and was certified to the Senate.

**CS/CS/HB 107**—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103, 717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.1101, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, and 717.129, F.S.; changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner's representatives and receiving and making payments to an owner or owner's representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner's representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; revising provisions relating to escheat of certain property to the state; revising provisions relating to entitlement to, procedures

for payment or assignment of, or distributions of certain proceeds; amending s. 215.965, F.S., to conform; amending s. 493.6101, F.S., to conform; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 138

Yeas—116

The Chair	Crow	Hogan	Negron
Alexander	Cusack	Holloway	Paul
Andrews	Davis	Jennings	Peterman
Argenziano	Detert	Johnson	Pickens
Arza	Diaz de la Portilla	Jordan	Prieguez
Attkisson	Diaz-Balart	Joyner	Rich
Atwater	Dockery	Justice	Richardson
Ausley	Farkas	Kallinger	Ritter
Baker	Fasano	Kendrick	Romeo
Ball	Fields	Kilmer	Ross
Barreiro	Fiorentino	Kosmas	Rubio
Baxley	Flanagan	Kottkamp	Russell
Bean	Frankel	Kravitz	Ryan
Bendross-Mindingall	Gannon	Kyle	Seiler
Bennett	Garcia	Lacasa	Simmons
Bense	Gardiner	Lee	Siplin
Benson	Gelber	Lerner	Slosberg
Berfield	Gibson	Littlefield	Smith
Betancourt	Goodlette	Lynn	Sobel
Bilirakis	Gottlieb	Machek	Sorensen
Bowen	Green	Mack	Spratt
Brown	Greenstein	Mahon	Stansel
Brummer	Haridopolos	Mayfield	Trovillion
Brutus	Harper	Maygarden	Wallace
Bullard	Harrell	McGriff	Waters
Byrd	Harrington	Mealor	Weissman
Cantens	Hart	Melvin	Wiles
Carassas	Henriquez	Miller	Wilson
Clarke	Heyman	Murman	Wishner

Nays—None

Votes after roll call:

Yeas—Bucher, Lee

So the bill passed, as amended, and was certified to the Senate.

**HB 145**—A bill to be entitled An act relating to enterprise zones; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of an enterprise zone upon application by certain counties; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; providing an effective date.

—was read the third time by title.

On motion by Rep. Murman, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Murman offered the following:

(Amendment Bar Code: 060849)

**Amendment 3 (with title amendment)**—On page 3, line 31, insert:

Section 5. *Enterprise zone designation for Hillsborough County.—Hillsborough County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, which zone encompasses a high-crime, low-income, high-unemployment area that is north of Fowler Avenue, south of Bearss Avenue, east of Florida Avenue, west of Bruce B. Downs Boulevard, near the University of South Florida, adjacent to University Square Mall, north of a major theme park, an area that has been designated a federal Weed & Seed target area, and a Community Development Block Grant (CDBG) target area and that houses an active public/private 501(c)(3) community development corporation working to improve the area. The application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055, Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.*

And the title is amended as follows:

On page 1, line 20,

after the semicolon insert: providing for designation of a specified area within Hillsborough County as an enterprise zone;

Rep. Murman moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 145. The vote was:

Session Vote Sequence: 139

Yeas—116

The Chair	Crow	Hogan	Needelman
Alexander	Cusack	Holloway	Negron
Allen	Davis	Jennings	Paul
Andrews	Detert	Johnson	Peterman
Argenziano	Diaz de la Portilla	Jordan	Pickens
Arza	Diaz-Balart	Joyner	Rich
Attkisson	Dockery	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Fields	Kilmer	Ross
Ball	Fiorentino	Kosmas	Rubio
Barreiro	Flanagan	Kottkamp	Russell
Baxley	Frankel	Kravitz	Ryan
Bean	Gannon	Kyle	Seiler
Bendross-Mindingall	Garcia	Lacasa	Simmons
Bennett	Gardiner	Lee	Siplin
Bense	Gelber	Lerner	Slosberg
Benson	Gibson	Littlefield	Smith
Berfield	Goodlette	Lynn	Sobel
Bilirakis	Gottlieb	Machek	Sorensen
Bowen	Green	Mack	Spratt
Brown	Greenstein	Mahon	Stansel
Brummer	Haridopolos	Mayfield	Trovillion
Bucher	Harper	Maygarden	Wallace
Bullard	Harrell	McGriff	Waters
Byrd	Harrington	Mealor	Weissman
Cantens	Hart	Melvin	Wiles
Carassas	Henriquez	Miller	Wilson
Clarke	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was certified to the Senate after engrossment.

**HB 69**—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic



and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician's authority to prohibit generic drug substitution by writing "medically necessary" on the prescription; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 140

Yeas—106

The Chair	Crow	Jennings	Peterman
Alexander	Cusack	Johnson	Pickens
Allen	Davis	Jordan	Prieguez
Andrews	Detert	Kallinger	Rich
Argenziano	Diaz de la Portilla	Kendrick	Richardson
Arza	Dockery	Kilmer	Ritter
Attkisson	Farkas	Kosmas	Romeo
Atwater	Fasano	Kottkamp	Rubio
Ausley	Fields	Kravitz	Russell
Baker	Fiorentino	Lacasa	Ryan
Ball	Flanagan	Lee	Simmons
Barreiro	Frankel	Lerner	Siplin
Baxley	Gannon	Littlefield	Slosberg
Bean	Garcia	Lynn	Smith
Bendross-Mindingall	Gardiner	Machek	Sobel
Bense	Gelber	Mack	Sorensen
Benson	Gibson	Mahon	Spratt
Berfield	Goodlette	Mayfield	Stansel
Bilirakis	Green	Maygarden	Trovillion
Bowen	Haridopolos	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	
Clarke	Holloway	Paul	

Nays—12

Bennett	Bullard	Joyner	Negron
Betancourt	Diaz-Balart	Justice	Ross
Brown	Greenstein	Kyle	Seiler

Votes after roll call:

Yeas—Gottlieb

Nays to Yeas—Bullard

So the bill passed, as amended, and was certified to the Senate.

**Special Orders**

**Special Order Calendar**

**CS/HB 705**—A bill to be entitled An act relating to aquifer storage and recovery wells; creating s. 403.065, F.S.; providing legislative findings; providing for classifications and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for an aquifer storage and recovery well that does not meet primary drinking water standards other than those relating to total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within a specified period; providing rulemaking authority; requiring an annual report by the department; creating s. 373.222, F.S.; providing requirements for certain domestic wells; providing rulemaking authority; providing an effective date.

—was read the second time by title.

The Committee on General Government Appropriations offered the following:

(Amendment Bar Code: 442581)

**Amendment 1 (with title amendment)**—On page 6, line 19 through page 7, line 4 remove from the bill: all of said lines

insert:

Section 2. New Paragraph (g) of subsection (1) of section 373.309, Florida Statutes, is added to read:

(1) The department shall adopt, and may from time to time amend, rules governing the location, construction, repair, and abandonment of water wells and shall be responsible for the administration of this part. With respect thereto, the department shall:

(g) *Ensure that such rules prohibit the construction of any water well in a location that intersects, or the use of which in such a location would influence, a zone of discharge for an aquifer storage and recovery well approved by the department under s. 403.065. The department shall make available to water management districts, regional planning councils, the Department of Health, and county building and zoning departments, maps of zones of discharge for aquifer storage and recovery wells approved by the department under s. 403.065. Such maps or other information shall be made available to property owners, realtors, real estate associations, property appraisers, and other interested persons upon request.*

And the title is amended as follows:

On page 1, lines 19 - 21 remove from the title of the bill: all of said lines

and insert in lieu thereof: department; amending s. 373.309, F.S.; ensuring rule restrictions on the construction of water wells within certain zones of discharge; requiring the department to make certain maps available;

Rep. Greenstein moved the adoption of the amendment.

On motion by Rep. Greenstein, further consideration of **Amendment 1** was temporarily postponed under Rule 11.10.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 780783)

**Amendment 2 (with title amendment)**—On page 6, between lines 18 and 19, of the bill

insert:

(15) *This section shall not apply to the following counties located within the Northwest Florida Water Management District: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington, and a portion of Jefferson.*

And the title is amended as follows:

On page 1, line 19, after the first semicolon, insert: providing applicability;

Rep. Maygarden moved the adoption of the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HJR 471**—A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 469**—A bill to be entitled An act relating to road designations; designating a portion of roadway in the City of Miami in Miami-Dade County as “Enrique Valledor Way”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

#### Immediately Certified

On motion by Rep. Prieguez, the rules were waived and **CS/CS/HB 107**, which passed the House earlier today, was immediately certified to the Senate.

**CS/HB 563**—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41 and 20.435, F.S.; conforming statutory cross references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public-health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; consolidating advisory councils; amending s. 215.5602, F.S.; providing for public-health and biomedical research; providing appropriations; providing an effective date.

—was read the second time by title.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 141693)

**Amendment 1 (with title amendment)**—  
Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Subsection (4) of section 17.41, Florida Statutes, is amended to read:

17.41 Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.—

(4) Net proceeds of the sale of the tobacco settlement agreement received by the state shall be immediately deposited into the Lawton Chiles Endowment Fund, created in s. 215.5601 ~~s. 215.5601(4)~~, without deposit to the Tobacco Settlement Clearing Trust Fund.

Section 2. Paragraph (h) of subsection (1) of section 20.435, Florida Statutes, is amended to read:

20.435 Department of Health; trust funds.—

(1) The following trust funds are hereby created, to be administered by the Department of Health:

(h) Biomedical Research Trust Fund.

1. Funds to be credited to the trust fund shall consist of funds deposited pursuant to s. 215.5601 ~~s. 215.5601(4)~~. Funds shall be used for the purposes of the Florida Biomedical Research Program as specified in s. 215.5602. The trust fund is exempt from the service charges imposed by s. 215.20.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2004.

Section 3. Section 215.5601, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 215.5601, F.S., for present text.)*

215.5601 Lawton Chiles Endowment Fund.—

(1) **LEGISLATIVE INTENT.**—It is the intent of the Legislature to:

(a) Provide a perpetual source of enhanced funding for state children’s health programs, child welfare programs, children’s community-based health and human services initiatives, elder programs, and biomedical research activities related to tobacco use.

(b) Use tobacco settlement moneys as the source of enhanced funding to ensure the financial security of vital health and human services programs for children and elders.

(c) Ensure that enhancement revenues will be available to help finance these important programs and initiatives.

(d) Provide funds to help support public-health and biomedical research for the prevention, diagnosis, and treatment of diseases related to tobacco use by creating an annual and perpetual source of funding for biomedical research in the state in order to expand the foundation of biomedical knowledge relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; improve the quality of the state’s academic health centers by bringing the advances of biomedical research into the training of physicians and other health care providers; and increase the state’s per capita funding for biomedical research by undertaking new initiatives in biomedical research which will attract additional funding from outside the state while also stimulating economic activity in the state in areas related to biomedical research, such as the research and production of pharmaceuticals, biotechnology, and medical devices.

(e) Encourage the development of community-based solutions to strengthen and improve the quality of life of Florida’s most vulnerable citizens, its children and elders.

(2) **DEFINITIONS.**—As used in this section, the term:

(a) “Board” means the State Board of Administration established by s. 16, Art. IX of the State Constitution of 1885 and incorporated into s. 9(c), Art. XII of the State Constitution of 1968.

(b) “Endowment” means the Lawton Chiles Endowment Fund.

(c) “Earnings” means all income generated by investments and the net change in the market value of assets.

(d) “State agency” or “state agencies” means the Department of Health, the Department of Children and Family Services, the Department of Elderly Affairs, or the Agency for Health Care Administration, or any combination thereof, as the context indicates.

(3) **LAWTON CHILES ENDOWMENT FUND; CREATION; PRINCIPAL.**—

(a) There is created the Lawton Chiles Endowment Fund, to be administered by the State Board of Administration. The endowment shall serve as a clearing trust fund, not subject to termination under s. 19(f), Art. III of the State Constitution. The endowment fund shall be exempt from the service charges imposed by s. 215.20.

(b) The endowment shall receive moneys from the sale of the state’s right, title, and interest in and to the tobacco settlement agreement as defined in s. 215.56005, including the right to receive payments under such agreement, and from accounts transferred from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund established under s. 17.41. Amounts to be transferred from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund to the endowment shall be in the following amounts for the following fiscal years:

1. For fiscal year 1999-2000, \$1.1 billion;
2. For fiscal year 2000-2001, \$200 million;
3. For fiscal year 2001-2002, \$200 million; and
4. For fiscal year 2002-2003, \$200 million.

(c) Amounts to be transferred under subparagraphs (b)2., 3., and 4. may be reduced by the amount the endowment receives in that fiscal year

from the sale of the state's right, title, and interest in and to the tobacco settlement agreement.

(d) Beginning in fiscal year 2001-2002, \$150 million of the existing principal in the endowment shall be reserved and accounted for within the endowment to be used solely for the funding for biomedical research activities as provided in s. 215.5602. The remaining principal shall be used solely as the source of funding for health and human services programs for children and elders as provided in subsection (5). The separate account for biomedical research shall be dissolved and the entire principal in the endowment shall be used exclusively for health and human services programs when cures have been found for tobacco-related cancer, heart, and lung disease.

(4) ADMINISTRATION.—

(a) The board may invest and reinvest funds of the endowment in accordance with s. 215.47 and consistent with an investment plan developed by the executive director and approved by the board.

(b) The endowment shall be managed as an annuity. The investment objective shall be long-term preservation of the real value of the principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. From the annual cash outflow, a pro rata share shall be used solely for biomedical research activities as provided in paragraph (3)(d), until such time as cures are found for tobacco-related cancer and heart and lung disease. Five percent of the annual cash outflow dedicated to the biomedical research portion of the endowment shall be reinvested and applied to that portion of the endowment's principal, with the remainder to be spent on biomedical research activities consistent with this section. The schedule of annual cash outflow shall be included within the investment plan adopted under paragraph (a).

(c) In accordance with s. 215.44, the board shall include separate sections on the financial status of the endowment in its annual investment report to the Legislature.

(d) Accountability for funds from the endowment which have been appropriated to a state agency and distributed by the board shall reside with the state agency. The board is not responsible for the proper expenditure of or accountability concerning funds from the endowment after distribution to a state agency.

(e) Costs and fees of the board for investment services shall be deducted from the earnings accruing to the endowment. Fees for investment services shall be no greater than fees charged to the Florida Retirement System.

(5) AVAILABILITY OF FUNDS; USES.—

(a) Funds from the endowment which are available for legislative appropriation shall be transferred by the board to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund, created in s. 17.41, and disbursed in accordance with the legislative appropriation.

1. Appropriations by the Legislature to the Department of Health from endowment earnings from the principal set aside for biomedical research shall be from a category called Florida Biomedical Research Program and shall be deposited into the Biomedical Research Trust Fund in the Department of Health established in s. 20.435.

2. Appropriations by the Legislature to the Department of Children and Family Services, the Department of Health, or the Department of Elderly Affairs for health and human services programs shall be from a category called the Lawton Chiles Endowment Fund Programs and shall be deposited into each department's respective Tobacco Settlement Trust Fund as appropriated.

(b) In order to ensure that the expenditure of funds earned from the Lawton Chiles Endowment Fund will be used for the purposes intended by the Legislature, the Legislature shall establish line item categories for the state agencies describing the designated use of the appropriated funds as provided in the General Appropriations Act.

(c) The secretaries of the state agencies shall conduct meetings to discuss priorities for endowment funding for health and human services programs for children and elders before submitting their legislative budget requests to the Executive Office of the Governor and the Legislature. The purpose of the meetings is to gain consensus for priority requests and recommended endowment funding levels for those priority requests. No later than September 1 of each year, the secretaries of the state agencies shall also submit their consensus priority requests to the Lawton Chiles Endowment Fund Advisory Council created in subsection (6).

(d) Subject to legislative appropriations, state agencies shall use distributions from the endowment to enhance or support increases in clients served or to meet increases in program costs in health and human services program areas. Funds distributed from the endowment may not be used to supplant existing revenues.

(e) Notwithstanding s. 216.301 and pursuant to s. 216.351, all unencumbered balances of appropriations as of June 30 or undisbursed balances as of December 31 shall revert to the endowment's principal. Unencumbered or undisbursed balances appropriated for biomedical research shall revert to the principal in the separately reserved and accounted-for portion of the endowment established for biomedical research activities.

(f) When advised by the Revenue Estimating Conference that a deficit will occur with respect to the appropriations from the tobacco settlement trust funds of the state agencies in any fiscal year, the Governor shall develop a plan of action to eliminate the deficit. Before implementing the plan of action, the Governor must comply with s. 216.177(2). In developing the plan of action, the Governor shall, to the extent possible, preserve legislative policy and intent, and, absent any specific directions to the contrary in the General Appropriations Act, any reductions in appropriations from the tobacco settlement trust funds of the state agencies for a fiscal year shall be prorated among the specific appropriations made from all tobacco settlement trust funds of the state agencies for that year.

(6) ADVISORY COUNCIL.—The Lawton Chiles Endowment Fund Advisory Council is established for the purpose of reviewing the funding priorities of the state agencies, evaluating their requests against the mission and goals of the agencies and legislative intent for the use of endowment funds, and allowing for public input and advocacy.

(a) The advisory council shall consist of 14 members, including:

1. The director of the United Way of Florida, Inc., or his or her designee;
2. The director of the Foster Parents Association, or his or her designee;
3. The chair of the Department of Elderly Affairs Advisory Council, or his or her designee;
4. The president of the Florida Association of Area Agencies on Aging, or his or her designee;
5. The State Long-Term Care Ombudsman, or his or her designee;
6. The director of the Florida Pediatric Society, or his or her designee;
7. A representative of the Guardian Ad Litem Program, appointed by the Governor;
8. A representative of a child welfare lead agency for community-based care, appointed by the Governor;
9. A representative of an elder care lead agency for community-based care, appointed by the Governor;
10. A representative of a statewide child advocacy organization, appointed by the Governor;
11. One consumer caregiver for children, appointed by the Governor;
12. One person over the age of 60 years to represent the interests of elders, appointed by the Governor;

13. One person under the age of 18 years to represent the interests of children, appointed by the Governor; and

14. One consumer caregiver for a functionally impaired elderly person, appointed by the Governor.

(b) Before November 1 of each year, the advisory council shall advise the Governor and the Legislature as to its recommendations with respect to the priorities submitted by the secretaries of the state agencies with respect to endowment funding for health and human services programs for children and elders. The responsibilities of the advisory council include:

1. Evaluating the value of programs and services submitted by the state agencies as they relate to the overall enhancement of services to children and elders;

2. Developing criteria and guiding principles for ranking the priorities submitted by the state agencies;

3. Providing recommendations with respect to funding levels for the programs ranked by the advisory council;

4. Participating in periodic evaluation of programs funded by the endowment to determine the need for continued funding; and

5. Soliciting input from child and elder advocacy organizations, community stakeholders, providers, and the public with respect to statewide child and elder needs and the effectiveness of program service delivery systems.

(c) Members of the advisory council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties. The Department of Children and Family Services shall provide staff and other administrative assistance reasonably necessary to assist the advisory council in carrying out its responsibilities. Administrative costs of the advisory council shall be charged equally to endowment funds deposited in the Department of Children and Family Services and the Department of Elderly Affairs Tobacco Settlement Trust Funds.

Section 4. Section 215.5602, Florida Statutes, is amended to read:

215.5602 Florida Biomedical Research Program.—

(1) There is established within the Department of Health the Florida Biomedical Research Program funded by the proceeds of the Lawton Chiles Endowment Fund pursuant to s. 215.5601 ~~s. 215.5601(4)~~. The purpose of the Florida Biomedical Research Program is to provide an annual and perpetual source of funding in order to support research initiatives that address the health care problems of Floridians in the areas of tobacco-related cancer, cardiovascular disease, stroke, and pulmonary disease. The long-term goals of the program are to:

(a) Improve the health of Floridians by researching better prevention, diagnoses, and treatments for cancer, cardiovascular disease, stroke, and pulmonary disease.

(b) Expand the foundation of biomedical knowledge relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

(c) Improve the quality of the state's academic health centers by bringing the advances of biomedical research into the training of physicians and other health care providers.

(d) Increase the state's per capita funding for biomedical research by undertaking new initiatives in public health and biomedical research that will attract additional funding from outside the state.

(e) Stimulate economic activity in the state in areas related to biomedical research, such as the research and production of pharmaceuticals, biotechnology, and medical devices.

(2) Funds appropriated for the Florida Biomedical Research Program shall be used exclusively for the award of grants and

fellowships as established in this section; for research relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; and for expenses incurred in the administration of this section.

(3) There is created within the Department of Health the Biomedical Research Advisory Council.

(a) The council shall consist of nine members, including: the chief executive officer of the Florida Division of the American Cancer Society, or a designee; the chief executive officer of the Florida/Puerto Rico Affiliate of the American Heart Association, or a designee; and the chief executive officer of the American Lung Association of Florida, or a designee. The Governor shall appoint the remaining six members of the council, as follows:

1. Two members with expertise in the field of biomedical research.
2. One member with expertise in the field of behavioral or social research.
3. One member from a professional medical organization.
4. One member from a research university in the state.
5. One member representing the general population of the state.

In making his or her appointments, the Governor shall select primarily, but not exclusively, Floridians with biomedical and lay expertise in the general areas of cancer, cardiovascular disease, stroke, and pulmonary disease. The Governor's appointments shall be for a 3-year term and shall reflect the diversity of the state's population. A council member appointed by the Governor may not serve more than two consecutive terms.

(b) The council shall adopt internal organizational procedures as necessary for its efficient organization.

(c) The department shall provide such staff, information, and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.

(d) Members of the council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for travel and other necessary expenses incurred in the performance of their official duties.

(4) The council shall advise the Secretary of Health as to the direction and scope of the biomedical research program. The responsibilities of the council may include, but are not limited to:

- (a) Providing advice on program priorities and emphases.
- (b) Providing advice on the overall program budget.
- (c) Participating in periodic program evaluation.

(d) Assisting in the development of guidelines to ensure fairness, neutrality, and adherence to the principles of merit and quality in the conduct of the program.

(e) Assisting in the development of appropriate linkages to nonacademic entities, such as voluntary organizations, health care delivery institutions, industry, government agencies, and public officials.

(f) Developing criteria and standards for the award of research grants.

(g) Developing administrative procedures relating to solicitation, review, and award of research grants and fellowships, to ensure an impartial, high-quality peer review system.

(h) Developing and supervising research peer review panels.

(i) Reviewing reports of peer review panels and making recommendations for research grants and fellowships.

(j) Developing and providing oversight regarding mechanisms for the dissemination of research results.

(5)(a) Applications for biomedical research funding under the program may be submitted from any university or established research institute in the state. All qualified investigators in the state, regardless of institution affiliation, shall have equal access and opportunity to compete for the research funding.

(b) Grants and fellowships shall be awarded by the Secretary of Health, after consultation with the council, on the basis of scientific merit, as determined by an open competitive peer review process that ensures objectivity, consistency, and high quality. The following types of applications shall be considered for funding:

1. Investigator-initiated research grants.
2. Institutional research grants.
3. Predoctoral and postdoctoral research fellowships.

(6) To ensure that all proposals for research funding are appropriate and are evaluated fairly on the basis of scientific merit, the Secretary of Health, in consultation with the council, shall appoint a peer review panel of independent, scientifically qualified individuals to review the scientific content of each proposal and establish its scientific priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals shall be recommended for funding.

(7) The council and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflict of interest. A No member of the council or panel *may not shall* participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee, or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels shall be subject to the provisions of chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.

(8) The department may contract on a competitive-bid basis with an appropriate entity to administer the program. Administrative expenses may not exceed 15 percent of the total funds available to the program in any given year.

(9) The department, after consultation with the council, may adopt rules as necessary to implement this section.

(10) The council shall submit an annual progress report on the state of biomedical research in this state to the Governor, the Secretary of Health, the President of the Senate, and the Speaker of the House of Representatives by February 1. The report must include:

- (a) A list of research projects supported by grants or fellowships awarded under the program.
- (b) A list of recipients of program grants or fellowships.
- (c) A list of publications in peer reviewed journals involving research supported by grants or fellowships awarded under the program.
- (d) The total amount of biomedical research funding currently flowing into the state.
- (e) New grants for biomedical research which were funded based on research supported by grants or fellowships awarded under the program.
- (f) Progress in the *prevention, diagnosis, and* treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

Section 5. *There is appropriated \$25,000 each to the Department of Children and Family Services and the Department of Elderly Affairs from Lawton Chiles endowment funds deposited into each department's Tobacco Settlement Trust Fund to pay for administrative costs associated with the Lawton Chiles Endowment Fund Advisory Council established in section 215.5601, Florida Statutes.*

Section 6. This act shall take effect July 1, 2001.

And the title is amended as follows:

remove from the title of the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

Rep. Fasano moved the adoption of the amendment.

On motion by Rep. Atwater, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Atwater offered the following:

(Amendment Bar Code: 282531)

**Amendment 1 to Amendment 1 (with title amendment)**—On page 4, lines 23-29,

remove from the amendment: all of said lines

and insert in lieu thereof:

3. *For fiscal year 2001-2002, \$200 million;*
4. *For fiscal year 2002-2003, \$200 million; and*
5. *For all subsequent fiscal years, an amount equal to the greater of \$40 million or 10 percent of the payments deposited into the Tobacco Settlement Clearing Trust Fund.*

(c) *Amounts to be transferred under subparagraphs (b)2., 3., 4., and 5. may be reduced by an amount equal to the lesser of \$200 million or the amount the endowment receives in that fiscal year from the sale of the state's right, title, and interest in and to the tobacco settlement agreement.*

And the title is amended as follows:

On page 16, line 23, of the amendment

after the first semicolon insert: providing for a portion of unappropriated funds to be deposited into the endowment fund;

Rep. Atwater moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 339**—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; providing an effective date.

—was read the second time by title.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 971815)

**Amendment 1 (with title amendment)**—On page 1, lines 16-29, remove from the bill: all of said lines

and insert in lieu thereof:

- (5) **OPEN HEART SURGERY.**

(a) *When an application is made for a certificate of need to establish an adult open heart surgery program in a county in which none of the*

*hospitals has an existing or approved adult open heart surgery program, need for one program shall be evaluated under special circumstances to promote reasonable access to such a program within the county. The criteria on which the certificate of need is reviewed in such circumstances shall favor approval in those counties that can generate at least 1,200 annual hospital discharges with a principal diagnosis of ischemic heart disease. County-specific need identified under these circumstances shall exist independently of and in addition to any district need identified under the standard numeric need formula.*

*(b) An applicant for an adult open heart surgery program who meets the special circumstances in paragraph (a) shall, as a condition for approval, agree that the percentage of admissions to its program which are Medicaid patients shall be at least as great as the average percentage of Medicaid patients admitted to open heart surgery programs in the applicant's district; and shall also agree that the percentage of admissions to its program which are charity patients shall be at least as great as the average percentage of charity patients admitted to open heart surgery programs in the applicant's district.*

*(c) An applicant approved for an adult open heart surgery program consistent with this subsection shall perform a 12-month total of at least 250 open heart surgery operations during the third year that such procedures are being performed. Failure to meet this requirement is subject to agency action as provided in s. 395.003(8).*

And the title is amended as follows:

On page 1, line 8, after the semicolon

insert: requiring an agreement that a certain percent of Medicaid and charity patients be served; requiring a specified number of operations;

Rep. Maygarden moved the adoption of the amendment.

On motion by Rep. Maygarden, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 370969)

**Amendment 1 to Amendment 1**—On page 2, lines 13-18, remove from the amendment: all of said lines

and insert in lieu thereof:

*(c) An applicant approved for an adult open heart surgery program consistent with this subsection shall perform a 12-month total of at least 250 open heart surgery operations during the third year that such procedures are being performed. Failure to meet this requirement is subject to agency action to terminate a hospital's authorization to provide any open heart surgery operations.*

Rep. Maygarden moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Rubio, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Rubio offered the following:

(Amendment Bar Code: 802773)

**Amendment 2**—On page 1, between lines 29 & 30,

insert:

Section 2. Effective July 1, 2001, section 15 of chapter 2000-318, Laws of Florida, is amended to read:

Section 15.

(1)(a) There is created a certificate-of-need workgroup staffed by the Agency for Health Care Administration.

(b) Workgroup participants shall be responsible for only the expenses that they generate individually through workgroup participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.

(2) The workgroup shall consist of 32 ~~30~~ members, 10 appointed by the Governor, ~~11~~ ~~10~~ appointed by the President of the Senate, and ~~11~~ ~~10~~ appointed by the Speaker of the House of Representatives. The workgroup chairperson shall be selected by majority vote of a quorum present. Sixteen members shall constitute a quorum. The membership shall include, but not be limited to, representatives from health care provider organizations, health care facilities, individual health care practitioners, local health councils, and consumer organizations, and persons with health care market expertise as a private-sector consultant.

(3) Appointment to the workgroup shall be as follows:

(a) The Governor shall appoint one representative each from the hospital industry; nursing home industry; hospice industry; local health councils; a consumer organization; and three health care market consultants, one of whom is a recognized expert on hospital markets, one of whom is a recognized expert on nursing home or long-term-care markets, and one of whom is a recognized expert on hospice markets; one representative from the Medicaid program; and one representative from a health care facility that provides a tertiary service.

(b) The President of the Senate shall appoint a representative of a for-profit hospital, a representative of a not-for-profit hospital, a representative of a public hospital, two representatives of the nursing home industry, two representatives of the hospice industry, a representative of a consumer organization, a representative from the Department of Elderly Affairs involved with the implementation of a long-term-care community diversion program, ~~and~~ a health care market consultant with expertise in health care economics, *and a member of the Senate.*

(c) The Speaker of the House of Representatives shall appoint a representative from the Florida Hospital Association, a representative of the Association of Community Hospitals and Health Systems of Florida, a representative of the Florida League of Health Systems, a representative of the Florida Health Care Association, a representative of the Florida Association of Homes for the Aging, three representatives of Florida Hospices and Palliative Care, one representative of local health councils, ~~and~~ one representative of a consumer organization, *and a member of the House.*

*(4) The workgroup shall develop a plan for the reform or elimination of the certificate of need program, which shall include recommendations for required legislative action and agency rule making. Such plan shall be implemented not sooner than the effective date of any rules necessary for its implementation. In developing the plan, the workgroup shall seek input from all classes of health care consumers, health care providers and health care facilities subject to certificate of need review. All agencies, including, but not limited to, the Agency for Health Care Administration and the Department of Elder Affairs, shall provide assistance to the workgroup, upon request. ~~The workgroup shall study issues pertaining to the certificate of need program, including the impact of trends in health care delivery and financing. The workgroup shall study issues relating to implementation of the certificate of need program.~~*

(5) The workgroup shall meet at least annually, at the request of the chairperson. The workgroup shall submit ~~an interim report by December 31, 2001, and a final report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 7, by December 31, 2002.~~ The workgroup is abolished effective ~~May 3, 2002~~ ~~July 1, 2003~~.

And the title is amended as follows:

In the title, on page 1, lines 8 & 9, remove from the bill: all of said lines

and insert in lieu thereof: open heart surgery program; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments

to the workgroup; amending the scope of responsibility for the workgroup; providing new dates for final report to the Governor and Legislature and termination of the certificate-of-need workgroup; providing effective dates.

Rep. Rubio moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, the rules were waived and the House moved to—

### Resolutions

By Representative Betancourt—

**HR 9055**—A resolution designating the month of October 2001 as “Breast Cancer Awareness Month.”

WHEREAS, every three hours, a woman dies of breast cancer in Florida, and a total of 2,600 such deaths are expected in the state during the year 2001, and

WHEREAS, the most commonly diagnosed cancer among women in the United States each year, breast cancer is responsible for the greatest number of cancer deaths among African American women and is the second leading cause of such deaths among Caucasian women, and

WHEREAS, Florida ranks third in the nation each year in the number of new cases diagnosed and deaths reported from this disease, and the American Cancer Society documented 11,844 new incidences of breast cancer in the state in 1999 and estimates that there will be 12,500 cases discovered during 2001, and

WHEREAS, although any woman may be stricken, advancing age has been found to be the greatest risk factor leading to this disease, with 64 percent of all breast cancers occurring in women 60 years of age or older, yet it is estimated that almost one million of the state’s women over the age of 40 have never had a mammogram, and

WHEREAS, the American Cancer Society advocates routine clinical and mammography screening, beginning at age 40, as a means of early detection through which survival rates for breast cancer are greatly improved, and

WHEREAS, awareness programs, such as the American Cancer Society’s Tell-A-Friend-Tuesday program, are crucial to alerting the women of Florida to the importance of early detection and thus improving the chances of successful treatment and cure of breast cancer, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to designate the month of October 2001 as “Breast Cancer Awareness Month,” a time in which to stress to the women of Florida the importance of routine clinical and mammography screenings in the prevention and cure of breast cancer.

—was read the first time by title and the second time by title. On motion by Rep. Betancourt, the resolution was adopted.

### Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 3:30 p.m., Monday, April 16. The motion was agreed to.

### Recorded Votes

Rep. Allen:

Yeas—Amendment 1 to Amendment 2 to HB 69

Rep. Simmons:

Change from Yeas to Nays—Amendment 1 to Amendment 2 to HB 69

Rep. Sobel:

Yeas—motion to consider a late-filed amendment to Substitute Amendment 1 to HB 1083; Amendment 1 to Substitute Amendment 1 to HB 1083; Prefile Amendment 76 to HB 1807

Nays—HB 1083

### Prime Sponsors

HB 1361—Atwater

### Cosponsors

CS/HB 1—Diaz de la Portilla, Kendrick, Siplin, Stansel

HB 45—Siplin

HB 69—Kosmas, Romeo, Siplin, Wiles

CS/HB 79—Melvin

HB 85—Crow

CS/HB 133—Russell

HB 145—Flanagan

HB 169—Hogan

HB 189—Hogan

CS/CS/HB 269—Bullard

HB 313—Barreiro

CS/HB 409—Atwater

HB 421—Fiorentino

HB 457—Atwater, Benson, Betancourt, Meadows, Prieguez

HB 489—Arza, Atwater, Ball, Brown, Brummer, Bucher, Cantens,

Clarke, Crow, Detert, Diaz de la Portilla, Fields, Fiorentino, Gelber,

Gibson, Green, Harper, Harrell, Heyman, Kendrick, Kilmer,

Kosmas, Kravitz, Lee, Lerner, Mack, Maygarden, Miller, Murman,

Rich, Romeo, Simmons, Sorensen, Trovillion

CS/HB 497—Hogan

HB 553—Romeo

HB 595—Hogan, Siplin

HJR 627—Hogan

HB 651—Allen, Berfield, Haridopolos

HB 727—Gottlieb

HB 757—Johnson

HB 791—Rich

HJR 827—Hogan

HB 959—Mahon

HB 967—Siplin

HB 989—Byrd

HB 1059—Jordan

HB 1077—Bean, Green, Kilmer, Miller, Murman

CS/HB 1145—Cusack, Fiorentino

HB 1199—Baker, Baxley, Bean, Bense, Brown, Davis, Flanagan,

Garcia, Hogan, Kendrick, Kottkamp

HB 1225—Atwater

HB 1237—Baxley, Trovillion

HB 1347—Slosberg

HB 1389—Goodlette

HB 1411—Spratt

HB 1413—Siplin

HB 1415—Fiorentino

HB 1427—Rich

HB 1465—Spratt

HB 1467—Atwater

HB 1511—Wallace

HB 1545—Harrington

HB 1621—Goodlette

HB 1645—Brown

HB 1705—Heyman

HB 1843—Murman, Rich

### Withdrawals as Cosponsor

CS/HB 339—Greenstein

CS/HB 591—Bullard, Holloway, Weissman

## Introduction and Reference

By the Committee on Agriculture & Consumer Affairs; Representative Spratt—

**HB 1877**—A bill to be entitled An act relating to obsolete and inactive provisions of law; repealing ss. 536.20, 536.21, and 536.22, F.S., relating to timber and lumber; repealing s. 570.381, F.S., relating to Appaloosa racing; amending ss. 550.2625 and 550.2633, F.S.; correcting cross references; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Elder & Long-Term Care; Representative Green—

**HB 1879**—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S., relating to state and local ombudsman council investigations; requiring ombudsman verification and reporting of nursing home staff on duty and the posting thereof; providing penalty for refusal of a nursing home or assisted living facility to allow entry to an ombudsman; amending s. 400.021, F.S.; revising definitions; defining “controlling interest” and “voluntary board member”; creating s. 400.0223, F.S.; requiring nursing homes to allow electronic monitoring of residents in their rooms; requiring posting of notice; providing facility requirements; providing penalties; amending ss. 400.023 and 400.429, F.S.; providing for civil actions to enforce nursing home and assisted living facility residents’ rights; providing who may pursue such actions; providing for attorney’s fees and costs; providing the burden of proof; providing evidence of breach of duty; providing certain liability; limiting period for commencement of actions; providing definitions; providing for claims involving death of the resident; providing for punitive damages; providing nonenforceability of judgments or agreements concealing certain information; requiring facility report of a judgment or agreement to the Agency for Health Care Administration within a specified period; providing a penalty; providing agency rulemaking authority; providing applicability; creating s. 400.0235, F.S.; providing requirements of the presuit process; creating s. 400.0236, F.S.; providing for presuit screening; creating s. 400.0237, F.S.; providing for presuit notice, review, and investigation; specifying timeframes; creating ss. 400.0238 and 400.430, F.S.; providing for voluntary binding arbitration; providing for selection of an arbitration panel; providing for compensation; providing obligations and procedures; providing rulemaking authority of the Division of Administrative Hearings; providing for the right to jury trial and for certain limitations on damages; providing procedures; creating s. 400.0239, F.S.; providing for binding arbitration to allocate responsibility among defendants; providing procedures; creating s. 400.024, F.S.; providing for misarbitration; creating s. 400.0241, F.S.; providing for payment of an arbitration award; providing for interest; creating s. 400.0242, F.S.; providing for appeal of an arbitration award or allocation of financial responsibility; creating ss. 400.0245 and 400.455, F.S.; creating the “Nursing Home Facility Whistleblower’s Act” and the “Assisted Living Facility Whistleblower’s Act,” respectively; prohibiting retaliatory actions from a facility or independent contractor against an employee for disclosure of certain information; providing legislative intent; providing definitions; specifying the nature of information, to whom disclosed, and persons protected; authorizing civil actions for violation; providing forms of relief; providing penalties; providing reward for information disclosed; requiring facilities to post notice of protections, rewards, and remedies; providing defenses to certain actions; protecting existing rights of employees; amending s. 400.071, F.S.; revising requirements and providing additional requirements for application for a nursing home license; amending s. 400.102, F.S.; providing additional grounds for administrative or other actions against a nursing home; amending s. 400.118, F.S.; requiring agency staff to verify and report staff on duty at a nursing home; providing requirements for resident comprehensive assessment, plan of care, and treatment and services; providing for a resident’s incapacity or refusal with regard to the plan of care; creating s. 400.1183, F.S.; requiring nursing homes to have a grievance procedure for residents; providing requirements; requiring recordkeeping and reports to the

agency; providing for agency investigations; providing a penalty for noncompliance; amending s. 400.121, F.S.; revising a penalty for violations of pt. II of ch. 400, F.S.; providing additional grounds for denial of a nursing home licensure application; providing for review of administrative proceedings challenging agency licensure enforcement actions; amending s. 400.141, F.S.; providing qualifications for nursing home medical directors and nursing personnel; requiring sufficient nursing staff; requiring a comprehensive resident assessment; requiring daily charting of certain care delivered; requiring report of management agreements; requiring report of staff ratios, turnover, and stability, and bed vacancies; creating s. 400.1413, F.S.; requiring nursing homes to establish internal risk management and quality assurance programs; providing requirements for implementation; defining “adverse incident”; requiring reports to the agency; providing agency access to facility records, review of incidents and programs, and report to regulatory boards; limiting liability of risk managers; amending s. 400.1415, F.S.; providing for administrative penalties or a moratorium on admissions for a nursing home where alteration of records has occurred; requiring reporting; requiring referral of personnel for disciplinary action; amending s. 400.19, F.S.; providing for quarterly onsite review of facilities with a conditional licensure status; amending s. 400.191, F.S.; requiring facility posting of the Florida Nursing Home Guide Watch List; amending s. 400.211, F.S.; revising qualifications for temporary employment of nursing assistants; providing performance review and inservice training requirements for certified nursing assistants; amending s. 400.23, F.S.; deleting obsolete language and references; deleting requirement for review of local emergency management plans; providing for agency rules relating to consumer satisfaction surveys, posting of reports and records, and quality assurance and risk management; specifying minimum nursing home staffing requirements; providing a moratorium on admissions for certain failure to comply with minimum staffing requirements; providing a penalty; revising provisions relating to deficient practices and classifications thereof; revising penalties; requiring a report; amending s. 400.241, F.S.; providing a cross reference; providing a penalty; amending s. 400.407, F.S.; correcting a cross reference; amending s. 400.426, F.S.; requiring a daily record of care of residents; providing for access to and maintenance of such records; amending ss. 400.428 and 400.431, F.S.; revising requirement for notice of a resident’s relocation or termination from a facility; providing a penalty; creating s. 400.449, F.S.; providing penalties for altering, defacing, or falsifying records of an assisted living facility; amending s. 409.908, F.S.; revising provisions relating to Medicaid reimbursement for long-term care; providing for direct care and indirect care subcomponents; providing for cost reporting; amending s. 415.1111, F.S.; providing that provisions for civil actions under ch. 415, F.S., shall not apply to civil actions under pts. II and III of ch. 400, F.S.; amending s. 430.708, F.S.; deleting a provision relating to certificate-of-need calculations for nursing home beds pursuant to Medicaid community diversion pilot projects; amending s. 430.709, F.S.; providing requirements for contracts for independent evaluation of long-term care community diversion projects; transferring responsibility from the Department of Elderly Affairs to the agency; requiring reports to the agency and Legislature; amending s. 435.04, F.S.; deleting obsolete language; amending s. 464.201, F.S.; revising definition of “approved training program” for nursing assistants; amending s. 464.2085, F.S.; directing the Council on Certified Nursing Assistants to develop advanced competency designations for certified nursing assistants; amending ss. 101.655, 397.405, and 400.0069, F.S.; correcting cross references; requiring the Auditor General develop a standard chart of accounts for Medicaid long-term care provider cost reporting; requiring implementation by the agency by a specified date; requiring the agency to amend the Medicaid Title XIX Long-Term Care Reimbursement Plan to include specified provisions; directing the Board of Nursing to provide for commendation of certain professional nurses; requiring wage and benefit increases for nursing home direct care staff; requiring a report; reenacting s. 400.021(11), F.S., relating to the definition of “nursing home bed”; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys; reenacting s. 400.0255(3) and (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.141(4) and (5), F.S., relating to the repackaging of residents’ medication and access to other health-related services; reenacting s. 400.191(2) and (6), F.S., relating to requirements



for providing information to consumers; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under 21 years of age residing in nursing home facilities; reenacting s. 400.235(3)(a), (4), (5)(e), and (9), F.S., and reenacting the repeal of s. 400.235(5)(h), F.S., 1999, relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to requirement for licensure under pt. XI of ch. 400, F.S.; reenacting s. 397.405(2), F.S., relating to a cross reference; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication dispensing machines in nursing facilities and for demonstration projects and a report; providing legislative intent; providing appropriations; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Elder & Long-Term Care; Representative Green—

**HB 1881**—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to internal risk management programs in nursing homes and assisted living facilities; providing for release of such information under certain circumstances; providing an exemption from the public meetings law for meetings of internal risk management and quality assurance committees in nursing homes and assisted living facilities; providing for future legislative review and repeal; providing a statement of public necessity; creating s. 430.105, F.S.; providing for confidentiality and exemption from the public records law for information relating to clients of the Department of Elderly Affairs, clients of service providers contracting with the Department of Elderly Affairs, and certain elders receiving services through programs administered by or funded by the Department of Elderly Affairs; requiring consent for disclosure; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Transportation & Economic Development Appropriations; Representative Johnson—

**HB 1883**—A bill to be entitled An act relating to trust funds; creating s. 20.505, F.S.; creating the Administrative Trust Fund within the Agency for Workforce Innovation; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Health Promotion; Representative Littlefield—

**HB 1885**—A bill to be entitled An act relating to health care; amending s. 381.0403, F.S.; transferring the programs for community hospital education and graduate medical education under the “Community Hospital Education Act” from the Board of Regents to the Department of Health; authorizing certain expenditure of funds; revising provisions to conform; authorizing participation in the innovations grant program by individual Florida medical schools providing graduate medical education in community-based clinical settings; revising the membership of a committee; providing rulemaking authority to the Department of Health; amending s. 409.908, F.S.; revising provisions relating to the reimbursement of Medicaid providers to conform to the transfer of the Community Hospital Education Program from the Board of Regents to the Department of Health; providing for the certification of local matching funds; providing requirements for the distribution of federal funds earned as a result of local matching funds; requiring an impact statement; amending s. 409.911, F.S.; revising the definition of the term “charity care”; amending s. 409.9117, F.S.; revising criteria for participation in the

primary care disproportionate share program; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Health & Human Services Appropriations; and Council for Healthy Communities.

By Representatives Melvin, Miller, and Brown—

**HB 1887**—A bill to be entitled An act relating to Okaloosa County; providing legislative findings; describing a portion of the Dorcas Fire District to be annexed into the North Okaloosa Fire District; providing a contingent effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs.

By the Committee on Utilities & Telecommunications; Representatives Ritter and Barreiro—

**HB 1889**—A bill to be entitled An act relating to tax on communications services; creating s. 202.105, F.S.; providing legislative findings and intent with respect to the Communications Services Tax Simplification Law; amending s. 202.11, F.S.; revising and providing definitions; amending s. 202.12, F.S.; specifying the rates for the state tax; revising provisions relating to application of said tax; providing for application of the tax rate to private communications services and mobile communications services; providing the initial method for determining the sales price of private communications services and a revised method effective January 1, 2004; relieving service providers of certain liability; revising provisions relating to direct-pay permits; creating s. 202.155, F.S.; providing special rules for mobile communications services; providing duties of home service providers and the Department of Revenue in determining a customer’s place of primary use and determining the correct taxing jurisdiction; relieving service providers of certain liability; providing requirements with respect to identifying and separately stating the sales price of mobile communications services not subject to the taxes administered under ch. 202, F.S.; amending s. 202.16, F.S.; revising provisions relating to responsibility for payment of taxes and tax amounts and brackets; amending s. 202.17, F.S.; specifying that registration as a dealer of communications services does not constitute registration for purposes of placing and maintaining communications facilities in municipal or county rights-of-way; removing the registration fee for such dealers; revising provisions relating to resale certificates; amending s. 202.18, F.S.; revising provisions relating to distribution of a portion of the proceeds of the tax on direct-to-home satellite service and to distribution of local communications services taxes and adjustment of such distribution; amending s. 202.19, F.S.; revising provisions which authorize imposition of local communications services taxes and provide for use of revenues and certain credits; specifying the maximum rates of such taxes; providing the initial method for determining the sales price of private communications services for local communications services taxes and for the discretionary sales surtax under s. 212.055, F.S., that is imposed as a local communications services tax, and providing a revised method effective January 1, 2004; relieving service providers of certain liabilities; revising requirements relating to the direct-pay permit required to qualify for the limitation on local communications services taxes on interstate communications services; providing for application of local communications services taxes to mobile communications services; amending s. 202.20, F.S.; specifying the local communications services tax conversion rates; revising requirements with respect to adjustment by a local government of its tax rate when tax revenues are less than received from replaced revenue sources; authorizing local governments to increase the tax rate established by the Revenue Estimating Conference and approved by the Legislature to the maximum tax rate so established and approved; amending s. 202.21, F.S.; conforming language; amending s. 202.22, F.S., relating to determination of local tax situs for a local communications services tax; revising requirements relating to use of

enhanced zip codes; revising requirements relating to certification or recertification of a database by the department; specifying effect when certain applications for certification are not approved or denied within the required time period; revising provisions relating to a dealer's duty to update a database and to the amount of dealer's credit allowed when an alternative method of assigning service addresses is used; amending s. 202.23, F.S.; providing requirements for refunds when excess communications services tax has been paid; creating s. 202.231, F.S.; providing requirements for provision of information by the department to local taxing jurisdictions; amending s. 202.24, F.S., relating to limitations on local taxes and fees imposed on dealers of communications services; deleting language relating to legislative review; repealing s. 202.26(3)(i), F.S., which provides for adoption of rules by the department with respect to collection of information no longer required; amending s. 202.27, F.S.; deleting provisions which allow certain dealers making sales in more than one location to file a single return; amending s. 202.28, F.S.; including persons collecting the gross receipts tax in provisions relating to the dealer's credit; amending s. 202.37, F.S.; providing requirements for audits conducted with respect to local communications services taxes; creating s. 202.38, F.S.; providing for credits or refunds under ch. 202, F.S., for certain bad debts or adjustments with respect to taxes under ch. 212, F.S., or ch. 166, F.S., billed prior to October 1, 2001, and no longer subject to tax; amending s. 203.01, F.S.; specifying the rate of the gross receipts tax on communications services; amending s. 337.401, F.S.; revising dates for notice of election by municipalities and counties regarding imposition of permit fees to the department; providing that a municipality or county that elects not to impose permit fees on communications services providers may increase its local tax rate by resolution; requiring notice to the department; repealing s. 337.401(3)(f) and (g), F.S., relating to the authority of municipalities and counties to request in-kind requirements from cable service providers and to negotiate cable service franchises, and revising and relocating such provisions under said section; authorizing municipalities and counties to change their election regarding imposition of permit fees and providing for adjustment of tax rates; providing notice requirements; revising definitions; specifying continued application of s. 166.234, F.S., relating to administration and rights and remedies, to municipal public service taxes on telecommunications services imposed prior to October 1, 2001; providing for payment of franchise fees by cable or telecommunications service providers with respect to services provided prior to October 1, 2001; repealing s. 52 of ch. 2000-260, Laws of Florida, which provides for a legislative study during the 2001 session; repealing s. 58(1) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of those administrative sections of ch. 202, F.S., which have taken effect; repealing s. 58(2) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of the following provisions prior to their October 1, 2001, effective date: the remainder of ch. 202, F.S., which provides for the taxation of the sale of communications services; other statutory amendments which provide related administrative provisions; provisions which remove levy of the municipal public service tax on telecommunication services; provisions which provide for a gross receipts tax on communications services to be applied pursuant to ch. 202, F.S.; provisions which remove the imposition of tax under ch. 212, F.S., on telecommunication service; provisions relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees; and provisions relating to the application of amendments made by ch. 2000-260, Laws of Florida; repealing s. 59 of ch. 2000-260, Laws of Florida, which, effective June 30, 2001, amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, to remove amendments made by ch. 2000-260, Laws of Florida, which took effect January 1, 2001; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Fiscal Policy & Resources; and Council for Ready Infrastructure.

By the Committee on Utilities & Telecommunications; Representatives Ritter and Barreiro—

**HB 1891**—A bill to be entitled An act relating to public records; amending s. 213.053, F.S.; providing an exemption from public records requirements for information contained in specified documents received by the Department of Revenue in connection with ch. 202, F.S., the Communications Services Tax Simplification Law; authorizing the department to provide certain information relative to said chapter to local governments imposing a local communications services tax; providing for application of confidentiality and penalty provisions to such local governments; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Fiscal Policy & Resources; and Council for Ready Infrastructure.

By the Committee on Utilities & Telecommunications; Representatives Ritter and Barreiro—

**HB 1893**—A bill to be entitled An act relating to trust funds; creating s. 202.193, F.S.; creating the Local Communications Services Tax Clearing Trust Fund within the Department of Revenue; providing for sources of moneys and purposes; providing for annual carryforward of fund balances; providing that the trust fund is exempt from constitutional termination; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Fiscal Policy & Resources; and Council for Ready Infrastructure.

By the Committee on Health Regulation; Representative Farkas—

**HB 1895**—A bill to be entitled An act relating to health care; amending s. 395.0197, F.S.; revising provisions relating to hospital and ambulatory surgical center internal risk management programs; modifying requirements for risk management and prevention education and training; restricting participation of unlicensed persons in surgical procedures; requiring ongoing evaluation of surgical procedures and protocols; eliminating an annual report summarizing facility incident reports and disciplinary actions; requiring the Agency for Health Care Administration to publish website summaries of adverse incident reports; requiring facility reporting of allegations of sexual misconduct by health care practitioners; providing certain civil liability for licensed risk managers; prohibiting intimidation of a risk manager; providing a penalty; amending s. 395.10972, F.S.; increasing membership on the Health Care Risk Management Advisory Council; amending s. 395.701, F.S.; limiting the financial information the agency may require to determine the amount of hospital annual assessments; amending s. 456.013, F.S.; providing a professional continuing education requirement relating to prevention of medical errors; amending s. 456.063, F.S.; requiring licensed health care practitioners to report to the Department of Health any allegations of sexual misconduct; amending s. 456.072, F.S.; providing additional grounds for disciplinary actions; clarifying a penalty involving restriction of professional practice or license; providing additional penalties; requiring assessment of costs related to investigation and prosecution; amending s. 456.073, F.S.; requiring the department to notify the patient or legal representative of the status of a disciplinary case; requiring the agency to provide certain information to the complainant; amending s. 456.077, F.S.; specifying violations for which the department or a regulatory board may issue citations; amending s. 456.081, F.S.; requiring the department and regulatory boards to maintain a website containing specified information; amending ss. 458.331 and 459.015, F.S.; conforming language and cross references to changes made by the act; amending ss. 465.019 and 465.0196, F.S.; requiring institutional pharmacies and special pharmacy permittees that use pharmacy technicians to have a written policy and procedures manual; directing the department and agency to review health care practitioner and facility reporting requirements; requiring a report to the Legislature; amending s.

468.1755, F.S.; providing an additional ground for disciplinary action against a nursing home administrator; reenacting ss. 468.1695(3) and 468.1735, F.S., to incorporate said amendment in references; reenacting s. 484.056(1)(a), F.S., relating to disciplinary action against hearing aid specialists, to incorporate the amendment to s. 456.072(1), in a reference; amending s. 766.101, F.S.; providing that a continuous quality improvement committee of a licensed pharmacy is a medical review committee for purposes of immunity from liability, and reenacting ss. 440.105(1)(a) and 626.989(6), F.S., to incorporate said amendment in references; amending s. 766.1115, F.S.; conforming language and cross references to changes made by the act; amending s. 456.047, F.S.; providing intent; revising and providing definitions; revising duties of the Department of Health relating to file maintenance; providing that primary source data verified by the department or its designee may be relied upon to meet accreditation purposes; amending s. 240.4075, F.S.; transferring the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health; including public schools, family practice teaching hospitals, and specialty hospitals for children as eligible facilities under the program; exempting such facilities from the fund-matching requirements of the program; amending s. 240.4076, F.S.; transferring the nursing scholarship program from the Department of Education to the Department of Health; providing requirements under the program for students seeking to qualify for a nursing faculty position and receive credit for work in such a position; including nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program; transferring powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health; amending s. 240.40201, F.S.; granting certain students priority in receiving a Florida Bright Futures Scholarship; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 464.008, F.S.; revising education requirements for licensure by examination; amending s. 464.009, F.S.; revising requirements for licensure by endorsement; requiring submission of fingerprints for a criminal history check and a fee to cover the costs of such check; providing for an electronic applicant notification process; amending s. 464.0205, F.S.; deleting the application and processing fee for applicants for a retired volunteer nurse certificate; requiring study by Office of Program Policy Analysis and Government Accountability of the feasibility of maintaining all of Medical Quality Assurance in one state agency; creating s. 456.0375, F.S.; requiring registration of certain clinics; providing requirements, including fees; providing rulemaking authority; requiring medical directors for such clinics and providing their duties and responsibilities; providing an appropriation; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic violence courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses; amending s. 468.302, F.S.; correcting terminology in a provision relating to exemption from certification to use radiation on human beings; amending ss. 468.352, 468.355, 468.357, 468.358, and 468.359, F.S.; revising definitions and provisions relating to licensure and use of titles and abbreviations to correct and conform terminology with respect to respiratory therapists and respiratory care practitioners; amending ss. 468.1155 and 468.1215, F.S.; revising accreditation provisions applicable to licensure to practice speech-language pathology or audiology and certification of speech-language pathology or audiology assistants; amending s. 480.033, F.S.; correcting terminology in the definition of "massage"; amending s. 490.012, F.S.; prohibiting the use of certain titles or descriptions relating to the practice of psychology or school psychology unless properly licensed; providing penalties; amending s. 490.014, F.S.; revising exemptions from regulation under ch. 490, F.S., relating to psychology; correcting a cross reference; amending s. 491.012, F.S.; revising prohibitions against unlicensed practice of clinical social work, marriage and family therapy, and mental health counseling to provide that practice by registered interns is lawful; requiring the Department of Health and the Department of Insurance to establish a joint investigative and prosecutorial unit for health care fraud; requiring all state agencies involved in the regulation

of health care practitioners, providers, and payors to coordinate their investigations and share confidential information for the purpose of investigating and prosecuting health care fraud; preserving the confidentiality of such information; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Healthy Communities.

By Representatives Melvin, Miller, and Brown—

**HB 1897**—A bill to be entitled An act relating to Okaloosa County; amending ch. 90-412, Laws of Florida; changing the name of the Fort Walton Beach Area Bridge Authority to the Emerald Coast Bridge Authority; reducing the number of members of the authority from seven to five; amending the method of appointment of members of the authority; changing the date by which the authority shall prepare and submit a budget; requiring the board of county commissioners to examine the budget in good faith; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs.

By Representative Baxley—

**HB 1899**—A bill to be entitled An act relating to Marion County; prohibiting watercraft within specified areas of Lake Weir from proceeding at greater than "no-wake" speeds; requiring the board of county commissioners to erect signs; directing the Marion County Sheriff to enforce the prohibition; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs.

By Representative Baxley—

**HB 1901**—A bill to be entitled An act relating to Marion County; requiring a disclosure summary to prospective purchasers of property in a subdivision that requires membership in a homeowners' association; providing for audits of certain homeowners' associations; authorizing the creation of a homeowners' grievance board to mediate complaints from homeowners; authorizing the county to provide monetary penalties and the revocation or suspension of business permits or occupational licenses; providing for the disclosure of maintenance and amenity fees in a complete financial report by the developer; providing for methods of distribution of financial reports; providing exceptions; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs.

By Representative Melvin—

**HB 1903**—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, as amended, relating to the Escambia County Civil Service System; providing for the discretionary withdrawal of any local participating governmental agency or political subdivision from the Civil Service system; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs.

By the Committee on Transportation; Representative Russell—

**HB 1905**—A bill to be entitled An act relating to the Transportation Outreach Program; amending s. 339.137, F.S.; revising definitions;

amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Transportation & Economic Development Appropriations; and Council for Ready Infrastructure.

By the Committee on Business Regulation; Representatives Kyle, Gottlieb, and Cantens—

**HB 1907**—A bill to be entitled An act relating to condominiums; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 702.09, F.S.; revising the definitions of the terms “mortgage” and “foreclosure proceedings”; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Holloway, Bennett, Harrell, Mayfield, and Gottlieb—

**HB 1909**—A bill to be entitled An act relating to trust funds; creating s. 287.103, F.S.; creating the Purchasing and Transportation Support Trust Fund, to be administered by the Department of Management Services; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Local Government & Veterans Affairs; Representative Sorensen—

**HB 1911**—A bill to be entitled An act relating to preference in appointment and retention of public employees; amending s. 295.07, F.S.; eliminating the exemption of specified positions from provisions which require the state and political subdivisions in the state to give preference in appointment and retention in positions of employment to specified veterans and spouses of specified veterans and military personnel; reenacting s. 295.14, F.S.; providing penalties; reenacting ss. 110.2135(1), 295.08, 295.085, 295.09, 295.101, 295.11, 295.155, 296.04(3), and 296.34(1), F.S., to incorporate the amendment to s. 295.07, F.S., in references thereto; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Natural Resources & Environmental Protection; Representative Harrington—

**HB 1913**—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.06, F.S.; revising the exemption from saltwater products license income requirements for

persons with disabilities; amending s. 370.0605, F.S.; revising the exemption from saltwater fishing licenses for persons with disabilities; amending s. 370.0608, F.S.; revising provisions relating to deposit of license fees; amending s. 370.0609, F.S.; revising institutions to receive funds for marine research; amending s. 370.062, F.S., relating to issuance of license tags for harvesting tarpon; modifying date for tax collectors' return of unissued tags; deleting provision relating to transfer of tag fees to the Marine Resources Conservation Trust Fund within a specified period; amending s. 370.13, F.S.; revising provisions relating to issuance of depredation endorsements for trapping stone crabs or blue crabs preying upon aquaculture shellfish beds; prohibiting barter or exchange, as well as sale of such crabs; amending s. 370.19, F.S.; revising appointment of a member of the Atlantic States Marine Fisheries Compact; amending s. 370.20, F.S.; revising appointment of a member of the Gulf States Marine Fisheries Compact; amending s. 370.25, F.S.; clarifying reference relating to issuance of artificial reef permits; amending s. 372.0215, F.S.; removing a restriction on the funding of support organizations authorized by the commission; amending s. 372.561, F.S.; revising the exemption from hunting and freshwater fishing licenses for persons with disabilities; amending s. 374.977, F.S.; transferring authority for posting and maintaining signs for manatee protection zones from the Department of Environmental Protection to the commission; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Agriculture & Consumer Affairs; Representative Spratt—

**HB 1915**—A bill to be entitled An act relating to agriculture and consumer services; amending s. 120.80, F.S.; providing that marketing orders under ch. 527, F.S., are not rules; amending s. 125.27, F.S.; authorizing the Department of Agriculture and Consumer Services to lease or loan equipment to governmental entities that have fire/rescue responsibilities; limiting liability for civil damages resulting from use or possession of such equipment; amending s. 201.15, F.S.; authorizing the department to adopt rules regarding the distribution of funds for best management practices; amending s. 316.228, F.S.; revising requirements for lamps on projecting loads; amending s. 320.08, F.S.; revising definition of a truck known as a “goat”; amending s. 403.714, F.S.; deleting requirement that the department coordinate development of uniform product specifications for compost used by state agencies; amending s. 487.041, F.S.; authorizing the department to require and review data relating to the claims of pesticide products used as preventive treatment for termites; authorizing the department to adopt rules; amending s. 500.09, F.S.; authorizing fees for certain reinspection of food establishments; amending s. 500.12, F.S.; increasing the maximum food establishment operating permit fee; providing use of such fee; amending ss. 502.012 and 502.014, F.S.; revising references relating to the pasteurized milk ordinance and milk sanitation; deleting requirement that a copy of a federal temporary marketing permit for milk and milk products be forwarded to the department; amending s. 502.053, F.S.; clarifying milk testing requirements; amending s. 502.091, F.S.; authorizing the department to forgo the grading of certain milk products in an emergency; providing for labeling; amending s. 503.041, F.S.; providing that attempting to transfer a frozen dessert plant license is grounds for license suspension or revocation; amending s. 570.07, F.S.; authorizing the department to repair or build structures; providing restrictions; authorizing the department to conduct investigations of violations of laws relating to consumer protection; amending s. 503.071, F.S.; providing for the embargo, detainment, or destruction of food or food processing equipment of a frozen dessert manufacturer; amending s. 570.244, F.S.; clarifying powers and duties of the department relating to the development of agribusinesses; amending s. 570.249, F.S.; clarifying aquacultural crops eligible for Agricultural Economic Development Program disaster loans; revising loan application requirements; directing the department to establish an agribusiness market development grant program; amending s. 570.38, F.S.; increasing membership of the Animal Industry Technical Council; amending s. 580.051, F.S.; revising label requirements for commercial feed; providing a penalty; amending s. 580.065, F.S.; revising feed laboratory standards and procedures; amending s. 580.091, F.S.;

removing intent language regarding feed sampling and analysis; revising department procedures relating to approval of a quality-assurance/quality-control plan; amending s. 580.112, F.S.; prohibiting distribution of a feed or feedstuff that is prohibited by federal law or regulation; amending s. 581.211, F.S.; providing a penalty for violation of rules relating to plant industry; amending s. 585.002, F.S.; limiting local government regulation with respect to the humane care and treatment of livestock and poultry; amending s. 585.145, F.S.; providing for qualification of accredited veterinarians to provide official certificates of veterinary inspection; providing conditions for denial of authority to issue such certificates; amending s. 585.155, F.S.; revising vaccination requirements for calves; amending s. 616.242, F.S.; providing additional exemptions from amusement ride safety standards; amending s. 633.557, F.S.; revising exemptions from contractor requirements for certain farm buildings; amending s. 828.22, F.S.; creating the "Humane Slaughter Act"; revising provisions relating to humane slaughter and livestock euthanasia; amending s. 828.23, F.S.; revising definitions; amending s. 828.24, F.S.; revising provisions relating to prohibited acts; amending s. 828.25, F.S.; revising provisions relating to administration of the act by the department; creating s. 828.251, F.S.; directing the department to make current technical information available to slaughterers; creating s. 828.252, F.S.; providing for humane treatment of nonambulatory animals; amending s. 828.26, F.S.; revising penalties; amending ss. 427.804 and 559.921, F.S.; correcting cross references; repealing s. 570.544(10) and (11), F.S., relating to authority of the Division of Consumer Services of the department to conduct investigations of violations of laws relating to consumer protection; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Agriculture & Consumer Affairs; Representative Spratt—

**HB 1917**—A bill to be entitled An act relating to assistive technology; amending s. 400.925, F.S.; revising definitions with respect to home medical equipment; amending s. 427.802, F.S.; revising definitions with respect to home medical equipment providers; amending s. 427.803, F.S.; revising warranty requirements under the Assistive Technology Device Warranty Act; providing for express warranties; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to regulation requirements with respect to assistive technology device dealers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Bennett, Harrell, Mayfield, Gottlieb, and Holloway—

**HB 1919**—A bill to be entitled An act relating to trust funds; creating s. 282.23, F.S.; creating the Technology Enterprise Trust Fund within the Department of Management Services; providing for sources of funds and purposes; providing for creation of a reserve account; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 1921**—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; revising certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems; amending s. 101.151, F.S.; providing general specifications for ballots; deleting provisions specific to certain elections and voting systems; requiring the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system; amending s. 101.5603, F.S.; revising definitions relating to the Electronic Voting

Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines; amending s. 101.5604, F.S.; requiring any electronic or electromechanical voting system used by a county to be a precinct tabulation system; amending s. 101.5606, F.S.; providing additional requirements for electronic or electromechanical voting systems; creating s. 101.56062, F.S.; establishing a loan program for counties to purchase voting equipment; providing the term of such loans; providing for a priority system based on county need; providing penalties for default or delinquent payments; providing for suspension of payment of principal and penalties under certain financial emergency conditions; providing rulemaking authority; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; amending s. 101.292, F.S.; modifying the definition of "voting equipment," applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Business Regulation; Representative Kyle—

**HB 1923**—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; amending ss. 326.001, 326.002, 326.003, 326.004, and 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 455.213, F.S.; providing that all applications for licensure be prescribed by the department; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412, 468.413, 468.414, and 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances;

amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross references; amending s. 472.005, F.S.; revising and providing definitions; revising cross references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, and 472.037, F.S.; revising cross references; amending s. 476.034, F.S.; redefining the term "board"; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, and 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term "board"; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers' Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; relocating the offices of the board; creating s. 489.113, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors' Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending ss. 498.005, 498.019, and 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 723.003, 723.006, 723.0065, and 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; providing division enforcement powers and duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512, and 559.935, F.S.; conforming terminology; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 1925**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms "error in the vote tabulation" and "provisional ballot"; revising the definition of "primary election"; amending s. 100.061, F.S.; providing for a single primary election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; increasing campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; authorizing the Department of State to hold the copyright to the database software as provided by law; providing for update of information in the database; providing for an operational date; providing that funding shall be as provided for in the General Appropriations Act; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is a proper party to bring an election contest for certain elections; providing that any taxpayer is a proper party to bring an election contest for elections involving a referendum; clarifying the circumstances under which a person may bring an election contest; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Murman—

**HR 9053**—A resolution acknowledging May 6-12, 2001, as National Nurses Week.

First reading by publication (Art. III, s. 7, Florida Constitution).

**HR 9055**—Adopted earlier today

By Representative Bullard—

**HR 9057**—A resolution expressing affection for and gratitude to all fathers.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bullard—

**HR 9059**—A resolution expressing gratitude and affection to all mothers.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Murman—

**HR 9061**—A resolution recognizing Florida's Healthy Start coalitions and designating April 11, 2001, as "Healthy Start Coalitions Day."

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Rubio—

**HR 9063**—A resolution designating April 18, 2001, "University of Florida Day."

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Meadows—

**HR 9065**—A resolution honoring the Black Affairs Advisory Council.

First reading by publication (Art. III, s. 7, Florida Constitution).

#### Reference

**HB 1847**—Referred to the Committees on Information Technology; General Government Appropriations; and Council for Lifelong Learning.

**HB 1849**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.

**HB 1851**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 1853**—Referred to the Calendar of the House.

**HB 1855**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 1857**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 1861**—Referred to the Calendar of the House.

**HB 1863**—Referred to the Committee on Natural Resources & Environmental Protection; and Council for Healthy Communities.

**HB 1867**—Referred to the Council for Healthy Communities.

**HB 1869**—Referred to the Committee on Child & Family Security; and Council for Healthy Communities.

**HB 1871**—Referred to the Committee on State Administration; and Council for Healthy Communities.

**HB 1873**—Referred to the Council for Healthy Communities.

**HB 1875**—Referred to the Council for Ready Infrastructure.

**HB 4011**—Referred to the Committees on Crime Prevention, Corrections & Safety; State Administration; and Council for Healthy Communities.

**HB 4013**—Referred to the Council for Competitive Commerce.

#### First Reading of Council and Committee Substitutes by Publication

By the Council for Competitive Commerce; Representative Russell—

**CS/HB 83**—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within a described area of Hernando County or of Hernando County and the City of Brooksville jointly; providing requirements with respect thereto; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; providing an effective date.

By the Committee on Education Innovation; Representatives Bendross-Mindingall, Gottlieb, Garcia, Harper, and Byrd—

**CS/HB 135**—A bill to be entitled An act relating to Workforce Florida, Inc.; amending s. 445.004, F.S.; expanding the utilization of faith-based and community-based organizations; requiring certain funds to be expended for after-school care programs; providing an effective date.

By the Council for Smarter Government; Representatives Goodlette, Cantens, Pickens, Seiler, and Bense—

**CS/HB 137**—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising language with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising language with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising language with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising language with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s. 732.102, F.S.; revising language with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; clarifying provisions; revising a filing date; revising certain provisions regarding owner's representation; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2035, F.S.; redefining the term "decedent's ownership interest"; amending s. 732.2045, F.S.; adding an exclusion to the elective share for property that is part of the protected homestead; amending s. 732.2055, F.S.; redefining "value" for purposes of calculating the elective estate; amending s. 732.2075, F.S.; revising the formula for payment of the elective share; amending s. 732.2085, F.S.; adding a cross reference; amending s. 732.2095, F.S.; correcting a cross reference; modifying the formula for determining the fair market value of assets regarding the elective share; amending s. 732.2105, F.S.; revising the effect of an elective share election on other estate interests; amending s. 732.2125, F.S.; revising language with respect to the right of election; amending s. 732.2135, F.S.; revising language with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising language with respect to the order of contribution; amending s. 732.2155, F.S.; revising language with respect to the effective date of certain trusts; amending s. 732.218, F.S.;

revising language with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising language with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising language with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising language with respect to pretermitted children; amending s. 732.401, F.S.; revising language with respect to descent of homestead; amending s. 732.4015, F.S.; revising language with respect to the definition of "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising language with respect to exempt property; amending s. 732.403, F.S.; revising language with respect to family allowance; amending s. 732.501, F.S.; revising language with respect to who may make a will; amending s. 732.502, F.S.; revising language with respect to execution of wills; amending s. 732.503, F.S.; revising language with respect to self-proof of will; amending s. 732.505, F.S.; revising language with respect to revocation by writing; amending s. 732.507, F.S.; revising language with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising language with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.; revising language with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising language with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising language with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a nonresident under certain circumstances; amending s. 732.702, F.S.; revising language with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising language with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills; eliminating language with respect to willful failure to deposit the will; transferring, amending, and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S.; correcting cross references; amending ss. 381.004 and 381.0041, F.S.; correcting cross references; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising language with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising language with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising language with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising language with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising language with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising language with respect to the discovery of a later will; amending s. 733.209, F.S.; providing requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising language with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising language with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising language

with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising language with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising language with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising language with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising language with respect to the release of surety; amending s. 733.406, F.S.; revising language with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising language with respect to curators; amending s. 733.502, F.S.; revising language with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising language with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising language with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising language with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising language with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising language with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising language with respect to the possession of the estate; amending s. 733.608, F.S.; revising language with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising language with respect to improper exercise of power and the breach of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising language with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising language with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising language with respect to the personal representatives' right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising language with respect to joint personal representatives; amending s. 733.616, F.S.; revising language with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising language with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising language with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising language with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701, F.S.; revising language with respect to notifying creditors; correcting cross references; amending s. 733.702, F.S.; revising language with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising language with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims; amending s. 733.705, F.S.; revising language with respect to payment of and objection to



claims; amending s. 733.707, F.S.; revising language with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising language with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising language with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising language with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising language with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising language with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising language with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising language with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising language with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising language with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising language with respect to ancillary administration; amending s. 734.1025, F.S.; revising language with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising language with respect to the petition for summary administration; amending s. 735.206, F.S.; revising language with respect to summary administration distribution; amending s. 735.2063, F.S.; revising language with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising language with respect to income tax refunds in certain circumstances; creating s. 737.208, F.S.; prohibiting distribution pending outcome of contest; providing exceptions; amending s. 737.3054, F.S.; revising language with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising language with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts; amending s. 737.308, F.S.; revising language with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; correcting cross references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

By the Council for Competitive Commerce; Representatives Weissman, Greenstein, Henriquez, Smith, Kendrick, Meadows, Siplin, Richardson, Gelber, Slosberg, Bendross-Mindingall, Romeo, Garcia, Justice, Ritter, Gannon, Gottlieb, Brown, Lerner, Bucher, Fields, and Wishner—

**CS/HB 157**—A bill to be entitled An act relating to motor vehicle airbags; creating s. 860.146, F.S.; prohibiting the installation or reinstallation in a motor vehicle of anything other than a new or salvaged airbag designed in accordance with certain federal safety standards; providing a felony penalty; providing for application of certain recordkeeping requirements and penalties; providing an effective date.

By the Council for Smarter Government; Committee on Judicial Oversight; Representatives Littlefield, Cantens, Crow, Gannon, and Byrd—

**CS/CS/HB 167**—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, and 943.171, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 28.101, F.S.; increasing a dissolution of marriage fee; amending s. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; amending s. 741.281, F.S.; deleting certain provisions relating to pretrial diversion programs; amending s. 741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; providing for recording of proceedings; providing an effective date.

By the Committees on Information Technology; Child & Family Security; Representatives Lynn, Rich, and Bucher—

**CS/CS/HB 179**—A bill to be entitled An act relating to child care facilities; amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; providing an effective date.

By the Council for Competitive Commerce; Committee on Insurance; Representatives Harrell, Gannon, Argenziano, Green, Clarke, Bowen, Murman, Berfield, Detert, Lynn, Waters, Dockery, Benson, and Kilmer—

**CS/CS/HB 247**—A bill to be entitled An act relating to unfair discrimination in the business of insurance; amending s. 626.9541, F.S.; providing for application to certain additional types of insurers; providing construction; providing an effective date.

By the Committee on Juvenile Justice; Representatives Kravitz, Barreiro, Davis, Wiles, Baxley, Needelman, Bean, Hogan, Negron, Kottkamp, Detert, Richardson, Gannon, Pickens, Fields, Byrd, Alexander, and Berfield—

**CS/HB 267**—A bill to be entitled An act relating to school attendance by violent offenders; amending s. 230.235, F.S.; requiring schools to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no contact order under certain circumstances; amending s. 985.231, F.S.; requiring a court placement order or a commitment order to include certain findings; providing an effective date.

By the Fiscal Responsibility Council; Representative Fasano—

**CS/HB 347**—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; amending s. 121.4501, F.S.;

redefining the term “approved provider”; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing an effective date.

By the Council for Competitive Commerce; Representatives Allen, Alexander, Needelman, and Lerner—

**CS/HB 379**—A bill to be entitled An act relating to the entertainment industry; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner as the Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; requiring such funds to be deposited in the Grants and Donations Trust Fund of the Executive Office of the Governor; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council as the Florida Film and Entertainment Advisory Council; adding a representative of Workforce Florida, Inc., as an ex officio, nonvoting member of the council; requiring the council chair to be elected from its appointed membership; amending ss. 212.097 and 212.098, F.S.; expanding the definition of “eligible business” under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending ss. 14.2015, 213.053, 288.1253, and 288.1258, F.S.; conforming language to changes made by the act; providing an effective date.

By the Fiscal Responsibility Council; Committee on State Administration; Representative Fasano—

**CS/CS/HB 503**—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to adopt rules to maintain the qualified status of the Optional Retirement Program in compliance with the Internal Revenue Code; providing a contingent effective date.

By the Council for Competitive Commerce; Representatives Green and Goodlette—

**CS/HB 521**—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering purposes; amending s. 655.82, F.S.; providing for a right of survivorship relating to sums on deposit in certain accounts under certain circumstances; amending s. 658.12, F.S.; revising a definition of banker’s bank; amending s. 658.165, F.S.; providing criteria for formation of a banker’s bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.48, F.S.; revising special provisions relating to limitations on certain state bank loans; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; repealing s. 655.81, F.S., relating to deposits in trust; providing effective dates.

By the Council for Competitive Commerce; Committee on State Administration; Representatives Waters, Flanagan, Brummer, Kosmas, and Greenstein—

**CS/CS/HB 681**—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance, Commissioner of Financial Services, and Commissioner of Securities; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction for each commissioner’s office; transferring certain powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Insurance and Financial Services; specifying that such rules become rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the Office of Transition Management; specifying powers and duties thereof; requiring reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing an appropriation; providing effective dates.

By the Committee on Crime Prevention, Corrections & Safety; Representatives Goodlette and Heyman—

**CS/HB 697**—A bill to be entitled An act relating to the judiciary; creating ss. 43.201, 43.202, 43.203, 43.204, 43.205, 43.206, 43.207, 43.208, and 43.209, F.S.; creating the Capital Case Staff Attorney Program; providing for statewide distribution of capital case staff attorneys; providing for assignment, including assignment to other appellate districts, as needed; providing for selection, supervision, and duties of such attorneys; prescribing qualifications; providing for costs, expenses, and training; providing reporting; providing an appropriation; providing an effective date.

By the Committee on Health Promotion; Representatives Lerner, Gannon, Detert, Ritter, Henriquez, Greenstein, Heyman, Rich, Weissman, Mahon, Frankel, Sobel, Seiler, Betancourt, Meadows, Ausley, Kosmas, Littlefield, Harrell, Atwater, Ryan, Bendross-Mindingall, Joyner, Cusack, Macheck, Romeo, McGriff, and Justice—

**CS/HBs 715 & 1355**—A bill to be entitled An act relating to breast and cervical cancer; creating s. 381.93, F.S.; providing a short title; providing legislative intent; authorizing specified breast and cervical cancer services to be rendered by the Department of Health; providing for funding sources for such services; providing for limits on service enrollment based on income; providing for income verification; authorizing the department to provide related services funded by other means; amending s. 409.904, F.S.; providing for Medicaid eligibility for certain women in need of treatment for breast and cervical cancer; specifying “qualified entity” for such purpose; providing for eligibility, presumptive eligibility, and duration of eligibility; providing an effective date.

By the Committee on State Administration; Representatives Green, Goodlette, Spratt, Kottkamp, Littlefield, Murman, Argenziano, Detert, Rubio, Barreiro, Kilmer, Negron, Farkas, Crow, Byrd, Bilirakis, Russell, Bucher, Davis, Betancourt, Kendrick, McGriff, Mahon, Henriquez, Atwater, Diaz de la Portilla, Rich, Romeo, Gannon, Bean, Bense, Wiles, Heyman, Fiorentino, Justice, Kosmas, Lynn, Seiler, Paul, Holloway, Hart, Garcia, Bullard, Attkisson, Bendross-Mindingall, Prieguez,

Waters, Stansel, Cusack, Melvin, Lacasa, Lerner, Sobel, Slosberg, Kallinger, Gelber, Smith, Ausley, Jennings, and Bennett—

**CS/HB 1095**—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting the imposition of a sentence of death on a defendant who has mental retardation; providing requirements for raising mental retardation as a bar to the death sentence; providing for a separate proceeding to determine whether the defendant has mental retardation; providing for a determination of mental retardation to be appealed; providing for application of provisions prohibiting imposition of a sentence of death; providing an effective date.

By the Committee on Insurance; Representatives Spratt and Alexander—

**CS/HB 1393**—A bill to be entitled An act relating to the Hurricane Loss Mitigation Program; amending s. 215.559, F.S.; specifying the amount of funds to be used to inspect and improve tie-downs for mobile homes; requiring the Department of Community Affairs to contract with a public higher educational institution to serve as an administrative entity and fiscal agent for certain purposes; requiring a certain Type I Center to develop a work plan for certain purposes; revising the process for establishing an advisory council; requiring an annual report; extending a future repeal; requiring the department to allocate a portion of appropriated funds to fund a factory-built shelter demonstration project with local school districts; providing criteria and limitations; providing an effective date.

By the Committee on Education Innovation; Representative Meador—

**CS/HB 1661**—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 228.041, F.S.; providing a definition; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts and the Department of Education; establishing criteria for private school eligibility; establishing obligations of program participants; providing for funding and payment; authorizing the State Board of Education to adopt rules; amending ss. 228.121, 230.2316, 230.23161, 232.246, 240.116, and 414.125, F.S.; correcting cross references; providing an effective date.

By the Council for Ready Infrastructure; Committee on Information Technology; Representatives Hart, Mack, Meador, Gelber, Fiorentino, and Harrell—

**CS/HB 1763**—A bill to be entitled An act relating to the Department of Environmental Protection; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; providing an effective date.

By the Committees on Health Regulation; Insurance; Representatives Waters, Heyman, Brown, Negron, Wiles, Simmons, McGriff, Melvin, Berfield, Kallinger, Lee, Fields, Ross, Sobel, Wishner, and Farkas—

**CS/HB 1819**—A bill to be entitled An act relating to insurance and illegal use of public records; amending s. 119.10, F.S.; providing a criminal penalty for use of certain report information for commercial solicitation; creating s. 456.0375, F.S.; providing a definition; requiring registration of certain clinics; providing requirements; requiring medical directors for certain clinics; providing duties and responsibilities of medical directors; authorizing the Department of Insurance to adopt rules for certain purposes; providing for enforcement; amending s. 626.989, F.S.; clarifying immunity from civil actions provisions; amending s. 627.732, F.S.; providing a definition; amending s. 627.736, F.S.; revising provisions relating to personal injury protection benefits; revising provisions for charges for

treatments; providing for electronic access to certain information under certain circumstances; prohibiting compilation of and retention of such information; providing presuit notice requirements; providing for civil actions against persons convicted of fraud; amending s. 627.739, F.S.; providing limitations on certain charges by providers; amending s. 817.234, F.S.; prohibiting solicitation of specific persons involved in motor vehicle crashes; specifying certain charges as unlawful and unenforceable; amending s. 324.021, F.S.; correcting a cross reference; providing an appropriation; providing effective dates.

## Reports of Councils and Standing Committees

### Council Reports

#### Received April 5:

The Council for Healthy Communities recommends the following pass:

HB 361  
HB 483  
HB 505  
HB 599  
HB 759  
CS/HB 771, with 1 amendment

**The above bills were placed on the Calendar.**

The Council for Ready Infrastructure recommends the following pass:

CS/HB 371, with 1 amendment  
HB 489  
HB 1831

**The above bills were placed on the Calendar.**

The Council for Smarter Government recommends a council substitute for the following:

CS/HB 167

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 167 was laid on the table.**

#### Received April 6:

The Council for Competitive Commerce recommends the following pass:

HB 575

**The above bill was placed on the Calendar.**

The Fiscal Responsibility Council recommends the following pass:

HB 163, with 2 amendments  
HB 967  
HB 1009

**The above bills were placed on the Calendar.**

The Council for Lifelong Learning recommends the following pass:  
CS/HB 357, with 1 amendment

**The above bill was placed on the Calendar.**

The Council for Ready Infrastructure recommends the following pass:  
HB 959, with 2 amendments

**The above bill was placed on the Calendar.**

The Council for Ready Infrastructure recommends a council substitute for the following:

HB 1763

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1763 was laid on the table.**

The Council for Smarter Government recommends a council substitute for the following:

HB 137

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 137 was laid on the table.**

**Received April 9:**

The Council for Competitive Commerce recommends a council substitute for the following:

CS/HB 681

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 681 was laid on the table.**

**Received April 10:**

The Council for Smarter Government recommends the following pass:

CS/HB 187

HB 201

CS/HB 455

CS/HB 767, with 1 amendment

HB 1031

HB 1205

HB 1537

HB 1827, with 2 amendments

HB 1833

**The above bills were placed on the Calendar.**

The Council for Competitive Commerce recommends council substitutes for the following:

HB 83

HB 157

CS/HB 247

HB 379

HB 521

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 83 and 157; CS/HB 247; HBs 379 and 521 were laid on the table.**

The Fiscal Responsibility Council recommends council substitutes for the following:

HB 347

CS/HB 503

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 347 and CS/HB 503 were laid on the table.**

**Committee Reports**

**Received April 5:**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 943 (fiscal note attached)

HB 1041 (fiscal note attached)

**The above bills were placed on the Calendar.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:

HB 857, with 1 amendment

HB 901

**The above bills were placed on the Calendar.**

The Committee on Transportation recommends the following pass:

HB 777

**The above bill was placed on the Calendar.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

HB 701 (fiscal note attached)

**The above bill was placed on the Calendar.**

The Committee on Banking recommends the following pass:

CS/HB 747

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 289 (fiscal note attached)

CS/HB 345, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Competitive Commerce.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

HB 733, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:

HB 533

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on Criminal Justice Appropriations recommends the following pass:

HB 375 (fiscal note attached)

HB 649 (fiscal note attached)

HB 1465, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Economic Development & International Trade recommends the following pass:

HB 1049

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 11 (fiscal note attached)

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Health & Human Services Appropriations recommends the following pass:

HB 1077 (fiscal note attached)

CS/HB 1145, with 2 amendments (fiscal note attached)

HB 1415 (fiscal note attached)

HB 1543 (fiscal note attached)

HB 1843, with 2 amendments (fiscal note attached)

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Education Appropriations recommends the following pass:

CS/HB 463, with 2 amendments (fiscal note attached)

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 293 (fiscal note attached)

HB 1811, with 6 amendments (fiscal note attached)

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on General Government Appropriations recommends the following pass:

CS/HB 729 (fiscal note attached)  
 HB 1085, with 1 amendment (fiscal note attached)  
 HB 1221, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

CS/HB 1053, with 4 amendments (fiscal note attached)

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Banking recommends the following pass:  
 HB 625

**The above bill was referred to the Council for Smarter Government.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 3, with 1 amendment (fiscal note attached)  
 HB 65 (fiscal note attached)  
 HJR 209, with 2 amendments (fiscal note attached)  
 CS/HB 305 (fiscal note attached)  
 HB 1039 (fiscal note attached)  
 HB 1197, with 1 amendment (fiscal note attached)  
 HB 1207 (fiscal note attached)

**The above bills were referred to the Council for Smarter Government.**

The Committee on Transportation recommends the following pass:  
 HB 635  
 HB 757, with 2 amendments  
 HB 869, with 2 amendments

**The above bills were referred to the Council for Smarter Government.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

HB 1419 (fiscal note attached)

**The above bill was referred to the Council for Smarter Government.**

The Committee on Health Regulation recommends a committee substitute for the following:

HB 1819

**The above committee substitute was referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HB 1819 was laid on the table.**

The Committee on Insurance recommends the following pass:  
 HB 1055, with 1 amendment

**The above bill was referred to the Committee on Criminal Justice Appropriations.**

The Committee on Transportation recommends the following pass:  
 HB 1687, with 2 amendments

**The above bill was referred to the Committee on Criminal Justice Appropriations.**

The Committee on Economic Development & International Trade recommends the following pass:

HB 457  
 HB 1473

HB 1551

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Health & Human Services Appropriations recommends the following pass:

HB 421 (fiscal note attached)

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:

HB 1189

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Transportation recommends the following pass:  
 HB 507

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:

HB 1389, with 1 amendment

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:

HB 1263, with 1 amendment  
 HB 1577, with 1 amendment  
 HB 1603, with 1 amendment

**The above bills were referred to the Committee on General Government Appropriations.**

The Committee on Transportation recommends the following pass:  
 CS/HB 67  
 HB 1059

**The above bills were referred to the Committee on Transportation & Economic Development Appropriations.**

The Committee on Crime Prevention, Corrections & Safety recommends a committee substitute for the following:

HB 697

**The above committee substitute was referred to the Committee on Criminal Justice Appropriations, subject to review under Rule 6.3, and, under the rule, HB 697 was laid on the table.**

The Committee on Health Promotion recommends a committee substitute for the following:

HBs 715 & 1355

**The above committee substitute was referred to the Committee on Health & Human Services Appropriations, subject to review under Rule 6.3, and, under the rule, HBs 715 and 1355 were laid on the table.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:

HB 1681, with 3 amendments

**The above bill was referred to the Committee on Business Regulation.**

The Committee on Economic Development & International Trade recommends the following pass:

HB 1789, with 1 amendment

**The above bill was referred to the Committee on Business Regulation.**

The Committee on Banking recommends the following pass:  
HB 1783

**The above bill was referred to the Committee on Colleges & Universities.**

The Committee on Economic Development & International Trade recommends the following pass:  
HB 1663, with 1 amendment

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Transportation recommends the following pass:  
HB 557

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:  
HB 1017

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
HB 1171, with 4 amendments (fiscal note attached)

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:  
HB 1165, with 1 amendment

**The above bill was referred to the Committee on Local Government & Veterans Affairs.**

The Committee on Tourism recommends the following pass:  
HB 1565, with 1 amendment

**The above bill was referred to the Committee on State Administration.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:  
HB 1491, with 1 amendment

**The above bill was referred to the Committee on Utilities & Telecommunications.**

The Committee on State Administration recommends a committee substitute for the following:  
HB 1095

**The above committee substitute was referred to the Committee on Crime Prevention, Corrections & Safety, subject to review under Rule 6.3, and, under the rule, HB 1095 was laid on the table.**

**Received April 6:**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
HB 837, with 1 amendment  
HB 919, with 1 amendment  
HB 939

**The above bills were placed on the Calendar.**

The Committee on Insurance recommends the following pass:  
HB 235

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:  
HB 1091, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
HB 1341

**The above bill was referred to the Council for Smarter Government.**

The Committee on Information Technology recommends a committee substitute for the following:  
CS/HB 179

**The above committee substitute was referred to the Council for Healthy Communities, subject to review under Rule 6.3, and, under the rule, CS/HB 179 was laid on the table.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HJR 99  
HB 561, with 1 amendment  
HB 927, with 2 amendments  
HB 979  
HB 1099, with 1 amendment  
HB 1127, with 1 amendment  
HB 1229, with 1 amendment  
HJR 1451

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:  
HB 1043, with 1 amendment  
HB 1635, with 1 amendment

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Insurance recommends a committee substitute for the following:  
HB 1393

**The above committee substitute was referred to the Committee on Transportation & Economic Development Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1393 was laid on the table.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
HB 1645, with 2 amendments

**The above bill was referred to the Committee on Agriculture & Consumer Affairs.**

The Committee on Insurance recommends the following pass:  
HB 1479

**The above bill was referred to the Committee on Business Regulation.**

The Committee on Transportation recommends the following pass:  
HB 1029, with 1 amendment

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Insurance recommends the following pass:  
HB 1607, with 1 amendment

**The above bill was referred to the Committee on Health Promotion.**

The Committee on Health Regulation recommends the following pass:  
 HB 653, with 1 amendment  
 HB 1579, with 4 amendments

**The above bills were referred to the Committee on Judicial Oversight.**

The Committee on Transportation recommends the following pass:  
 HB 1239, with 1 amendment

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 HB 1125, with 1 amendment

**The above bill was referred to the Committee on Natural Resources & Environmental Protection.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 HB 937

**The above bill was referred to the Committee on Rules, Ethics & Elections.**

The Committee on Banking recommends the following pass:  
 HB 1585, with 1 amendment

**The above bill was referred to the Committee on State Administration.**

The Committee on Information Technology recommends the following pass:  
 HB 1437

**The above bill was referred to the Committee on State Administration.**

The Committee on Insurance recommends the following pass:  
 HB 1147, with 1 amendment

**The above bill was referred to the Committee on State Administration.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 HB 873  
 HB 875, with 1 amendment  
 HB 911  
 HB 915, with 4 amendments  
 HB 931, with 2 amendments

**The above bills were referred to the Committee on State Administration.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 HB 1367

**The above bill was referred to the Committee on Tourism.**

The Committee on Insurance recommends the following pass:

HB 1203, with 1 amendment

**The above bill was referred to the Committee on Transportation.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 HB 363, with 1 amendment

**The above bill was referred to the Committee on Transportation.**

The Committee on Information Technology recommends the following pass:  
 HB 1379

**The above bill was referred to the Committee on Utilities & Telecommunications.**

**Received April 9:**

The Committee on Education Innovation recommends committee substitutes for the following:  
 HB 135  
 HB 1661

**The above committee substitutes were referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HBs 135 and 1661 were laid on the table.**

**Received April 10:**

The Committee on Juvenile Justice recommends a committee substitute for the following:  
 HB 267

**The above committee substitute was referred to the Council for Lifelong Learning, subject to review under Rule 6.3, and, under the rule, HB 267 was laid on the table.**

The Committee on Workforce & Technical Skills recommends the following pass:  
 HB 1241

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

### Enrolling Reports

CS/HB 215 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 9, 2001.

*John B. Phelps, Clerk*

CS/HB 141 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 10, 2001.

*John B. Phelps, Clerk*

### Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 4:33 p.m., to reconvene at 3:30 p.m., Monday, April 16.

**Pages and Messengers  
for the week of  
April 9-13**

PAGES—John B. Atwater, North Palm Beach; Jennifer J. Fiorentino, New Port Richey; Sara Nicole Jans, Rutherfordton, NC; Whitney Tyler Jernigan, Pace; Sarah C. Maguire, Ponte Vedra Beach; Harrison S. Mahon, Port St. Lucie; Gregory D. Owens, Miami; Page Painter, Tampa; Steven W. Pruitt, Port St. Lucie; Sara Beth Rawlings, Babson Park; Timothy Rawlins, Key Largo; Kyle Ruditz, Tallahassee; Kristie Sebesta, Jacksonville; Robby Stahl, St. Petersburg Beach; Blaine Varn, Tallahassee; Salem Willis, Tampa; Andrew Wilson, Gainesville.

MESSENGERS—Brady Atwater, North Palm Beach; Amanda Marie Bannon, Mt. Dora; Elizabeth Barton, Wauchula; Sarah Bell, Mattituck, NY; Sadé Blackshear, Fort Pierce; Aaron Burgin, Jacksonville; Grace Oller Carlson, Ramsey, MN; Geeta Dharmappa, Coral Springs; Kevin Healey, Jacksonville; Mark Lieber, Tampa; Diana J. Lossing, Spring Hill; Christopher A. Maguire, Ponte Vedra Beach; Kim A. Marston, Jr., Palm Harbor; Brittney Shanta Nealy, DeLand; Kathleen Remington, Naples; Greg Saari, Lakeland; Patrick Smith, Immokalee; James R. Varvorines, Walnut Hill; KayCee Wingert, Dade City.





# The Journal OF THE House of Representatives

Number 13

Thursday, April 12, 2001

## Messages from the Senate

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 407.

*Faye W. Blanton, Secretary*

The above bill was ordered enrolled.

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has refused to concur in the House Amendments to SB 2000 and SB 2002 and acceded to the request that a conference committee be appointed.

*Faye W. Blanton, Secretary*

## First Reading by Publication

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 108; passed SB 150, as amended; passed CS for SB 240; SB 412; and CS for SB 778; passed CS for SB 788, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committees on Judiciary, Banking and Insurance and Senators Geller and Dawson—

**CS for CS for SB 108**—A bill to be entitled An act relating to the transfer of structured settlements; specifying the purpose of the act; providing definitions; providing requirements for the direct or indirect transfer of structured-settlement-payment rights; requiring that any such transfer be approved by a court; requiring that the court make certain findings with respect to the transfer; authorizing an interested party to file an objection to a proposed transfer; providing requirements for an order approving a transfer; requiring that an obligor make certain disclosures to a claimant in negotiating a settlement of claims; requiring a transferee to provide certain notice with respect to a proposed transfer of structured-settlement-payment rights; providing for penalties to be imposed for certain violations of the act; authorizing the state attorney to bring an action for injunctive relief; providing an effective date.

Referred to the Calendar of the House.

By Senator Horne—

**SB 150**—A bill to be entitled An act relating to property exempt from legal process; amending s. 222.25, F.S.; exempting certain debtor's interests from attachment, garnishment, or legal process; providing that

such exemption does not apply to debts owed for child support or spousal support; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Criminal Justice and Senator Smith—

**CS for SB 240**—A bill to be entitled An act relating to sentencing; amending s. 944.17, F.S.; requiring that a prisoner sentenced for a crime committed during incarceration in the state correctional system serve the sentence for such crime in the state system, regardless of the length of sentence imposed; providing an effective date.

Referred to the Calendar of the House.

By Senator Bronson and others—

**SB 412**—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Judiciary and Senator Rossin—

**CS for SB 778**—A bill to be entitled An act relating to lawyer assistance programs; providing civil immunity for persons making good-faith reports of information to a lawyer assistance program; providing for a presumption of good faith; providing for immunity for certain persons; providing that certain information is subject to the attorney-client privilege; providing for the confidentiality of certain records, proceedings and communications; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Silver—

**CS for SB 788**—A bill to be entitled An act relating to unfair methods of competition and unfair or deceptive trade practices; amending s. 626.9541, F.S.; prohibiting certain insurers from specified

discriminatory acts based upon an applicant or insureds having been or likelihood to become a victim of specified abuse; providing exceptions; providing an effective date.

Referred to the Calendar of the House.

## Introduction and Reference

By the Committee on Insurance; Representatives Waters, Ross, Melvin, Fields, Clarke, Brown, Simmons, Negron, Kallinger, Sobel, and Lee—

**HB 1927**—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising definitions; amending s. 440.09, F.S.; requiring certain entities actively engaged in the construction industry to secure payment of compensation under chapter 440, F.S., after a certain date; amending s. 440.13, F.S.; providing an additional criterion for determining certain value of nonprofessional attendant care provided by a family member; requiring carriers to allow employees to change physicians under certain circumstances; specifying payments for independent medical examinations; deleting selection of independent medical examiner criteria; specifying the number of medical opinions admissible into evidence; providing an exception to certain recourse for payment for services rendered; amending s. 440.134, F.S.; revising a definition; revising certain grievance procedures for workers' compensation managed care arrangements; amending s. 440.15, F.S.; revising criteria for payment of compensation for permanent total disability; revising criteria for payment of permanent impairment and wage-loss benefits; amending s. 440.185, F.S.; requiring additional information in a report of injury; amending s. 440.191, F.S.; including managed care arrangements under provisions relating to the Employee Assistance and Ombudsman Office; revising procedures for petitions for benefits under the office; amending s. 440.192, F.S.; revising procedures for resolving benefit disputes; transferring duties and responsibilities of the Division of Workers' Compensation to the Office of the Judges of Compensation Claims; amending s. 440.20, F.S.; prohibiting approval of settlement proposals providing for attorney's fees in excess of certain amounts; amending s. 440.25, F.S.; limiting continuances under procedures for mediation and hearings; providing for selections of mediators by the Chief Judge; providing for holding mediation conferences instead of mediation hearings under certain circumstances; providing for completion of pretrial stipulations; authorizing a judge of compensation claims to sanction certain parties under certain circumstances; requiring a judge of compensation claims to order a pretrial hearing for certain purposes under certain circumstances; revising final hearing time limitations and procedures; deleting a requirement that judges of compensation claims adopt and enforce certain uniform local rules; specifying resolution of determination of pay claims; requiring resolution of certain claims through an expedited dispute resolution process; providing for dismissal of certain petitions for lack of prosecution under certain circumstances; amending s. 440.29, F.S.; providing for receipt into evidence of medical reports from independent medical examiners; amending s. 440.34, F.S.; providing for limited additional attorney's fees in medical-only cases; prohibiting approval of attorney's fees in excess of certain amounts; deleting criteria for determining certain attorney's fees; amending s. 440.345, F.S.; requiring a summary report of attorney's fees to the Governor and Legislature; amending s. 440.4416, F.S.; revising membership, member criteria, terms, and meetings requirements of the Workers' Compensation Oversight Board; deleting an obsolete provision; providing additional reporting requirements for the board; amending s. 627.0915, F.S.; deleting obsolete provisions; requiring a study of construction industry exemptions; repealing s. 440.45(3), F.S., relating to rotating docketing judges of compensation claims; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Local Government & Veterans Affairs; Representative Sorensen—

**HB 1929**—A bill to be entitled An act relating to growth management; providing a short title; creating s. 163.2524, F.S.; directing the

Department of Community Affairs to compile a revitalization manual; amending s. 163.3164, F.S.; defining "development" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; providing that an agricultural land use category shall be eligible for the location of public schools in a local government comprehensive plan in rural counties under certain conditions; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent; amending s. 163.3180, F.S.; revising provisions relating to exceptions from the concurrency requirement for transportation facilities; requiring that such an exception be granted under certain conditions; amending s. 163.3181, F.S.; revising provisions relating to public participation in the comprehensive planning process; providing requirements for local governments' citizen participation procedures; providing for assistance from the department; amending s. 163.3184, F.S.; revising the definition of "affected person"; providing additional agencies to which a local government must transmit a proposed comprehensive plan or plan amendment; removing provisions relating to transmittal of copies by the state land planning agency; providing that a local government may request review by the state land planning agency at the time of transmittal of an amendment; revising time periods with respect to submission of comments to the agency by other agencies, notice by the agency of its intent to review, and issuance by the agency of its report; providing for priority review of certain amendments; clarifying language; providing that the agency shall not review an amendment certified as having no objections received; providing for compilation and transmittal by the local government of a list of persons who will receive an informational statement concerning the agency's notice of intent to find a plan or plan amendment in compliance or not in compliance; directing the agency to provide a model form; revising requirements relating to publication of the agency's notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; revising requirements relating to small scale development amendments which are exempt from the limitation on the frequency of amendments to a local comprehensive plan; revising acreage requirements; revising a condition relating to residential land use; removing a provision that allows a local government to elect to have such amendments subject to review under s. 163.3184(3)-(6), F.S.; amending s. 163.3215, F.S.; revising procedures for challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan or land development regulation; providing the relief that may be sought; providing that petition to the circuit court for certiorari is the sole action for such challenge if the local government has adopted an ordinance establishing a local development review process that includes specified minimum components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 163.3244, F.S.; providing for a sustainable communities certification program in lieu of the sustainable communities demonstration project; revising requirements for certification agreements; providing that a certified local government shall assume review authority for certain developments of regional impact; revising programs to be emphasized in such areas and providing for certain funding priorities; revising report requirements; providing for renewal of local governments designated as a sustainable community demonstration project; eliminating the scheduled June 30, 2001, repeal of said section; creating s. 163.32447, F.S.; providing policy with respect to rural lands; directing the Legislature to establish a sustainable rural Florida program; creating s. 163.325, F.S.; providing definitions; authorizing the department to provide specified types of financial assistance to local governments for infrastructure needs and providing requirements with respect thereto; requiring an annual report; providing application requirements; directing the department to adopt a priority system; providing penalties for delinquent loans; providing for management of loan funds; providing that a Local Government Infrastructure Revolving Loan Trust Fund shall be established and

providing requirements with respect thereto; providing for rules; creating s. 163.3251, F.S.; creating the Florida Local Government Infrastructure Financing Corporation to assist the department in implementing financing activities and provide funding for such financial assistance; providing for termination of the corporation; providing for a board of directors; providing powers and duties of the corporation; providing requirements with respect to service contracts with the department; authorizing issuance of bonds and other obligations; providing an exemption from taxation; providing requirements for validating bonds; providing status of the corporation and applicability of laws; providing for contracts with the State Board of Administration; providing for audits; amending s. 189.415, F.S.; conforming language; amending s. 199.292, F.S.; providing for deposit of a portion of intangible personal property tax proceeds in the Local Government Infrastructure Revolving Loan Trust Fund; amending s. 212.055, F.S.; authorizing municipalities to levy the local government infrastructure surtax; requiring a referendum; providing limitations; providing for use of the proceeds; increasing the maximum allowable combined rate for the local government infrastructure surtax and small county surtax; requiring referendum approval of the small county surtax at such increased combined rate; amending s. 215.211, F.S.; advancing the date on which a service charge deducted from the proceeds of the local option fuel tax is eliminated; amending s. 333.06, F.S.; requiring each publicly owned licensed airport to prepare an airport master plan; requiring the entity which governs the operation of such an airport to submit copies of certain documents to all affected local governments; amending s. 336.021, F.S.; providing for transfer of a portion of the proceeds of the ninth-cent fuel tax to the Local Government Infrastructure Revolving Loan Trust Fund; amending s. 380.06, F.S., relating to developments of regional impact; removing the rebuttable presumptions with respect to application of the statewide guidelines and standards and revising the fixed thresholds; providing that the guidelines and standards shall be increased for development in a rural area of critical economic concern; revising application of thresholds for development allowed under a preliminary development agreement; revising the definition of an essentially built-out development of regional impact with respect to multiuse developments; providing for submission of biennial, rather than annual, reports by the developer; authorizing submission of a letter, rather than a report, under certain circumstances; providing for amendment of development orders with respect to report frequency; removing provisions which specify that certain changes in airport facilities, increases in the storage capacity for chemical or petroleum storage facilities, or development at a waterport constitute a substantial deviation and require further development-of-regional-impact review; revising the substantial deviation criterion relating to multiuse developments of regional impact; providing that an extension of the date of buildout of less than 7 years is not a substantial deviation; revising provisions relating to determination of whether a change constitutes a substantial deviation based on its percentage of the specified numerical criteria; revising notice requirements; providing that changes that are less than specified numerical criteria need not be submitted to the state land planning agency and specifying the agency's right to appeal with respect to such changes; deleting an exemption from review by the regional planning agency and state land planning agency for certain changes; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; exempting proposed waterport development in certain counties from such requirements and providing application of such exemption to counties identified in s. 370.12(2)(f), F.S.; providing for maintenance of the exemption from development-of-regional-impact review for developments under s. 163.3245, F.S., relating to optional sector plans, if said section is repealed; exempting certain development or expansion of airports or airport-related development from development-of-regional-impact requirements; exempting development or expansion within certain areas from development-of-regional-impact requirements; providing for future review and repeal of s. 380.06, F.S.; repealing s. 380.0651(3)(a) and (e), F.S., which provide the development-of-regional-impact statewide guidelines and standards for airports and port facilities; amending s. 380.0651, F.S.; revising the guidelines and standards for attractions and recreation facilities, office development, retail and service development, multiuse development, and residential development; providing for future review and repeal of s. 380.0651, F.S.;

providing application with respect to developments which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on that future repeal date; amending s. 331.303, F.S.; correcting a reference; providing application with respect to airports, marinas, and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; directing the Legislative Committee on Intergovernmental Relations to study alternatives to the development-of-regional-impact process and provide a report; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Lacasa—

**HB 1931**—A bill to be entitled An act relating to retiree health insurance subsidy; amending ss. 112.363, 121.052, 121.055, and 121.071, F.S.; changing the employer contribution for the retiree health insurance subsidy; amending s. 121.571, F.S.; adding cross references; providing a finding of important state interest; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Fiscal Responsibility Council; Representative Lacasa—

**HB 1933**—A bill to be entitled An act relating to trust funds; creating s. 121.467, F.S.; creating the Public Employee Disability Trust Fund within the Division of Retirement of the Department of Management Services; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Procedural & Redistricting Council; Representative Byrd—

**HB 1935**—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Procedural & Redistricting Council; Representative Byrd—

**HB 1937**—A bill to be entitled An act relating to state revenues collected by court clerks; creating s. 213.13, F.S.; requiring electronic remittance of certain funds and information to the Department of Revenue; specifying sources of the funds to be electronically remitted; requiring the department to establish procedures for electronic transmittal of funds and return information; granting the department electronic access to specified funds for certain purposes; amending ss. 27.52, 28.101, 28.2401, 28.241, 34.041, 44.108, 316.192, 318.14, 318.18, 318.21, 327.35, 327.73, 372.7015, 372.72, 382.022, 382.023, 569.11, 741.01, 775.0835, 938.01, 938.03, 938.04, 938.06, 938.07, 938.23, 938.25, 938.27, and 960.17, F.S., to conform; providing for deposit by the Department of Revenue of certain moneys into certain trust funds and to certain agencies; providing for remittance of all moneys collected by the court clerks for the state to the Department of Revenue for deposit into certain funds or to certain agencies; authorizing Department of Revenue to adopt necessary forms, rules, and procedures; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Procedural & Redistricting Council; Representative Byrd—

**HB 1939**—A bill to be entitled An act relating to trust funds; creating the Department of Revenue Clerks of the Court Trust Fund; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Bennett, Harrell, Gottlieb, Holloway, and Mayfield—

**HB 1941**—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Management Services and the Agency for Workforce Innovation; providing for disposition of balances in and revenues of such trust funds; declaring the findings of the Legislature that specified trust funds within the Department of Management Services are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; renaming specified trust funds within the Department of Management Services and the Department of Education; amending s. 272.161, F.S.; providing for the deposit of fees from rental of reserved parking spaces into the Facilities Management Trust Fund, to conform; amending s. 284.01, F.S.; providing for rental value insurance for loss of income from certain buildings operated and maintained by the Department of Management Services from the Facilities Management Trust Fund, to conform; amending s. 235.2195, F.S.; providing for deposit of proceeds from bond sales under the 1997 School Capital Outlay Bond Program into the Lottery Capital Outlay and Debt Service Trust Fund; amending s. 215.196, F.S.; providing for deposit of proceeds from fixed capital outlay management assessments into the Facilities Management Trust Fund, to conform; amending s. 287.16, F.S.; providing for deposit of proceeds from fees charged to state agencies to which aircraft or motor vehicles are furnished into the Purchasing and Transportation Support Trust Fund; amending s. 287.161, F.S.; providing for deposit of proceeds from fees collected for use of the executive aircraft pool into the Purchasing and Transportation Support Trust Fund, to conform; amending s. 217.07, F.S.; providing for deposit of federal surplus property assets into the Purchasing and Transportation Support Trust Fund, to conform; amending s. 287.042, F.S.; providing for deposit of proceeds from fees collected for use of electronic information services of the Department of Management Services and for deposit of funds from certain governmental agencies pursuant to joint purchasing agreements into the Purchasing and Transportation Support Trust Fund, to conform; amending s. 287.1345, F.S.; providing for deposit of proceeds from the surcharge on users of state term contracts into the Purchasing and Transportation Support Trust Fund, to conform; expanding uses of the surcharge proceeds; amending s. 215.22, F.S.; providing for the Technology Enterprise Trust Fund to be exempt from the general revenue service charge, to conform; amending s. 216.292, F.S.; providing for billings for state communications system services to be transferred to the Technology Enterprise Trust Fund, to conform; repealing s. 282.20(6), F.S., relating to the Technology Resource Center's reserve account of its working capital trust fund, to conform; repealing s. 110.151(7), F.S., relating to reestablishment of the State Employee Child Care Revolving Trust Fund, to conform; providing for contingent effect of certain provisions; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

#### Reference

**HB 1879**—Referred to the Councils for Ready Infrastructure; and Healthy Communities.

**HB 1881**—Referred to the Councils for Ready Infrastructure; and Healthy Communities.

**HB 1907**—Referred to the Council for Smarter Government.

**HB 1909**—Referred to the Calendar of the House.

**HB 1911**—Referred to the Committee on Fiscal Policy & Resources; and Council for Smarter Government.

**HB 1913**—Referred to the Committee on Fiscal Policy & Resources; and Council for Ready Infrastructure.

**HB 1915**—Referred to the Committee on Judicial Oversight; and Council for Competitive Commerce.

**HB 1917**—Referred to the Committee on Fiscal Policy & Resources; and Council for Competitive Commerce.

**HB 1919**—Referred to the Calendar of the House.

**HB 1921**—Referred to the Procedural & Redistricting Council.

**HB 1923**—Referred to the Council for Smarter Government.

**HB 1925**—Referred to the Procedural & Redistricting Council.

#### First Reading of Council and Committee Substitutes by Publication

By the Council for Healthy Communities; Representatives Meadows, Rich, Fields, Lerner, and Crow—

**CS/HB 85**—A bill to be entitled An act relating to infant cribs; creating s. 501.144, F.S., the Florida Infant Crib Safety Act; providing definitions; prohibiting commercial users from manufacturing, remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting specified cribs determined to be unsafe for use by infants; prohibiting transient public lodging establishments from offering or providing for use specified cribs determined to be unsafe for use by infants; providing criteria for determining safety of infant cribs; providing exemptions; providing specified immunity from civil liability; providing penalties; providing that violation of the act constitutes an unfair and deceptive trade practice; authorizing the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, and the Department of Children and Family Services to collaborate with public agencies and private sector entities to prepare specified public education materials and programs; authorizing the Department of Agriculture and Consumer Services to adopt rules and prescribe forms; amending s. 509.221, F.S.; prohibiting the use of certain cribs in public lodging establishments; reenacting s. 509.032, F.S.; providing for regulation and rulemaking by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; creating s. 402.3031, F.S.; prohibiting unsafe cribs in certain facilities; providing for enforcement and rulemaking powers of the Department of Children and Family Services; providing an effective date.

By the Council for Smarter Government; Representatives Byrd, Kyle, and Cantens—

**CS/HB 415**—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining “adoption entity,” “legal custody,” “parent,” and “relative”; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent's right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to

adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; creating the Paternity Registry; providing duties of registrants and department; requiring registration in order to assert an interest in a minor under specified circumstances; providing for admissibility of information in the Paternity Registry; providing penalties; providing rulemaking authority; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; amending s. 63.182, F.S.; revising language with respect to the statute of repose; providing an effective date.

By the Council for Competitive Commerce; Committee on Agriculture & Consumer Affairs; Representatives Stansel, Spratt, Alexander, Kendrick, Gibson, Bowen, and Kottkamp—

**CS/CS/HB 719**—A bill to be entitled An act relating to damage or destruction of agricultural products; creating s. 604.60, F.S.; providing that certain agricultural growers or producers shall have a right to recover damages as a result of willful and knowing damage or destruction of specified agricultural products; providing considerations and limits in award of damages; providing for costs and attorney's fees; amending s. 810.09, F.S.; prohibiting trespass upon specified legally posted agricultural sites; providing a penalty; reenacting ss. 260.0125(5)(b) and 810.011(5)(b), F.S., to incorporate the amendment to s. 810.09, F.S., in references thereto; providing an effective date.

By the Council for Competitive Commerce; Representatives Mayfield, Baxley, Green, Weissman, Bean, Kendrick, Allen, Detert, Greenstein, Pickens, Harrell, Spratt, Paul, Gottlieb, Romeo, Murman, Richardson, Angerziano, and Kilmer—

**CS/HB 991**—A bill to be entitled An act relating to funeral and cemetery services; amending s. 497.003, F.S.; revising references relating to need determinations; amending s. 497.005, F.S.; providing and revising definitions; amending s. 497.201, F.S.; increasing minimum acreage requirements to establish a cemetery company; eliminating need determinations for new cemeteries; clarifying language with respect to authorized trust companies, banks, and savings and loan associations; revising experience requirements for the general manager of a cemetery company; amending s. 497.237, F.S.; authorizing care and maintenance trust funds to be established with a federal savings and loan association holding trust powers in this state; amending s. 497.245, F.S.; revising language with respect to burial rights; amending s. 497.253, F.S.; revising minimum acreage requirements and references, to conform; revising requirements for sale or disposition of certain cemetery lands, to conform; repealing s. 497.353(12), F.S., relating to prohibiting the use in need determinations of spaces or lots from burial rights reacquired by a cemetery, to conform; amending s. 497.405, F.S.; clarifying authorized trust companies, banks, and savings and loan associations; amending s. 497.417, F.S.; clarifying authorized trust companies, banks, and savings and loan associations; revising the authority of certificateholders offering preneed funeral and burial merchandise and services contracts to revest title to trust assets by posting a bond or using other forms of security or insurance; providing a time limitation on such authority; amending s. 497.425, F.S.; providing a time limitation on the authority to post certain bonds to secure preneed contract assets; amending s. 497.429, F.S.; clarifying authorized trust companies, banks, and savings and loan associations with respect to alternative preneed contracts; providing an effective date.

By the Committee on State Administration; Representative Barreiro—

**CS/HB 1131**—A bill to be entitled An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.026, F.S.; requiring the department to designate a certain number of beds to be used for transition assistance; expanding the types of offenders who are eligible for nonsecure community-based residential drug treatment; amending s. 944.473, F.S.; requiring certain inmates to participate in substance abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the Addiction Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance abuse transition housing programs; providing program requirements; requiring prerelease screening; providing requirements for offenders who participate in the program; authorizing the Parole Commission to adopt rules; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703 and 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition assistance specialists at institutions and community correctional centers; creating s. 944.7031, F.S.; providing for inmates released from private correctional facilities to be eligible for the same transition assistance services that are provided to inmates in state correctional facilities; requiring that such inmates be given access to placement consideration in substance abuse transition housing programs, including programs that have a faith-based component; amending ss. 944.705, 944.706, and 944.707, F.S.; authorizing the department to contract with faith-based service groups for release assistance programs and postrelease services; requiring the department to maintain certain information with regard thereto; removing provisions relating to responsibility of the Department of

Labor and Employment Security for inmate placement; amending s. 944.803, F.S.; providing additional requirements for faith-based programs for inmates; requiring the department to assign chaplains to certain community correctional centers; providing for faith-based dormitory programs; requiring a report to the Governor and the Legislature; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; providing conditions for placement of an inmate in a substance abuse transition housing program; amending s. 947.141, F.S.; providing revocation process for offenders on addiction recovery supervision; amending s. 948.08, F.S.; providing that specified offenders are eligible for certain pretrial intervention programs; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the department to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management before release; providing an appropriation; providing an effective date.

By the Council for Healthy Communities; Representatives Brutus, Trovillion, and Heyman—

**CS/HB 1133**—A bill to be entitled An act relating to operations of correctional work programs; revising provisions relating to leased or managed work programs to conform to current operations and applications; amending ss. 946.502, 946.5025, 946.5026, 946.503, 946.506, 946.509, 946.511, 946.514, 946.516, 946.518, and 946.520, F.S.; conforming internal cross references; deleting obsolete provisions; clarifying a definition; changing a reporting date; amending s. 957.04, F.S., to conform a cross reference; providing legislative findings with regard to fulfillment of an important state interest; creating s. 946.525, F.S., relating to participation by the corporation in state group health insurance and prescription drug coverage programs; providing for participation by the corporation board of directors in said programs; providing for a fee; providing conditions for submission of proposals and for review thereof; providing terms and conditions for enrollment; providing for applicability; providing for rules; requiring certain letters and rulings with regard to the State Group Self-Insurance Program; requiring notification to the Legislature; providing a contingent effective date.

By the Council for Lifelong Learning; Representatives Holloway, Arza, Bullard, Peterman, Harrington, Miller, Kottkamp, Brown, Baxley, Hogan, Bean, Garcia, Kendrick, Bense, Davis, Flanagan, and Baker—

**CS/HB 1199**—A bill to be entitled An act relating to education; authorizing individual district school boards by resolution to allow invocation or benediction at specified secondary school-related events; providing legislative intent; providing for severability; providing an effective date.

By the Council for Smarter Government; Representative Greenstein—

**CS/HB 1397**—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 723.06115, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing purposes; providing funding; providing for legislative review and termination or re-creation of the trust fund; creating s. 320.08051, F.S.; providing for the levy of a surcharge on mobile home license taxes; amending s. 320.081, F.S.; providing for the collection and distribution of the license tax surcharge; amending s. 723.007, F.S.; providing for imposition of a surcharge on annual fees paid by mobile home park owners; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use of the mobile home park which requires a mobile home owner to move; providing exceptions; providing a contingent effective date.

By the Committee on General Education; Representatives Clarke, Harrell, Atwater, Kravitz, Rubio, Garcia, Benson, Attkisson, Kottkamp,

Ross, Kallinger, McGriff, Melvin, Alexander, Fields, Sobel, Baker, Gibson, Bennett, Berfield, and Fiorentino—

**CS/HB 1405**—A bill to be entitled An act relating to student records; amending s. 228.093, F.S.; revising terminology; revising definitions; revising exceptions; providing rights of students; revising the rights of parents or eligible students; expanding the right to a hearing; providing a penalty for third-party violation; clarifying and revising lawful release of records and directory information in certain circumstances; expanding notification requirements; authorizing the release of personally identifiable student records to the Department of Highway Safety and Motor Vehicles for purposes of the compulsory attendance driver's license eligibility requirements, to the Department of Children and Family Services for purposes of the Learnfare program compulsory attendance requirements, to the court in specific circumstances, and, with respect to postsecondary institutions, to certain victims; providing notification requirements; providing for applicability to records of other nonpublic institutions in certain circumstances; amending s. 232.23, F.S., relating to maintenance and transfer of student records, to conform; reenacting ss. 229.57(6), 240.237, 240.323, 240.40401(3), 242.3315, 381.0056(5)(p), and 411.223(2), F.S., relating to student assessment, university student records, community college student records, student financial assistance, student and employee personnel records, school health services, and uniform standards, to incorporate the amendment of s. 228.093, F.S.; providing an effective date.

## Reports of Councils and Standing Committees

### Council Reports

#### Received April 11:

The Council for Competitive Commerce recommends a council substitute for the following:

HB 991

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 991 was laid on the table.**

The Council for Healthy Communities recommends a council substitute for the following:

HB 85

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 85 was laid on the table.**

The Council for Lifelong Learning recommends a council substitute for the following:

HB 1199

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1199 was laid on the table.**

The Council for Smarter Government recommends a council substitute for the following:

HB 1397

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1397 was laid on the table.**

#### Received April 12:

The Fiscal Responsibility Council recommends the following pass:

HB 529, with 2 amendments

HB 533

HB 645

**The above bills were placed on the Calendar.**

The Council for Ready Infrastructure recommends the following pass:  
CS/HB 257

**The above bill was placed on the Calendar.**

The Council for Competitive Commerce recommends a council substitute for the following:  
CS/HB 719

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 719 was laid on the table.**

The Council for Healthy Communities recommends a council substitute for the following:  
HB 1133

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1133 was laid on the table.**

The Council for Smarter Government recommends a council substitute for the following:  
HB 415

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 415 was laid on the table.**

The Fiscal Responsibility Council recommends the following pass:  
HB 1249, with 1 amendment

**The above bill was referred to the Council for Smarter Government.**

**Committee Reports**

**Received April 11:**

The Committee on Rules, Ethics & Elections recommends the following pass:  
HB 937  
HCR 1797

**The above bills were placed on the Calendar.**

The Committee on Workforce & Technical Skills recommends the following pass:  
HB 1601, with 2 amendments

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Claims recommends the following pass:  
HB 821, with 2 amendments  
HB 1611

**The above bills were referred to the Procedural & Redistricting Council.**

The Committee on Rules, Ethics & Elections recommends the following pass:  
HJR 825, with 1 amendment

**The above bill was referred to the Council for Smarter Government.**

The Committee on Workforce & Technical Skills recommends the following pass:  
HB 1431, with 1 amendment

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Transportation recommends the following pass:  
HB 1203

**The above bill was referred to the Committee on Child & Family Security.**

The Committee on Education Innovation recommends the following pass:

HB 1695

**The above bill was referred to the Committee on State Administration.**

The Committee on State Administration recommends a committee substitute for the following:  
HB 1131

**The above committee substitute was referred to the Committee on Crime Prevention, Corrections & Safety, subject to review under Rule 6.3, and, under the rule, HB 1131 was laid on the table.**

**Received April 12:**

The Committee on Fiscal Policy & Resources recommends the following pass:  
CS/HB 479 (fiscal note attached)  
HB 855 (fiscal note attached)

**The above bills were placed on the Calendar.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:  
HB 1125, with 1 amendment

**The above bill was placed on the Calendar.**

The Committee on Criminal Justice Appropriations recommends the following pass:  
HB 1055, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
CS/HB 717 (fiscal note attached)  
HB 1215, with 3 amendments (fiscal note attached)

**The above bills were referred to the Council for Competitive Commerce.**

The Committee on General Government Appropriations recommends the following pass:  
HB 1389, with 6 amendments (fiscal note attached)

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Transportation recommends the following pass:  
HB 363, with 1 amendment

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:  
HB 1645

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on Education Appropriations recommends the following pass:  
HB 1615 (fiscal note attached)

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
HB 621 (fiscal note attached)  
HB 637 (fiscal note attached)  
HB 1111, with 2 amendments (fiscal note attached)

**The above bills were referred to the Fiscal Responsibility Council.**

The Committee on Criminal Justice Appropriations recommends the following pass:

HB 1425, with 4 amendments (fiscal note attached)

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Health & Human Services Appropriations recommends the following pass:

HB 997, with 3 amendments (fiscal note attached)  
CS/HB 1073, with 4 amendments (fiscal note attached)  
HB 1799, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:

HB 1863

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Utilities & Telecommunications recommends the following pass:

HB 1349

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Colleges & Universities recommends the following pass:

HB 1783

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Education Appropriations recommends the following pass:

HB 465 (fiscal note attached)  
HB 1511, with 1 amendment (fiscal note attached)  
HB 1547 (fiscal note attached)  
HB 1801 (fiscal note attached)

**The above bills were referred to the Council for Lifelong Learning.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 281 (fiscal note attached)  
HB 443, with 5 amendments (fiscal note attached)

**The above bills were referred to the Council for Lifelong Learning.**

The Committee on General Government Appropriations recommends the following pass:

HB 1263, with 3 amendments (fiscal note attached)  
HB 1489, with 1 amendment (fiscal note attached)  
HB 1577, with 1 amendment (fiscal note attached)  
HB 1603 (fiscal note attached)

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

HB 1059, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Utilities & Telecommunications recommends the following pass:

HB 1379

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Transportation recommends the following pass:  
HB 1407

**The above bill was referred to the Council for Smarter Government.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

CS/HB 1393, with 3 amendments (fiscal note attached)

**The above bill was referred to the Council for Smarter Government.**

The Committee on Colleges & Universities recommends the following pass:

HB 1237  
HB 1339, with 1 amendment

**The above bills were referred to the Committee on Education Appropriations.**

The Committee on General Education recommends the following pass:  
HB 1093

HB 1689, with 1 amendment

**The above bills were referred to the Committee on Education Appropriations.**

The Committee on Transportation recommends the following pass:  
HB 1347, with 1 amendment

**The above bill was referred to the Committee on Education Appropriations.**

The Committee on Tourism recommends the following pass:  
HB 1367, with 1 amendment

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Utilities & Telecommunications recommends the following pass:

HB 1491

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 161, with 4 amendments (fiscal note attached)

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on Information Technology recommends the following pass:

HB 1847

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:

HB 1669, with 1 amendment

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on Colleges & Universities recommends the following pass:

HB 619, with 1 amendment

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Health Promotion recommends the following pass:  
HB 751



**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Transportation recommends the following pass:  
 HB 1433, with 4 amendments  
 HB 1665, with 1 amendment

**The above bills were referred to the Committee on Transportation & Economic Development Appropriations.**

The Committee on Transportation recommends the following pass:  
 HB 1137, with 1 amendment

**The above bill was referred to the Committee on Agriculture & Consumer Affairs.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:  
 HB 1593, with 1 amendment

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Information Technology recommends the following pass:  
 HB 1621, with 1 amendment

**The above bill was referred to the Committee on Economic Development & International Trade.**

The Committee on Transportation recommends the following pass:  
 HB 311, with 1 amendment

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Transportation recommends the following pass:  
 HB 1185, with 5 amendments

**The above bill was referred to the Committee on State Administration.**

The Committee on General Education recommends a committee substitute for the following:  
 HB 1405

**The above committee substitute was referred to the Committee on Child & Family Security, subject to review under Rule 6.3, and, under the rule, HB 1405 was laid on the table.**

The Committee on General Education recommends the following not pass:  
 HB 1001

**The above bill was laid on the table under the rule.**

**Recorded Votes**

Rep. Andrews:

    Nays—Amendment 1 to Amendment 2 to HB 69

Rep. Gelber:

    Yeas—SB 218

Rep. Kendrick:

    Yeas—HB 1737; Prefile Amendment 54 to HB 1807

    Nays—Prefile Amendment 59 to HB 1807; Prefile Amendment 63 to HB 1807

**Prime Sponsors**

    HB 233—Ross  
 CS/HB 1095—Weissman  
 HB 1239—Bense

**Cosponsors**

    CS/HB 67—Joyner, Russell  
 HB 233—Kottkamp  
 CS/HB 271—Hogan  
 HB 313—Attkisson, Clarke, Detert, Diaz de la Portilla, Greenstein, Murman  
 HB 315—Green  
 HB 421—Benson  
 CS/CS/HB 453—Siplin  
 HB 483—Crow  
 HB 493—Heyman  
 HB 535—Heyman, Lerner  
 CS/HB 617—Bucher, Bullard, Greenstein, Slosberg, Weissman  
 HB 651—Kendrick  
 HB 981—Sobel  
 HB 1093—Gottlieb, Lerner, Meadows, Rich  
 CS/HB 1095—Wilson  
 HB 1111—Murman, Siplin  
 HB 1251—Sobel  
 HB 1355—Sobel  
 HB 1367—Greenstein  
 HB 1409—Siplin  
 HJR 1451—Harrell  
 HB 1525—Gannon  
 HB 1581—Brutus, Gannon, Joyner  
 HB 1889—Arza, Betancourt, Brutus, Bullard, Cantens, Diaz de la Portilla, Diaz-Balart, Gannon, Gelber, Greenstein, Henriquez, Holloway, Kendrick, Kosmas, Lynn, Maygarden, Meadows, Negron, Prieguez, Rich, Rubio, Seiler, Smith, Sobel, Spratt, Weissman

**Withdrawals as Cosponsor**

    HB 923—Flanagan



# The Journal OF THE House of Representatives

Number 14

Monday, April 16, 2001

The House was called to order by the Speaker at 3:30 p.m.

## Prayer

The following prayer was offered by Father Ernest Sylvestre of St. Vincent's Catholic Church of Madison and St. Margaret's Catholic Church of Monticello, upon invitation of Rep. Fasano:

God, the Almighty One, by Your loving choice You are a perfect Father to our human family, from Day of Creation through the centuries and forever. In order to guide us to true happiness, in creating us, You planted Your law in the depths of our minds and hearts to be developed as conscience when we grow and mature. You later made those same laws explicit by revealing them to us through Moses on Mount Sinai. You gave us intelligence to apply Your judicious guidelines to the everyday life of our society for the common good of Your people.

We selected trusted men and women to make the directives we need for the harmonious and prosperous living together of men and women, in justice and fairness for all. We pray You, Loving Father, to shed light on the minds of our legislators that they make laws that are in keeping with Your judicious plans, and to warm their hearts that they legislate in compassion for the weakest of Your children here in Florida. Give them the courage to do what is right even when it is not popular, and to stand on solid and tested principles in the choices they make. Give them the generosity to forget their self-interests as they serve the people who elected them.

We have the courage to ask for these blessings because You care for us and for what we do and You love us. Amen.

The following Members were recorded present:

### Session Vote Sequence: 141

The Chair	Benson	Detert	Greenstein
Alexander	Berfield	Diaz-Balart	Haridopolos
Allen	Betancourt	Dockery	Harper
Andrews	Bilirakis	Farkas	Harrell
Argenziano	Bowen	Fasano	Harrington
Arza	Brown	Fields	Hart
Attkisson	Brummer	Fiorentino	Henriquez
Atwater	Brutus	Flanagan	Heyman
Ausley	Bucher	Frankel	Hogan
Baker	Bullard	Gannon	Holloway
Ball	Byrd	Garcia	Jennings
Barreiro	Cantens	Gardiner	Johnson
Baxley	Carassas	Gelber	Jordan
Bean	Clarke	Gibson	Joyner
Bendross-Mindingall	Crow	Goodlette	Justice
Bennett	Cusack	Gottlieb	Kallinger
Bense	Davis	Green	Kendrick

Kilmer	Mayfield	Prieguez	Smith
Kosmas	Maygarden	Rich	Sobel
Kottkamp	McGriff	Richardson	Sorensen
Kravitz	Meadows	Ritter	Spratt
Kyle	Mealor	Romeo	Stansel
Lacasa	Melvin	Ross	Trovillion
Lee	Miller	Rubio	Waters
Lerner	Murman	Russell	Weissman
Littlefield	Needelman	Ryan	Wiles
Lynn	Negron	Seiler	Wishner
Machek	Paul	Simmons	
Mack	Peterman	Siplin	
Mahon	Pickens	Slosberg	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The Members, led by Tenisha Alguero of Carol City, Ben Attkisson of Kissimmee, Kaitlin Connell of Vero Beach, Jordan Dany of Pensacola, Julio Egusquiza of Miami, Jessica Marie Ehrenfeld of Cocoa, Austin R. Emerson of Fort Myers, Tommy Feeney of Oviedo, Krystan Kupiszewski of Dover, Delaware, Logan Trevor Newell of Bonita Springs, Megan O'Hara of Jacksonville, Michelle E. Posey of Rockledge, Britney Nichole Rich of Cape Coral, Marissa Rogers of Eustis, Christopher J. Sebesta of Merritt Island, David P. Sparks of Port Orange, Anna Stevens of Mims, Brittani Thomas of Fort Lauderdale, and Christin Wilson of Freeport, pledged allegiance to the Flag. Tenisha Alguero served at the invitation of Rep. Wilson. Ben Attkisson served at the invitation of his father, Rep. Attkisson. Kaitlin Connell served at the invitation of Rep. Seiler. Jordan Dany served at the invitation of Rep. Maygarden. Julio Egusquiza served at the invitation of Rep. Garcia. Jessica Marie Ehrenfeld, Krystan Kupiszewski, and Michelle E. Posey served at the invitation of Speaker Feeney. Austin R. Emerson served at the invitation of Rep. Kyle. Tommy Feeney served at the invitation of his father, Speaker Feeney. Logan Trevor Newell served at the invitation of Rep. Green. Megan O'Hara served at the invitation of Rep. Greenstein. Britney Nichole Rich served at the invitation of Rep. Kottkamp. Marissa Rogers served at the invitation of Rep. Brummer. Christopher J. Sebesta served at the invitation of Rep. Berfield. David P. Sparks served at the invitation of Rep. Kosmas. Anna Stevens served at the invitation of Rep. Ball. Brittani Thomas served at the invitation of Rep. Smith. Christin Wilson served at the invitation of Rep. Brown.

## House Physician

The Speaker introduced Dr. Karen Harris of Gainesville, who served in the Clinic today upon invitation of Rep. McGriff.

## Correction of the *Journal*

The *Journal* of April 10 was corrected and approved as corrected.

The *Journal* of April 12 was corrected and approved as corrected.

## Messages from the Senate

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 854, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senator Pruitt and others—

**SB 854**—A bill to be entitled An act relating to aquifer storage and recovery wells; creating s. 403.065, F.S.; providing findings; providing for classifications and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for an aquifer storage and recovery well that does not meet primary drinking water standards other than those relating to total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within a specified period; providing rulemaking authority; requiring a report; amending s. 373.309, F.S.; requiring the department to enact rules relating to the construction of water wells in certain locations and requiring the department to make certain information available to governmental agencies and the public; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

## Reports of Councils and Standing Committees

### Report of the Procedural & Redistricting Council

*The Honorable Tom Feeney  
Speaker, House of Representatives*

April 12, 2001

*Mr. Speaker*

Your Procedural & Redistricting Council herewith submits as Special Orders for Monday, April 16, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):
  - CS/HB 415—Adoption
  - CS/HB 1199—Schools/Invocation & Benediction
  - HB 251—Sales Tax Exemption/Clothing
  - HB 505—Sex Crimes/Time Limitations
  - CS/HB 767—Structured Settlements
  - HB 1395—Driver Lic. Div./Exclusionary Rule
  - CS/HB 573—Homestead Assessment/Elderly Living
  - CS/HJR 295—Ad Val Tax Exemption/Elderly Living
  - CS/CS/HB 453—Energy Performance Savings
  - HB 805—Pool/Spa Servicing Contractor
  - HB 361—Sentencing
  - CS/HB 131—Correctional Facilities
  - CS/HB 73—Fla. Customer Service Standards Act
  - HB 701—Correctional Officers Memorial Hwy.
  - HB 593—Municipal Law Enforcement Officers
  - SB 810—Municipal Law Enforcement Officers
  - CS/HB 157—Motor Vehicle Airbags
  - CS/HB 437—Pharmacists/Licensure by Endorsement
  - CS/HB 379—Entertainment Industry
  - HB 791—Property Exempt from Legal Process
  - HB 441—County Government/Property Sales
  - CS/HB 455—Mortgage Brokers & Lenders
  - HB 731—Public Records/Local Government/WMD

- CS/HB 19—Fair Housing Act
- CS/CS/HB 503—Public Employee Optional Retirement
- CS/HB 347—Public Employee Optional Retirement
- HB 575—Filing Fees/Corporate Fee
- CS/HB 789—Governmental Data Processing
- HB 599—Public Record/Child Support Services
- HB 159—HMO/Physicians/Adverse Determination
- CS/HB 147—DNA Evidence
- CS/HB 331—Physician Assistants
- CS/CS/HB 247—Unfair Discrimination/Insurance
- HB 959—Mortgage-Foreclosure Proceedings
- HB 483—Medicaid Eligibility/Work Incentives
- HB 449—Civil Actions/Firearms & Ammunition

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

On motion by Rep. Byrd, the rules were waived and **HR 9067** and **HR 9035** were added to the Special Order Calendar.

On motion by Rep. Byrd, the rules were waived and **CS for SB 778** was added to the Special Order Calendar, to be taken up after CS/HB 415.

On motion by Rep. Byrd, the above report was adopted, as amended.

### Waiver of the Rules for Committee and Council Meetings and Bills

On motion by Rep. Lacasa, Chair of the Fiscal Responsibility Council, the rules were waived and the Committee on Criminal Justice Appropriations was given permission to add CS/HB 1131 to the agenda for its meeting Tuesday, April 17, at 1:00 p.m., in 306 HOB.

### Motions Relating to Committee or Council References

On motion by Rep. Lacasa, agreed to by two-thirds vote, HB 1847 was withdrawn from the Committee on General Government Appropriations, further referred to the Committee on Transportation & Economic Development Appropriations, and remains referred to the Council for Lifelong Learning.

### Bills and Joint Resolutions on Third Reading

**HB 1705**—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 18 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing an effective date.

—was read the third time by title.

Rep. Cantens moved that, under Rule 12.2(c), a late-filed amendment be allowed for consideration, which was not agreed to.

On motion by Rep. Fasano, further consideration of **HB 1705** was temporarily postponed under Rule 11.10.

**CS/HB 705** was taken up. On motion by Rep. Spratt, the rules were waived and—

**SB 854**—A bill to be entitled An act relating to aquifer storage and recovery wells; creating s. 403.065, F.S.; providing findings; providing for classifications and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for an aquifer storage and recovery well that does not meet primary drinking water standards other than those relating to total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within a specified period;

providing rulemaking authority; requiring a report; amending s. 373.309, F.S.; requiring the department to enact rules relating to the construction of water wells in certain locations and requiring the department to make certain information available to governmental agencies and the public; providing an effective date.

—was substituted for CS/HB 705 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Spratt, further consideration of **SB 854** was temporarily postponed under Rule 11.10.

**Motion**

On motion by Rep. Diaz-Balart, the privilege of the floor was granted to the following visitors from the Commonwealth of Puerto Rico: the Honorable Sila M. Calderon, Governor; the Honorable Ramon Cantero-Frau, Economic Development and Commerce Secretary; the Honorable Osvaldo Riviera Cianchini, Designated Anti Drugs Commissioner; and Maricarmen Aponte, Director of PRFAA (Puerto Rico Federal Affairs Administrator).

Upon further motion by Rep. Diaz-Balart, the Speaker recognized Governor Calderon to approach the well, where she gave brief remarks.

**SB 854**—A bill to be entitled An act relating to aquifer storage and recovery wells; creating s. 403.065, F.S.; providing findings; providing for classifications and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for an aquifer storage and recovery well that does not meet primary drinking water standards other than those relating to total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within a specified period; providing rulemaking authority; requiring a report; amending s. 373.309, F.S.; requiring the department to enact rules relating to the construction of water wells in certain locations and requiring the department to make certain information available to governmental agencies and the public; providing an effective date.

—was taken up, having been read the second time earlier today.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 470591)

**Amendment 1 (with title amendment)**—On page 6, between lines 18 & 19,

insert:

*(15) This section shall not apply to the following counties located within the Northwest Florida Water Management District: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington, and a portion of Jefferson.*

And the title is amended as follows:

On page 1, line 18, after the second semicolon

insert: providing applicability;

Rep. Maygarden moved the adoption of the amendment, which was adopted.

On motion by Rep. Spratt, the rules were waived and SB 854, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 142

Yeas—74

The Chair	Arza	Ball	Bean
Alexander	Attkisson	Barreiro	Bendross-Mindingall
Allen	Baker	Baxley	Bennett

Bense	Gibson	Kyle	Ritter
Benson	Goodlette	Lee	Ross
Bowen	Gottlieb	Littlefield	Rubio
Brown	Green	Machek	Ryan
Brutus	Greenstein	Mack	Seiler
Bucher	Haridopolos	Mahon	Simmons
Bullard	Harper	Mayfield	Siplin
Byrd	Harrington	Maygarden	Slosberg
Clarke	Hart	Meadows	Smith
Davis	Hogan	Melvin	Spratt
Diaz-Balart	Holloway	Miller	Stansel
Dockery	Jennings	Murman	Trovillion
Farkas	Jordan	Needelman	Wallace
Fasano	Kallinger	Paul	Wiles
Garcia	Kendrick	Pickens	
Gardiner	Kilmer	Prieguez	

Nays—40

Andrews	Detert	Johnson	Peterman
Argenziano	Fields	Joyner	Rich
Atwater	Fiorentino	Justice	Richardson
Ausley	Flanagan	Kosmas	Romeo
Berfield	Frankel	Kravitz	Russell
Betancourt	Gannon	Lacasa	Sobel
Bilirakis	Gelber	Lerner	Sorensen
Carassas	Harrell	Lynn	Waters
Crow	Henriquez	McGriff	Weissman
Cusack	Heyman	Negron	Wishner

Votes after roll call:

Yeas—Brummer, Kottkamp, Mealor

So the bill passed, as amended, and was certified to the Senate after engrossment.

**Explanation of Vote**

Before I fully understood SB 854/HB 705 (allowing storage of water in our aquifer), I opposed the bill. As a marine engineer and a Floridian who believes water quality is a priority, my concern was that the bill would allow storage of such water that has not yet been treated to meet certain drinking water standards and therefore would pose a health threat. I have subsequently been educated to the information provided to me by David Struhs, Secretary of the Dept. of Environmental Protection and Dr. Robert Brooks, Secretary of the Dept. of Health who have assured that “the legislation is built on comprehensive public health and environmental protection measures to ensure that storage does not present a health threat”. I now realize that any such stored water must meet all water quality standards before being distributed to our citizens. Based upon the assurances received from Dr. Brooks and Secretary Struhs, I can now join the Florida League of Cities, Florida Association of Counties, and the Water Management Districts who all support this measure to help support the Everglades Restoration program and to help provide water for our 16 million residents today and the additional 20 million Florida residents projected to arrive in the next 20 years.

*Rep. Jerry Paul  
District 71*

THE SPEAKER PRO TEMPORE IN THE CHAIR

THE SPEAKER IN THE CHAIR

**CS/HJR 471**—A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 6 of Article VIII of the State Constitution as set forth below is agreed to and shall be submitted to the

electors of Florida for approval or rejection at the general election to be held in November 2002:

SECTION 6. Schedule to Article VIII.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) OFFICERS TO CONTINUE IN OFFICE. Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

(d) ORDINANCES. Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the *Miami-Dade Metropolitan-Dade County Home Rule Charter*, heretofore or hereafter adopted by the electors of *Miami-Dade Dade County* pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended. *However, notwithstanding any provision of Article VIII, Section 11, of the Constitution of 1885, as amended, or any limitations under this subsection, the Miami-Dade County Home Rule Charter may be amended or revised by special law approved by the electors of Miami-Dade County and, if approved, shall be deemed an amendment or revision of the charter by the electors of Miami-Dade County.*

(f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendment proposed herein shall appear on the ballot as follows:  
**AUTHORIZING AMENDMENTS TO MIAMI-DADE COUNTY HOME RULE CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM**

Proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the Miami-Dade County Home Rule Charter by special law approved by a vote of the electors of Miami-Dade County and to conform references to the county's current name.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 143

Yeas—117

The Chair	Clarke	Jennings	Paul
Alexander	Crow	Johnson	Peterman
Allen	Cusack	Jordan	Pickens
Andrews	Davis	Joyner	Prieguez
Argenziano	Detert	Justice	Rich
Arza	Diaz-Balart	Kallinger	Richardson
Attkisson	Dockery	Kendrick	Ritter
Atwater	Farkas	Kilmer	Romeo
Ausley	Fasano	Kosmas	Ross
Baker	Fields	Kottkamp	Rubio
Ball	Fiorentino	Kravitz	Russell
Barreiro	Flanagan	Kyle	Ryan
Baxley	Frankel	Lacasa	Seiler
Bean	Gannon	Lee	Simmons
Bendross-Mindingall	Garcia	Lerner	Siplin
Bennett	Gardiner	Littlefield	Slosberg
Bense	Gelber	Lynn	Smith
Benson	Gibson	Machek	Sobel
Berfield	Goodlette	Mack	Sorensen
Betancourt	Gottlieb	Mahon	Spratt
Bilirakis	Green	Mayfield	Stansel
Bowen	Greenstein	Maygarden	Trovillion
Brown	Haridopolos	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrell	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Henriquez	Miller	Wishner
Byrd	Heyman	Murman	
Cantens	Hogan	Needelman	
Carassas	Holloway	Negron	

Nays—None

So the joint resolution passed by the required constitutional three-fifths vote of the membership and was certified to the Senate.

**HB 469**—A bill to be entitled An act relating to road designations; designating a portion of roadway in the City of Miami in Miami-Dade County as “Enrique Valledor Way”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 144

Yeas—116

The Chair	Brown	Garcia	Kendrick
Alexander	Brummer	Gardiner	Kilmer
Allen	Brutus	Gelber	Kosmas
Andrews	Bucher	Gibson	Kottkamp
Argenziano	Bullard	Goodlette	Kravitz
Arza	Byrd	Gottlieb	Kyle
Attkisson	Cantens	Green	Lacasa
Atwater	Carassas	Greenstein	Lee
Ausley	Clarke	Haridopolos	Lerner
Baker	Crow	Harper	Littlefield
Ball	Cusack	Harrell	Lynn
Barreiro	Davis	Hart	Machek
Baxley	Detert	Henriquez	Mack
Bean	Diaz-Balart	Heyman	Mahon
Bendross-Mindingall	Dockery	Hogan	Mayfield
Bennett	Farkas	Holloway	Maygarden
Bense	Fasano	Jennings	McGriff
Benson	Fields	Johnson	Meadows
Berfield	Fiorentino	Jordan	Mealor
Betancourt	Flanagan	Joyner	Melvin
Bilirakis	Frankel	Justice	Miller
Bowen	Gannon	Kallinger	Murman

Needelman	Ritter	Simmons	Stansel
Negron	Romeo	Siplin	Trovillion
Paul	Ross	Slosberg	Wallace
Peterman	Rubio	Smith	Waters
Pickens	Russell	Sobel	Weissman
Prieguez	Ryan	Sorensen	Wiles
Richardson	Seiler	Spratt	Wishner

Nays—None

Votes after roll call:

Yeas—Rich

So the bill passed and was certified to the Senate.

**CS/HB 563**—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; providing for a portion of unappropriated funds to be deposited into the endowment fund; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 145

Yeas—113

The Chair	Carassas	Jennings	Paul
Alexander	Clarke	Johnson	Peterman
Allen	Crow	Jordan	Pickens
Andrews	Cusack	Joyner	Prieguez
Argenziano	Davis	Justice	Rich
Arza	Detert	Kallinger	Richardson
Attkisson	Diaz-Balart	Kendrick	Ritter
Atwater	Dockery	Kilmer	Romeo
Ausley	Farkas	Kottkamp	Ross
Baker	Fasano	Kravitz	Rubio
Ball	Fields	Kyle	Russell
Barreiro	Fiorentino	Lacasa	Ryan
Baxley	Flanagan	Lee	Seiler
Bean	Gannon	Lerner	Simmons
Bendross-Mindingall	Garcia	Littlefield	Siplin
Bennett	Gardiner	Lynn	Slosberg
Bense	Gelber	Machek	Smith
Benson	Goodlette	Mack	Sobel
Berfield	Gottlieb	Mahon	Sorensen
Betancourt	Green	Mayfield	Stansel
Bilirakis	Greenstein	Maygarden	Trovillion
Bowen	Haridopoulos	McGriff	Wallace
Brown	Harper	Meadows	Waters
Brummer	Harrell	Mealor	Weissman
Brutus	Hart	Melvin	Wiles
Bucher	Henriquez	Miller	Wishner
Bullard	Heyman	Murman	
Byrd	Hogan	Needelman	
Cantens	Holloway	Negron	

Nays—None

Votes after roll call:

Yeas—Frankel, Gibson, Kosmas

So the bill passed, as amended, and was certified to the Senate.

**CS/HB 339**—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or

approved adult open heart surgery program; requiring an agreement that a certain percent of Medicaid and charity patients be served; requiring a specified number of operations; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments to the workgroup; amending the scope of responsibility for the workgroup; providing new dates for final report to the Governor and Legislature and termination of the certificate-of-need workgroup; providing effective dates.

—was read the third time by title.

On motion by Rep. Alexander, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Alexander offered the following:

(Amendment Bar Code: 734057)

**Amendment 3 (with title amendment)**—On page 2, between lines 26 and 27 of the bill

insert:

Section 2. Paragraph (r) is added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(r) *For the provision of adult open heart surgery services in a hospital, the request for an exemption must comply with the following criteria:*

1. *The hospital must have at least 390 licensed beds as of the date of the exemption request.*

2. *The hospital shall demonstrate, for the twelve month period ending one month prior to the date of the exemption request, at least 400 admissions to the hospital through its emergency room of patients with the primary diagnosis of acute myocardial infarction, and the performance of at least 1,000 diagnostic and therapeutic cardiac catheterizations.*

3. *The hospital shall certify that its provision of open heart surgery services will be offered in conjunction with a therapeutic cardiac catheterization program, will be available to all patients without regard as to ability to pay, will maintain sufficient and appropriate equipment and staff to ensure quality and safety, will be available 24 hours a day, 7 days a week, and will maintain appropriate volumes as reasonably necessary to ensure quality and safety.*

4. *The exemption shall terminate if the agency determines that the hospital has failed to comply with the certifications set forth in subparagraph 3. In the event the exemption terminates, the hospital will not again be eligible to apply for an exemption until two years following the date of termination.*

And the title is amended as follows:

On page 1, line 11, after the semicolon,

insert: amending s. 408.036, F.S.; authorizing certain facilities to request exemption from the certificate of need process;

Rep. Alexander moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 339. The vote was:

Session Vote Sequence: 146

Yeas—59

The Chair	Arza	Bean	Berfield
Alexander	Baker	Bennett	Betancourt
Allen	Ball	Bense	Bilirakis

Bowen	Diaz-Balart	Kilmer	Ross
Brown	Dockery	Mack	Rubio
Brummer	Farkas	Mahon	Ryan
Brutus	Fasano	Mayfield	Simmons
Byrd	Flanagan	Meadows	Siplin
Cantens	Gardiner	Mealor	Slosberg
Carassas	Harrell	Melvin	Spratt
Clarke	Harrington	Murman	Stansel
Crow	Holloway	Negron	Wallace
Cusack	Johnson	Paul	Waters
Davis	Jordan	Pickens	Wiles
Detert	Kallinger	Prieguez	

Nays—55

Andrews	Gelber	Kendrick	Peterman
Argenziano	Gibson	Kosmas	Rich
Attkisson	Goodlette	Kottkamp	Richardson
Atwater	Gottlieb	Kravitz	Ritter
Ausley	Green	Kyle	Romeo
Barreiro	Greenstein	Lee	Russell
Bendross-Mindingall	Haridopolos	Lerner	Seiler
Benson	Harper	Littlefield	Smith
Bucher	Hart	Lynn	Sobel
Bullard	Henriquez	Machek	Sorensen
Fields	Heyman	Maygarden	Trovillion
Fiorentino	Jennings	McGriff	Weissman
Frankel	Joyner	Miller	Wishner
Gannon	Justice	Needelman	

Votes after roll call:

Nays—Baxley

So the bill passed, as amended, and was certified to the Senate after engrossment.

**Disclosure of Interest**

My firm, Crary, Buchanan, Bowdish, Bovie, Beres, Negron & Thomas, Chartered, serves as the General Counsel to Martin Memorial Medical Center. I do not personally provide legal services to Martin Memorial Medical Center. It is my understanding that the medical center may be able to commence an open-heart program if CS/HB 339 becomes law. Although the hospital may obtain a special private gain from the legislation, the bill will not result in any special private gain for me, a member of my family, or the law firm. Accordingly, I am informed that I must vote on the legislation as provided in Rule 9.1 of the Rules of the Florida House of Representatives.

*Rep. Joe Negron  
District 82*

**Statement of Legislative Intent on CS/HB 339**

On motion by Rep. Mayfield, the rules were waived and the following statement was ordered spread upon the *Journal*, in order to establish legislative intent:

**Rep. Mayfield:** Nothing in this section shall be used to delay, hinder or impede any administrative proceeding, including any rulemaking proceeding, related to the certificate of need program.

**Messages from the Senate**

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS/CS/HB 107, with amendments, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

**CS/CS/HB 107**—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103,

717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.1101, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, and 717.129, F.S.; changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner's representatives and receiving and making payments to an owner or owner's representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner's representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; revising provisions relating to escheat of certain property to the state; revising provisions relating to entitlement to, procedures for payment or assignment of, or distributions of certain proceeds; amending s. 215.965, F.S., to conform; amending s. 493.6101, F.S., to conform; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

**Senate Amendment 1**—On page 18, lines 10 & 11, delete those lines and insert: *instrument or contract, or if 2 years have transpired since first-class mail has been returned as undeliverable. With respect to banks, credit*

**Senate Amendment 2**—In title, on page 1, line 10, delete the word "and"

On motion by Rep. Prieguez, the House concurred in Senate Amendments 1 and 2. The question recurred on the passage of CS/CS/HB 107. The vote was:

Session Vote Sequence: 147

Yeas—116

The Chair	Bense	Crow	Gelber
Alexander	Benson	Cusack	Goodlette
Allen	Berfield	Davis	Gottlieb
Andrews	Betancourt	Detert	Green
Arza	Bilirakis	Diaz-Balart	Greenstein
Attkisson	Bowen	Dockery	Haridopolos
Atwater	Brown	Farkas	Harper
Ausley	Brummer	Fasano	Harrell
Baker	Brutus	Fields	Harrington
Ball	Bucher	Fiorentino	Hart
Barreiro	Bullard	Flanagan	Henriquez
Baxley	Byrd	Frankel	Heyman
Bean	Cantens	Gannon	Hogan
Bendross-Mindingall	Carassas	Garcia	Holloway
Bennett	Clarke	Gardiner	Jennings

Johnson	Littlefield	Negron	Simmons	Mahon	Negron	Russell	Trovillion
Jordan	Lynn	Paul	Siplin	Mayfield	Paul	Simmons	Wallace
Joyner	Machek	Peterman	Slosberg	Maygarden	Pickens	Siplin	Waters
Justice	Mack	Pickens	Smith	Mealor	Prieguez	Sorensen	Wiles
Kallinger	Mahon	Prieguez	Sobel	Melvin	Ross	Spratt	
Kendrick	Mayfield	Rich	Sorensen	Miller	Rubio	Stansel	
Kilmer	Maygarden	Richardson	Spratt				
Kosmas	McGriff	Ritter	Stansel				
Kottkamp	Meadows	Romeo	Trovillion				
Kravitz	Mealor	Ross	Wallace				
Kyle	Melvin	Rubio	Waters				
Lacasa	Miller	Russell	Weissman				
Lee	Murman	Ryan	Wiles				
Lerner	Needelman	Seiler	Wishner				

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

### Motions Relating to Committee or Council References

On motion by Rep. Meadows, agreed to by two-thirds vote, HB 753 was withdrawn from further consideration of the House.

On motion by Rep. Alexander, agreed to by two-thirds vote, HB 1787 was withdrawn from the Committee on Agriculture & Consumer Affairs and remains referred to the Council for Competitive Commerce.

On motion by Rep. Cantens, agreed to by two-thirds vote, HBs 985 and 1153 were withdrawn from the Committee on Judicial Oversight and remain referred to the Council for Healthy Communities.

On motion by Rep. Cantens, agreed to by two-thirds vote, HB 1803 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Competitive Commerce.

On motion by Rep. Melvin, agreed to by two-thirds vote, CS/HB 515 was withdrawn from the Committee on General Education and remains referred to the Committee on Fiscal Policy & Resources and the Council for Smarter Government.

On motion by Rep. Byrd, agreed to by two-thirds vote, HJR 571 was withdrawn from the Committee on Fiscal Policy & Resources and remains referred to the Procedural & Redistricting Council.

On motion by Rep. Byrd, agreed to by two-thirds vote, CS/HB 1633 was withdrawn from the Committee on Education Appropriations and remains referred to the Council for Lifelong Learning.

### Immediately Certified

On motion by Rep. Mayfield, the rules were waived and **CS/HB 339**, which passed the House, earlier today, was immediately certified to the Senate. The vote was:

Session Vote Sequence: 148

Yeas—78

The Chair	Benson	Detert	Harrington
Alexander	Berfield	Diaz-Balart	Hart
Allen	Betancourt	Dockery	Hogan
Andrews	Bilirakis	Farkas	Holloway
Argenziano	Bowen	Fasano	Johnson
Arza	Brown	Fiorentino	Jordan
Attkisson	Brunner	Flanagan	Kallinger
Atwater	Bullard	Garcia	Kilmer
Baker	Byrd	Gardiner	Kottkamp
Ball	Cantens	Gibson	Kravitz
Barreiro	Carassas	Goodlette	Kyle
Bean	Clarke	Green	Littlefield
Bennett	Crow	Haridopolos	Lynn
Bense	Davis	Harrell	Mack

Nays—38

Ausley	Gottlieb	Lee	Romeo
Baxley	Greenstein	Lerner	Ryan
Bendross-Mindingall	Harper	Machek	Seiler
Brutus	Henriquez	McGriff	Slosberg
Bucher	Heyman	Meadows	Smith
Cusack	Jennings	Needelman	Sobel
Fields	Joyner	Peterman	Weissman
Frankel	Justice	Rich	Wishner
Gannon	Kendrick	Richardson	
Gelber	Kosmas	Ritter	

### Special Orders

#### Special Order Calendar

**CS/HB 415**—A bill to be entitled An act relating to adoption; amending ss. 39.703, 39.802, 39.806, and 39.811, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing authority of licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.812, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions; amending s. 63.032, F.S.; revising definitions; defining “adoption entity,” “legal custody,” “parent,” and “relative”; creating s. 63.037, F.S.; providing exemptions from certain provisions of ch. 63, F.S., for adoption proceedings initiated under ch. 39, F.S.; creating s. 63.039, F.S.; providing duties of an adoption entity to prospective adoptive parents; providing sanctions and an award of attorney’s fees under certain circumstances; amending s. 63.0425, F.S.; conforming provisions relating to grandparent’s right to adopt; amending s. 63.0427, F.S.; allowing biological relatives to have communication or contact with an adoptive child under certain conditions; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; providing for form and content of affidavit of nonpaternity; providing for notice of the right to select a witness; providing a form for waiver of venue; amending s. 63.082, F.S.; revising requirements and form for executing a consent to an adoption; making such requirements applicable to affidavit of nonpaternity; providing a revocation period and requirements for withdrawing consent; providing additional disclosure requirements; revising requisite history form to include social history; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a parent’s parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; requiring notification to grandparents; creating s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing notice requirements including notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.; providing hearing procedures for proceedings to terminate parental rights pending adoption; specifying grounds upon which parental rights may be terminated; providing for finding of abandonment; providing for dismissal of petition procedures; providing for postjudgment relief; providing for confidentiality of records; amending s. 63.092, F.S.; providing requirements in an at-risk



placement before termination of parental rights; prohibiting placement of minors in homes with certain criminal offenders; amending s. 63.097, F.S.; revising fee requirements to provide for allowable and prohibited fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; revising requirements for declaratory statement as to adoption contract; amending s. 63.112, F.S.; revising requirements for form and content of a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S.; conforming provisions relating to the final home investigation; amending s. 63.132, F.S.; revising requirements for affidavit of expenses and receipts; requiring separate court order approving fees, costs, and expenses; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.162, F.S.; conforming provisions relating to confidential records of adoption proceedings; amending s. 63.165, F.S.; requiring that the Department of Children and Family Services maintain certain information in the state registry of adoption information for a specified period; creating the Paternity Registry; providing duties of registrants and department; requiring registration in order to assert an interest in a minor under specified circumstances; providing for admissibility of information in the Paternity Registry; providing penalties; providing rulemaking authority; amending s. 63.202, F.S.; conforming provisions relating to agencies authorized to place minors for adoption; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S.; revising provisions relating to prohibitions and penalties with respect to adoptions; amending s. 63.219, F.S.; conforming provisions relating to sanctions; creating s. 63.2325, F.S.; providing conditions for revocation of a consent to adoption or withdrawal of an affidavit of nonpaternity; amending ss. 984.03 and 985.03, F.S.; conforming cross references; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing for severability; creating s. 395.1024, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; creating s. 383.310, F.S.; requiring a licensed facility to adopt protocol for staff concerning adoption; amending s. 63.182, F.S.; revising language with respect to the statute of repose; providing an effective date.

—was read the second time by title. On motion by Rep. Lynn, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 149

Yeas—117

Table with 4 columns: The Chair, Bowen, Frankel, Jordan, Alexander, Brown, Gannon, Joyner, Allen, Brummer, Garcia, Justice, Andrews, Brutus, Gardiner, Kallinger, Argenziano, Bucher, Gelber, Kendrick, Arza, Bullard, Gibson, Kilmer, Attkisson, Byrd, Goodlette, Kosmas, Atwater, Cantens, Gottlieb, Kottkamp, Ausley, Carassas, Green, Kravitz, Baker, Clarke, Greenstein, Kyle, Ball, Crow, Haridopolos, Lacasa, Barreiro, Cusack, Harper, Lee, Baxley, Davis, Harrell, Lerner, Bean, Detert, Harrington, Littlefield, Bendross-Mindingall, Diaz-Balart, Hart, Lynn, Bennett, Dockery, Henriquez, Machek, Bense, Farkas, Heyman, Mack, Benson, Fasano, Hogan, Mahon, Berfield, Fields, Holloway, Mayfield, Betancourt, Fiorentino, Jennings, Maygarden, Bilirakis, Flanagan, Johnson, McGriff

Table with 4 columns: Meadows, Pickens, Ryan, Stansel, Mealor, Prieguez, Seiler, Trovillion, Melvin, Rich, Simmons, Wallace, Miller, Richardson, Siplin, Waters, Murman, Ritter, Slosberg, Wiles, Needelman, Romeo, Smith, Wishner, Negron, Ross, Sobel, Paul, Rubio, Sorensen, Pterman, Russell, Spratt

Nays—None

So the bill passed. On motion by Rep. Lynn, the rules were waived and the bill was immediately certified to the Senate.

Consideration of CS for SB 778 was temporarily postponed under Rule 11.10.

CS/HB 1199—A bill to be entitled An act relating to education; authorizing individual district school boards by resolution to allow invocation or benediction at specified secondary school-related events; providing legislative intent; providing for severability; providing an effective date.

—was read the second time by title.

REPRESENTATIVE MELVIN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Representative(s) Ryan, Gelber, Lerner, and Gottlieb offered the following:

(Amendment Bar Code: 925705)

Amendment 1 (with title amendment)—On page 1, line 11 through page 2, line 4, remove from the bill: all of said lines

and insert in lieu thereof:

Section 1. Public school students have the right to pray individually or in groups or to discuss their religious views with their peers so long as they are not disruptive.

(1) In the classroom students have the right to pray silently except when required to be actively engaged in school activities (e.g., students may not decide to pray just as a teacher calls on them).

(2) In informal settings, such as the cafeteria or in the halls, students may pray either audibly or silently, subject to the same rules of order as apply to other speech in these locations.

Section 2. However, the right to engage in voluntary prayer does not include, for example, the right to have a captive audience listen or to compel other public school students to participate.

And the title is amended as follows:

On page 1, line 2 through line 6, remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to education; explaining freedom of religion in public schools;

Rep. Ryan moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 150

Yeas—34

Table with 4 columns: Ausley, Cusack, Gottlieb, Justice, Bendross-Mindingall, Fields, Greenstein, Kosmas, Bennett, Frankel, Henriquez, Kravitz, Bucher, Gannon, Lerner, Pterman, Gelber, Joyner, Machek

McGriff	Romeo	Slosberg	Wiles
Meadows	Ryan	Smith	Wishner
Rich	Seiler	Sobel	
Richardson	Siplin	Weissman	

Nays—82

The Chair	Bullard	Harrington	Miller
Alexander	Byrd	Hart	Murman
Allen	Cantens	Hogan	Needelman
Andrews	Clarke	Holloway	Negron
Argenziano	Crow	Jennings	Paul
Arza	Davis	Johnson	Peterman
Attkisson	Detert	Jordan	Pickens
Atwater	Diaz-Balart	Kallinger	Prieguez
Baker	Dockery	Kendrick	Ritter
Ball	Farkas	Kilmer	Ross
Barreiro	Fasano	Kottkamp	Rubio
Baxley	Fiorentino	Kyle	Russell
Bean	Flanagan	Lacasa	Simmons
Bense	Garcia	Lee	Sorensen
Benson	Gardiner	Littlefield	Spratt
Berfield	Gibson	Lynn	Stansel
Betancourt	Goodlette	Mack	Trovillion
Bilirakis	Green	Mahon	Wallace
Bowen	Haridopolos	Maygarden	Waters
Brown	Harper	Mealor	
Brummer	Harrell	Melvin	

Representative(s) Gannon and Gottlieb offered the following:

(Amendment Bar Code: 600503)

**Amendment 2**—On page 1, line 14 of the bill

after the period, insert: *The district school board shall develop procedures and policies to insure that all invocations and benedictions are nonsectarian and nonproselytizing in nature. The district school board shall also insure that student volunteers are fairly selected and rotated to recognize religious diversity.*

Rep. Gannon moved the adoption of the amendment.

Further consideration of **Amendment 2** was temporarily postponed under Rule 11.10.

Representative(s) Gottlieb offered the following:

(Amendment Bar Code: 415433)

**Amendment 3**—On page 1, line 19 of the bill

after the period, insert: *Selection of student volunteer shall not be made by majority vote.*

Rep. Gottlieb moved the adoption of the amendment, which was adopted.

The question recurred on the adoption of **Amendment 2**, which failed of adoption.

Representative(s) Sobel, Lerner, and Gottlieb offered the following:

(Amendment Bar Code: 712041)

**Amendment 4**—On page 1, line 21 of the bill

after the period, insert: *Nonsectarian and nonproselytizing shall be defined as any invocation or benediction which although it may contain a word used by any recognized religion which connotes or denotes a divine being or master shall not use such term or word in conjunction with the beliefs of a particular religion. Thus specific references to specific persons or deities may not be used or mentioned nor may any reference be made to previously existing or currently existing earthly religious figures. Nor may any words or phrases be used, when taken in context, that tend to favor or promote one religion, religious belief or one religious figure over any other. Further, nonsectarian shall also be defined as gender and race neutral.*

Rep. Sobel moved the adoption of the amendment, which failed of adoption.

Representative(s) Gottlieb offered the following:

(Amendment Bar Code: 641607)

**Amendment 5**—On page 1, line 25 of the bill

after the period, insert: *However, a panel of school administrators shall determine and establish guidelines to insure compliance with this section.*

Rep. Gottlieb moved the adoption of the amendment, which failed of adoption.

Representative(s) Gannon, Smith, Lerner, and Gottlieb offered the following:

(Amendment Bar Code: 692131)

**Amendment 6 (with title amendment)**—On page 2, between lines 4 and 5 of the bill

insert:

*Section 4. Any person who brings a court action that successfully challenges the constitutionality of any provision of this act is entitled to an award of reasonable attorney's fees and costs.*

And the title is amended as follows:

On page 1, line 6,

after the semicolon, insert: providing for attorney's fees and costs;

Rep. Smith moved the adoption of the amendment, which failed of adoption.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House moved to—

## Resolutions

By Representatives Diaz-Balart, Brummer, Cantens, Rubio, Garcia, Arza, Barreiro, Sorensen, Lacasa, Prieguez, and Betancourt—

**HR 9067**—A resolution commemorating the 40th anniversary of the Bay of Pigs invasion, on April 17, 2001.

WHEREAS, on January 1, 1959, a Communist dictator took over the government of the Republic of Cuba, and

WHEREAS, there began immediately afterward a massive exodus of Cuban nationals, most of whom came to the United States, and

WHEREAS, men and women of American and Cuban origin decided that the only way to overthrow the Communist dictatorship subjugating the people of Cuba was through an armed invasion, and

WHEREAS, on April 17, 1961, almost fifteen hundred men, trained, directed, armed, and equipped by the United States, landed on the southern coast of Cuba in an area known as "Bahia de Cochinos" (Bay of Pigs), and

WHEREAS, for the next few days, these men fought against an army immensely superior in manpower, firepower, and supplies, and

WHEREAS, in the course of battle, almost one hundred men died, including several who were captured and immediately assassinated by the forces of the Cuban dictator, and

WHEREAS, almost all of the remaining forces were captured and imprisoned for almost eighteen months, and

WHEREAS, these men were subsequently ransomed by President John F. Kennedy, returned to the United States, and became productive members of our society without ever forgetting their native country, Cuba, and

WHEREAS, on April 17, 2001, the 40th anniversary of the Bay of Pigs invasion will be commemorated, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives hereby honors and extends its congratulations to Brigada de Asalto 2506 (Assault Brigade 2506) and to all its members living and deceased.

BE IT FURTHER RESOLVED that the House of Representatives hereby expresses its desire for the prompt liberation of the Republic of Cuba from the Communist dictatorship that oppresses all its people.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Brigada de Asalto 2506 as a tangible token of the sentiments expressed herein.

—was read the first time by title and the second time by title. On motion by Rep. Diaz-Balart, the resolution was adopted. The vote was:

Session Vote Sequence: 151

Yeas—112

The Chair	Carassas	Hogan	Negron
Alexander	Clarke	Holloway	Paul
Allen	Crow	Jennings	Peterman
Andrews	Cusack	Johnson	Pickens
Argenziano	Davis	Jordan	Prieguez
Arza	Detert	Justice	Rich
Attkisson	Diaz-Balart	Kendrick	Richardson
Atwater	Dockery	Kilmer	Ritter
Ausley	Farkas	Kosmas	Romeo
Baker	Fasano	Kottkamp	Ross
Ball	Fields	Kravitz	Rubio
Barreiro	Fiorentino	Kyle	Russell
Baxley	Flanagan	Lacasa	Ryan
Bendross-Mindingall	Frankel	Lee	Seiler
Bennett	Garcia	Lerner	Simmons
Bense	Gardiner	Littlefield	Siplin
Benson	Gelber	Lynn	Slosberg
Berfield	Gibson	Machek	Smith
Betancourt	Goodlette	Mack	Sobel
Bilirakis	Gottlieb	Mayfield	Sorensen
Bowen	Green	Maygarden	Spratt
Brown	Haridopolos	McGriff	Stansel
Brummer	Harper	Meadows	Trovillion
Brutus	Harrell	Mealor	Wallace
Bucher	Harrington	Melvin	Waters
Bullard	Hart	Miller	Weissman
Byrd	Henriquez	Murman	Wiles
Cantens	Heyman	Needelman	Wishner

Nays—None

Votes after roll call:

Yeas—Gannon, Greenstein, Kallinger

**HR 9035**—A resolution proclaiming September 2001 as Take Your Dad to School Month in Florida.

WHEREAS, the United States Department of Education published a study in 1998 entitled “Fathers’ Involvement in Their Children’s Schools,” which revealed that children whose fathers participate in their school activities, as compared to their peers whose fathers do not, are more likely to have higher test scores, better academic and attendance records, and fewer behavior problems, and

WHEREAS, children who have the benefit of two supportive parents, even if their parents are separated, are less likely to live in poverty, are less likely to drop out of school, are less likely to become involved in delinquent behavior, are at lower risk for teen pregnancy, and are less likely to become involved in an abusive relationship, and

WHEREAS, children who have the benefit of a healthy, active relationship with their fathers are more likely to be well-adjusted in adolescence and adulthood, and

WHEREAS, fathers are increasingly being encouraged by all segments of society to take an active part in their children’s activities, and

WHEREAS, children whose fathers are not present benefit from a relationship with nurturing and actively involved father figures, such as grandfathers, uncles, Big Brothers, and mentors, and such men are increasingly taking an active role in the lives of children whose biological fathers are absent, and

WHEREAS, men who are involved with their children feel better about themselves and have greater success in their careers and lives, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That September 2001 is hereby proclaimed Take Your Dad to School Month in Florida, and the House of Representatives extends best wishes to all children and their fathers for a most enjoyable adventure.

—was read the second time by title. On motion by Rep. Lynn, the resolution was adopted.

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

**Motions Relating to Committee References**

On motion by Rep. Lacasa, agreed to by two-thirds vote, HB 1879 was further referred to the Fiscal Responsibility Council and remains referred to the Council for Ready Infrastructure and the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1405 was withdrawn from the Committee on Child & Family Security and remains referred to the Committee on General Education and the Council for Lifelong Learning.

**Moment of Silence**

At the request of Rep. Jennings the House observed a moment of silence in memory of Stephen Cornelius O’Connell, a former Florida Supreme Court Justice and University of Florida President. Justice O’Connell died Friday, April 13, at the age of 85, after a long battle with cancer.

**Motion to Adjourn**

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 1:30 p.m., Tuesday, April 24. The motion was agreed to.

**Recorded Votes**

Rep. Crow:

Yeas—motion to temporarily postpone HB 1705

**Prime Sponsors**

- CS/HB 415—Lynn
- HB 1361—Kallinger
- HB 1431—Murman

**Cosponsors**

- HB 251—Hogan
- HB 485—McGriff
- HB 507—Cusack, Paul
- CS/HB 617—Fields
- HB 621—Betancourt
- HB 1045—Ausley
- HB 1109—Ausley
- HB 1375—Betancourt, Heyman, McGriff
- HB 1389—Detert
- HB 1467—Murman
- HB 1581—Cusack, Romeo, Wilson

HB 1671—Heyman  
 HB 1711—Baxley  
 HB 1715—Baxley  
 HB 1719—Baxley  
 HB 1727—Baxley  
 HB 1729—Baxley  
 HB 1741—Baxley  
 HB 1761—Baxley  
 HB 1889—Garcia, Lacasa

## Introduction and Reference

By the Committee on State Administration; Representative Brummer—

**HB 1943**—A bill to be entitled An act relating to the deduction and collection of a bargaining agent's dues and uniform assessments; amending s. 447.303, F.S.; eliminating a right of certain bargaining agents to have certain dues and assessments deducted and collected by an employer from certain employees; providing legislative findings and intent; providing that the deduction and collection of certain dues and assessments is a proper subject of collective bargaining; providing requirements and limitations; providing for accounting of funds; providing for enforcement; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Lifelong Learning.

By the Committee on State Administration; Representative Brummer—

**HB 1945**—A bill to be entitled An act relating to procurement of commodities and contractual services; amending s. 287.012, F.S.; revising definitions; amending s. 287.042, F.S.; limiting challenges of terms, conditions, and specifications of certain requests or invitations; including invitations to negotiate and requests for quotes within provisions relating to competitive processes; requiring the Department of Management Services to develop certain competitive procurement processes procedures; providing additional criteria for methods of securing competitive sealed bids, responses, quotes, and proposals; amending s. 287.057, F.S.; providing for procurement by invitation to negotiate and for provision by request for a quote under certain circumstances; amending ss. 61.1826, 287.022, 287.058, 394.457, 394.47865, 402.73, 408.045, 445.024, and 455.2177, F.S.; correcting cross references; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Smarter Government.

By the Fiscal Responsibility Council; Representative Lacasa—

**HB 1947**—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; amending s. 121.4501, F.S.; providing additional definitions; providing for payment of benefits pursuant to s. 121.591, F.S.; amending s. 121.571, F.S.; revising employer contribution rates to disability accounts; creating s. 121.591, F.S.; providing for payment of normal benefits, disability retirement benefits, and death benefits under the Public Employee Optional Retirement Program; providing requirements, criteria, procedures, and limitations; providing for disability benefits for certain justices and judges; limiting application of legal process to such benefits; providing a declaration of important state interest; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Natural Resources & Environmental Protection; Representative Harrington—

**HB 1949**—A bill to be entitled An act relating to water resources; amending s. 373.323, F.S.; revising requirements for licensure of water well contractors; providing conditions under which water well contractors may install, repair, or modify pumps, tanks, and water conditioning equipment; amending s. 373.324, F.S.; requiring the

Department of Environmental Protection to adopt rules; requiring a continuing education requirement for renewal of water well contractor licenses; amending s. 373.325, F.S.; providing continuing education requirements for renewal or reactivation of an inactive license; amending ss. 403.061 and 403.1832, F.S.; conforming cross references; amending s. 403.1835, F.S.; providing a definition of "local governmental agencies"; amending s. 403.804, F.S.; deleting language to conform to the act; amending s. 403.852, F.S.; revising and reorganizing definitions; redefining "noncommunity water system," "nontransient noncommunity water system," and "public water system"; defining "transient noncommunity water system"; amending s. 403.853, F.S.; requiring the department to adopt primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems; providing that certified operators are not required for certain transient noncommunity water systems; amending s. 403.8532, F.S.; authorizing the department to make loans to nonprofit transient noncommunity water systems; amending s. 403.854, F.S.; requiring the department to waive on a case-by-case basis certain disinfection and operator requirements applicable to transient noncommunity water systems; amending s. 403.859, F.S.; providing that failure to comply with certain permit requirements is a violation, for which a penalty is provided; amending s. 403.861, F.S.; authorizing the department to issue permits for altering or extending a public water system based on specified criteria; requiring department approval of record drawings prior to operation of any new, altered, or extended public water system; providing that periodic operating reports and testing data submitted by water suppliers may include raw water data for certain purposes; amending s. 403.865, F.S.; providing a legislative finding that water and wastewater treatment plants and water distribution systems must be operated by qualified personnel; amending s. 403.866, F.S.; redefining "operator" and "water distribution system"; amending s. 403.867, F.S.; requiring water distribution system operators to be licensed; amending s. 403.871, F.S.; requiring the department to establish certain fees sufficient to cover the entire cost of administering ss. 403.865-403.876, F.S., relating to water and wastewater operator certification; amending s. 403.872, F.S.; requiring examination for licensure as a water distribution system operator; amending s. 403.875, F.S.; prohibiting performing the duties or using the title of a water distribution system operator unless licensed; providing a penalty; amending s. 403.88, F.S.; requiring the department to classify water treatment plants and water distribution systems by size, complexity, and level of treatment necessary to render the source water suitable for its intended purpose; requiring the department to establish the levels of certification and staffing requirements for water treatment plant, water distribution system, and wastewater treatment plant operators; providing that a water treatment plant operator's license is also valid as a water distribution system license of the same classification or lower; repealing s. 403.1821, F.S., relating to short title of ss. 403.1821-403.1832, F.S., the "Florida Water Pollution Control and Sewage Treatment Plant Grant Act"; repealing s. 403.1822, F.S., relating to definitions; repealing s. 403.1823, F.S., relating to rulemaking authority and administration of funds; repealing s. 403.1826, F.S., relating to grants and requirements for eligibility; repealing s. 403.1829, F.S., relating to priorities for funding projects; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on State Administration; Representative Brummer—

**HB 1951**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information in records relating to an individual's health or eligibility for paratransit services under Title II of the Americans with Disabilities Act made or received by local government entities or their service providers; providing conditions under which such information may be disclosed; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Information Technology; Representatives Hart, Mack, Mealor, Jennings, Harrell, Green, Wallace, and Fiorentino—

**HB 1953**—A bill to be entitled An act relating to emerging and strategic technologies; creating the “Florida Emerging and Strategic Technologies Act”; providing a short title; creating s. 121.155, F.S.; providing legislative findings and intent with respect to economic development strategies of the state; providing legislative intent with respect to investment and reinvestment of available funds of the System Trust Fund in support of economic development goals and strategies of the state; providing legislative intent with respect to the establishment by the State Board of Administration of partnerships with specified venture capital firms; requiring staff of the State Board of Administration to solicit specified information; providing an additional duty of the State Board of Administration; amending s. 159.26, F.S.; including information technology and the promotion and advancement thereof within the scope of legislative findings and purposes of the Florida Industrial Development Financing Act; amending s. 159.27, F.S.; expanding the definition of “project”; defining “information technology facility”; amending s. 220.02, F.S.; revising the order of credits against the corporate income tax; amending s. 220.13, F.S.; expanding additions with respect to the calculation of adjusted federal income; creating s. 220.192, F.S.; providing a targeted workforce development tax credit for specified corporations; providing requirements for obtaining the credit; providing limits on the amount of the credit; providing an annual limit on the total amount of credits approved under the act; requiring approval of applications for credit by the Office of Student Financial Assistance of the Department of Education; providing for carryover of the credit; providing for eligibility of specified taxpayers for the credit; providing eligibility requirements; providing application requirements; providing rulemaking authority of the Office of Student Financial Assistance and the Department of Revenue; providing liability for repayment of credit; providing for expiration of the credit; amending s. 240.710, F.S.; revising duties of the Digital Media Education Coordination Group; placing the group within the Division of Universities; revising the agencies with which the group works; requiring the group to submit an annual report; creating s. 240.1055, F.S.; providing an economic development mission statement for the state system of postsecondary education; amending s. 240.299, F.S.; providing additional authority of the Board of Regents and the State Board of Community Colleges with respect to the implementation of the statewide computer-assisted student advising system; providing for expenditure of specified proceeds; amending s. 288.095, F.S., relating to the Economic Development Trust Fund within the Office of Tourism, Trade, and Economic Development; removing obsolete provisions; increasing the total state share of annual tax refund payments under the qualified defense contractor tax refund program and the qualified target industry tax refund program; amending s. 288.108, F.S.; revising provisions relating to the selection and designation of high-impact sectors for purposes of high-impact business sector performance grants; providing a definition; amending s. 288.911, F.S.; revising and clarifying provisions relating to the marketing campaign conducted by Enterprise Florida, Inc., to promote information technology and other high-technology industries in the state; providing purposes and requirements of the campaign; providing for the creation of a steering committee; providing composition and duties of the steering committee; creating s. 288.9522, F.S.; creating the Florida Research Consortium; providing for organization, membership, purpose, powers, duties, and administration of the consortium; requiring specified annual reports; amending ss. 445.012, 445.0121, 445.0122, 445.0124, and 445.0125, F.S.; expanding the Careers for Florida’s Future Incentive Grant Program to include grants for master’s and doctorate coursework; providing eligibility requirements for initial and renewal awards; revising provisions to conform; amending s. 445.045, F.S.; reassigning responsibility for the development and maintenance of a website that promotes and markets the information technology industry in the state from the Department of Labor and Employment Security to Workforce Florida, Inc.; reassigning specified coordinated duties; providing additional duties and authority of Workforce Florida, Inc.; reenacting ss. 159.416(1) and (2)(a) and 373.1963(1)(b), F.S., to incorporate the amendment to s. 159.27, F.S., in references thereto; reenacting ss. 288.1045(2)(d) and (3)(i), 288.1234(1), 288.106(1)(a), (3)(f), and (5)(f), and 288.107(1)(a),

F.S., to incorporate the amendment to s. 288.095, F.S., in references thereto; reenacting s. 220.191(1)(h), F.S., to incorporate the amendment to s. 288.108, F.S., in a reference thereto; directing Workforce Florida, Inc., to establish a pilot matching grant program for youth internships in high-technology fields, subject to legislative appropriation; providing for use of grants and maximum grant amounts; providing eligibility requirements; requiring an eligible business to submit an internship work plan; requiring Workforce Florida, Inc., to establish guidelines for the administration of the program and specified criteria; requiring a report; providing legislative findings and intent with respect to the establishment of joint-use advanced digital media research and production facilities; authorizing the Office of Tourism, Trade, and Economic Development to create and administer a program to facilitate the establishment and maintenance of such facilities; specifying purposes of such facilities; providing powers and duties of the office; defining “digital media”; providing appropriations; providing for the reappropriation of specified funds; creating a Workforce Development Technology Center at Seminole Community College; providing purpose of the center; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Information Technology; Representatives Hart, Mack, Mealor, Jennings, Harrell, Green, Wallace, and Fiorentino—

**HB 1955**—A bill to be entitled An act relating to trust funds; amending s. 282.1095, F.S.; creating the Law Enforcement Radio Operating Trust Fund within the State Technology Office; providing sources of moneys; providing purposes and requirements; providing for transfer of funds from the State Agency Law Enforcement Radio System Trust Fund to the Law Enforcement Radio Operating Trust Fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Information Technology; Representatives Hart, Mack, Mealor, Jennings, Harrell, Green, Wallace, and Fiorentino—

**HB 1957**—A bill to be entitled An act relating to procurement of personal property and services; defining the term “information technology”; amending s. 287.042, F.S.; revising language with respect to the Department of Management Services; providing that the department, in consultation with the State Technology Office, shall prescribe procedures for procuring information technology; directing the office to assess the technological needs of certain agencies; amending s. 287.057, F.S.; providing for the role of the State Technology Office in developing a program for on-line procurement of commodities and contractual services; authorizing the office to collect certain fees; providing for the deposit of such fees; directing the office to establish state strategic information technology alliances for the acquisition and use of information technology; providing for the duties of such alliances; providing for rules; amending s. 287.0731, F.S.; conforming provisions to changes made by the act; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Information Technology; Representatives Hart, Mack, Mealor, Jennings, Harrell, Green, Wallace, and Fiorentino—

**HB 1959**—A bill to be entitled An act relating to trust funds; creating the Technology Enterprise Operating Trust Fund within the State Technology Office; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; amending s. 215.22, F.S.; changing the name of the Communications Working Capital Trust Fund to the Technology Enterprise Operating Trust Fund; providing for termination of Technology Enterprise Operating Trust Fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

**HR 9067**—Adopted earlier today

**Reference**

**HB 1927**—Referred to the Council for Competitive Commerce.

**HB 1929**—Referred to the Council for Competitive Commerce; and Fiscal Responsibility Council.

**HB 1931**—Referred to the Calendar of the House.

**HB 1933**—Referred to the Calendar of the House.

**HB 1935**—Referred to the Calendar of the House.

**HB 1937**—Referred to the Fiscal Responsibility Council.

**HB 1939**—Referred to the Fiscal Responsibility Council.

**HB 1941**—Referred to the Calendar of the House.

**First Reading of Council and Committee Substitutes by Publication**

By the Council for Competitive Commerce; Representative Kosmas—

**CS/HB 333**—A bill to be entitled An act relating to the Cultural Endowment Program; amending s. 265.606, F.S.; revising the types of instruments into which the trustees may invest, to include investment-quality financial instruments as established by rule of the Department of State; providing an effective date.

By the Council for Smarter Government; Committee on Judicial Oversight; Representatives Kyle, Murman, Paul, Detert, Baxley, Hart, Byrd, Littlefield, Machek, Alexander, Spratt, Fiorentino, Mayfield, Farkas, Green, Bilirakis, Waters, Brummer, Crow, Kallinger, Kottkamp, Flanagan, Clarke, Bennett, Ross, Bowen, Russell, Harrington, Gannon, Dockery, Meador, Cusack, Romeo, Johnson, Kosmas, Gibson, Negron, Allen, Lynn, Justice, and Wiles—

**CS/CS/HB 411**—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.003, F.S.; defining the term “proportionate share”; amending s. 723.011, F.S.; requiring the Division of Florida Land Sales, Condominiums, and Mobile Homes to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of mobile home parks; creating s. 723.0611, F.S.; creating the Florida Mobile Home Relocation Corporation; providing for a board of directors to be appointed by the Secretary of Business and Professional Regulation; providing for terms of office; specifying powers and duties of the board; authorizing the corporation to borrow from private finance sources; creating s. 723.0612, F.S.; providing for the payment of relocation expenses if a mobile home owner is required to move due to a change in use of the mobile home park; providing exceptions; specifying procedures for payments upon approval of the corporation; authorizing a mobile home owner to abandon the mobile home and collect one-fourth the amount of relocation expenses; providing a penalty; providing for recognition of existing contracts; providing an effective date.

By the Council for Competitive Commerce; Committee on Agriculture & Consumer Affairs; Representatives Stansel, Alexander, Kendrick, and Spratt—

**CS/CS/HB 721**—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing an exemption from public records requirements for certain individual agricultural records reported to the Department of Agriculture and Consumer Services in connection with its duties relating to pollution reduction under the total maximum daily load program for water bodies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Council for Competitive Commerce; Committee on Insurance; Representatives Murman, Waters, Benson, Harrell, Ritter, Sobel, Slosberg, Farkas, Simmons, Negron, Romeo, Prieguez, Melvin,

Kallinger, Ross, Clarke, Bucher, Cusack, Littlefield, Joyner, Diaz de la Portilla, and Brown—

**CS/CS/HB 809**—A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.; prohibiting health insurers from requiring certain contracted health care practitioners to accept the terms of other health care contracts as a condition of continuation or renewal; providing exceptions; amending s. 627.662, F.S.; applying such prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying such prohibition to health maintenance organizations; providing an effective date.

By the Committee on Colleges & Universities; Representative Diaz-Balart—

**CS/HB 1509**—A bill to be entitled An act relating to student financial assistance; amending s. 231.621, F.S.; providing for loan repayments under the Critical Teacher Shortage Student Loan Forgiveness Program directly to the teacher under certain circumstances; amending s. 240.209, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; amending s. 240.271, F.S.; requiring that a minimum percentage of funds provided in the General Appropriations Act for fellowship and fee waivers shall be used only to support graduate students or upper-division students in certain disciplines; amending s. 240.35, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; reenacting and amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; reenacting and amending s. 240.40202, F.S., relating to the Florida Bright Futures Scholarship Program; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; revising language with respect to reinstatement applications; reenacting and amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; reenacting and amending s. 240.40204, F.S.; updating obsolete language with respect to eligible postsecondary education institutions under the Florida Bright Futures Scholarship Program; reenacting and amending s. 240.40205, F.S.; revising language with respect to the Florida Academic Scholars award; revising provisions relating to the calculation of awards; including transition language currently in statute; reenacting and amending s. 240.40206, F.S.; changing the name of the Florida Merit Scholars award to the Florida Medallion Scholars award; revising eligibility requirements with respect to the award; revising provisions relating to the calculation of awards; reenacting and amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; revising provisions relating to the calculation of awards; providing restrictions on use of the award; providing for transfer of awards; including transition language currently in statute; creating s. 240.40211, F.S.; providing for Florida Bright Futures Scholarship Program targeted occupations; providing student awards; repealing s. 240.40208, F.S., relating to transition language for eligibility for the Florida Bright Futures Scholarship Program; repealing s. 240.40242, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; amending s. 240.404, F.S.; revising language with respect to general requirements for student eligibility for state financial aid; reenacting, renumbering, and amending ss. 240.2985 and 240.6054, F.S.; revising and combining provisions relating to ethics in business scholarships; amending s. 240.409, F.S.; revising language with respect to the Florida Public Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4095, F.S.; revising language with respect to the Florida Private Student Assistance Grant Program;

revising eligibility criteria; amending s. 240.4097, F.S.; revising language with respect to the Florida Postsecondary Student Assistance Grant Program; revising eligibility criteria; creating s. 240.40975, F.S.; providing for priority with respect to Florida student assistance grant programs; amending s. 240.4128, F.S.; revising language with respect to the minority teacher education scholars program; requiring participating institutions to report on eligible students to whom scholarships are disbursed each academic term; amending s. 240.437, F.S.; revising language with respect to student financial aid planning and development; amending s. 240.465, F.S.; deleting language which prohibits certain delinquent borrowers from being furnished with their academic transcripts; reenacting and amending s. 240.551, F.S.; revising language with respect to the Florida Prepaid College Program; revising language with respect to transfer and refund provisions; providing for a rollover of benefits to a college savings program at the redemption value of the advance payment contract at a state postsecondary institution; revising provisions relating to appointment of directors of the direct-support organization; creating s. 240.6053, F.S.; providing for academic program contracts and for funding thereof; amending s. 295.02, F.S.; including postsecondary education institutions eligible to participate in the Florida Bright Futures Scholarship Program among institutions at which children of certain service members may receive an award under ch. 295, F.S.; providing effective dates.

By the Committee on Crime Prevention, Corrections & Safety; Representative Simmons—

**CS/HB 1529**—A bill to be entitled An act relating to controlled substances; authorizing the creation of a pilot program in Orange County to intercept illegal drug shipments through package delivery services; amending ss. 823.01 and 823.10, F.S.; providing that a person who willfully maintains a place where controlled substances are unlawfully kept, sold, or delivered commits the offense of keeping or maintaining a public nuisance; providing a penalty; amending s. 877.111, F.S., relating to inhalation, ingestion, sale, purchase, or transfer of certain harmful chemical substances; providing exceptions to applications of offenses relating to unlawful distribution, sale, purchase, transfer, or possession of nitrous oxide; amending s. 893.03, F.S., relating to controlled substance standards and schedules; adding 4-methoxymethamphetamine, 1,4-Butanediol, Gamma-butyrolactone (GBL), Gamma-hydroxybutyric acid (GHB), methaqualone, and mecloqualone to Schedule I; deleting 1,4-Butanediol and Gamma-hydroxybutyric acid (GHB) from Schedule II; adding drug products containing Gamma-hydroxybutyric acid (GHB) which are approved under the Federal Food, Drug, and Cosmetic Act to Schedule III; reenacting ss. 39.01(30)(a) and (g), 316.193(5), 327.35(5), 440.102(11)(b), 458.326(3), 465.035(2), 782.04(1)(a) and (4)(l), 817.563, 831.31(1)(a) and (2), 856.015(1)(d), 893.02(4), 893.0356(2)(a) and (5), 893.12(2)(b), (c), and (d), and 893.13(1)(a), (c), (d), (e), and (f), (2)(a), (4), (5)(a) and (b), and (7)(a), F.S., relating to harm to a child's health or welfare, driving under the influence, boating under the influence, drug-free workplace program requirements, treatment of intractable pain, facsimile prescriptions, medical review committee liability, murder, sale of substance in lieu of controlled substance, counterfeit controlled substances, open house parties, the definition of controlled substance, control of new substances by the Attorney General, contraband, and prohibited acts involving controlled substances, respectively, to incorporate the amendment to s. 893.03, F.S., in references thereto; amending s. 893.033, F.S., relating to listed chemicals; adding chloroephedrine and chloropseudoephedrine to the list of precursor chemicals; amending s. 893.135, F.S., relating to drug trafficking; creating offenses for trafficking in Gamma-butyrolactone (GBL) and lysergic acid diethylamide (LSD); providing penalties; amending scheduling references for trafficking in Gamma-hydroxybutyric acid (GHB) and 1,4-Butanediol; reenacting ss. 397.451(7), 414.095(1), 772.12(2)(a), 775.087(2) and (3), 782.04(1)(a), (3)(a), and (4)(a), 893.1351(1), 903.133, 907.041(4)(c), 921.0024(1)(b), 921.141(8), 921.142(2), 943.0585, and 943.059, F.S., relating to substance abuse service provider owners and directors, applicants for temporary cash assistance, drug dealer liability, possession or use of a weapon while trafficking, murder, lease or rent for trafficking purposes, denial of bail for certain felony convictions, pretrial detention, the

punishment code worksheet, proceedings to determine sentence of death or life imprisonment for capital felonies, proceedings to determine sentence of death or life imprisonment for capital drug trafficking felonies, court-ordered expunction of criminal history records, and court-ordered sealing of criminal history records, respectively, to incorporate the amendment to s. 893.135, F.S., in references thereto; amending s. 921.0022, F.S.; adding offenses for trafficking in Gamma-butyrolactone (GBL) and lysergic acid diethylamide (LSD) to the sentencing guidelines; revising cross references; providing effective dates.

By the Council for Competitive Commerce; Committee on Economic Development & International Trade; Representatives Prieguez, Wilson, Meadows, Kilmer, Betancourt, Atwater, Benson, Carassas, Mahon, Pickens, and Harper—

**CS/HB 1541**—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term "economic development agency" to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; extending the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

By the Committee on General Education; Representatives Harrell and Fiorentino—

**CS/HB 1561**—A bill to be entitled An act relating to public records; providing an exemption from the public records law for personal identifying information of children enrolled in the Learning Gateway Project; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Education Innovation; Representative Attkisson—

**CS/HB 1633**—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), and 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing an effective date.

By the Council for Smarter Government; Committee on Transportation; Representative Russell—

**CS/HB 1829**—A bill to be entitled An act relating to motor vehicle titles; providing a short title; amending s. 319.22, F.S.; providing a limitation on an action challenging the validity of a certificate of title issued pursuant to ch. 319, F.S.; amending s. 319.23, F.S.; providing a limitation on the issuance of certain titles; amending s. 319.27, F.S.; including reference to ownership interest with respect to liens on motor vehicles or mobile homes; providing special requirements with respect to ownership interests which are different from that shown on an application for certificate of title; creating s. 319.275, F.S.; providing for interpleader actions for law enforcement alleging possession of a stolen motor vehicle by a good faith purchaser or person duly issued a certificate of title; amending s. 319.32, F.S.; clarifying fees for recording of liens and ownership interests; amending s. 319.323, F.S.; revising language with respect to expedited service on title transfers; providing an effective date.

By the Council for Smarter Government; Committee on Judicial Oversight; Representative Crow—

**CS/HB 1835**—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.; exempting certain transfers of homestead real property that involve spouses and that create a tenancy by the entireties from the tax on deeds and other instruments relating to real property or interests therein; providing that a certificate of title issued by a clerk of court in a judicial sale of real property pursuant to foreclosure proceedings shall be subject to said tax; providing for the method of computation of the tax when the certificate of title is issued to the party in whose favor a judgment of foreclosure is granted; providing for retroactive application; exempting certain contracts to sell the residence of an employee relocating at the employer's direction from said tax; providing an effective date.

## Reports of Councils and Standing Committees

### Council Reports

#### Received April 13:

The Council for Ready Infrastructure recommends the following pass:  
 CS/HB 93  
 CS/HB 293, with 1 amendment  
 HB 1085, with 1 amendment  
 HB 1091, with 1 amendment  
 CS/HM 1177  
 HB 1811, with 2 amendments

#### The above bills were placed on the Calendar.

The Council for Competitive Commerce recommends council substitutes for the following:

HB 333  
 CS/HB 721  
 CS/HB 809  
 HB 1541

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 333; CS/HB 721; CS/HB 809; and HB 1541 were laid on the table.**

The Council for Smarter Government recommends council substitutes for the following:

CS/HB 411  
 HB 1835

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 411 and HB 1835 were laid on the table.**

#### Received April 16:

The Council for Smarter Government recommends the following pass:  
 CS/HB 3  
 HB 757, with 1 amendment  
 HB 1039

#### The above bills were placed on the Calendar.

The Council for Smarter Government recommends a council substitute for the following:

HB 1829

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1829 was laid on the table.**

### Committee Reports

#### Received April 13:

The Committee on Health Regulation recommends the following pass:  
 HB 885

#### The above bill was placed on the Calendar.

The Committee on Judicial Oversight recommends the following pass:  
 HB 929

#### The above bill was placed on the Calendar.

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 829, with 1 amendment  
 HB 945, with 1 amendment  
 HB 975, with 1 amendment  
 HB 1115, with 1 amendment  
 HB 1183, with 1 amendment  
 HB 1815  
 HB 1851

#### The above bills were placed on the Calendar.

The Committee on State Administration recommends the following pass:

HB 873  
 HB 903  
 HB 905  
 HB 911  
 HB 915  
 HB 931

#### The above bills were placed on the Calendar.

The Committee on Business Regulation recommends the following pass:

HB 1087, with 4 amendments  
 HB 1479  
 HB 1681

#### The above bills were referred to the Council for Competitive Commerce.

The Committee on Child & Family Security recommends the following pass:

HB 1203

#### The above bill was referred to the Council for Competitive Commerce.

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 1663, with 3 amendments

#### The above bill was referred to the Council for Competitive Commerce.

The Committee on Health Promotion recommends the following pass:  
 HB 1607, with 1 amendment

#### The above bill was referred to the Council for Competitive Commerce.

The Committee on Judicial Oversight recommends the following pass:  
 HB 1157  
 HB 1449

#### The above bills were referred to the Council for Competitive Commerce.

The Committee on State Administration recommends the following pass:

CS/HB 685, with 1 amendment  
 HB 1147, with 1 amendment  
 HB 1565, with 1 amendment  
 HB 1585, with 1 amendment  
 HB 1805, with 1 amendment

#### The above bills were referred to the Council for Competitive Commerce.



The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

CS/HB 617, with 1 amendment  
HB 1691

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Health Promotion recommends the following pass:  
HB 1429, with 1 amendment

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Judicial Oversight recommends the following pass:  
HB 569, with 1 amendment  
HB 737  
HB 947, with 1 amendment  
HB 1703, with 3 amendments

**The above bills were referred to the Council for Healthy Communities.**

The Committee on State Administration recommends the following pass:

HB 259  
HB 475, with 1 amendment  
HB 477

**The above bills were referred to the Council for Healthy Communities.**

The Committee on State Administration recommends the following pass:

CS/HB 1193, with 8 amendments

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

CS/HB 239, with 1 amendment  
HB 1845, with 1 amendment

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on Health Promotion recommends the following pass:  
CS/HB 687, with 2 amendments

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Insurance recommends the following pass:  
CS/HB 807

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Judicial Oversight recommends the following pass:  
CS/HB 699  
HB 1239, with 1 amendment

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

CS/HB 9, with 1 amendment  
CS/HB 949

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on State Administration recommends the following pass:  
HB 1421

HB 1437, with 1 amendment

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on Business Regulation recommends the following pass:

HB 1051, with 3 amendments

**The above bill was referred to the Council for Smarter Government.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 261  
HB 1485

**The above bills were referred to the Council for Smarter Government.**

The Committee on Judicial Oversight recommends the following pass:

HB 613, with 1 amendment  
HB 1089  
HB 1377, with 1 amendment  
HB 1649, with 1 amendment  
HB 1817

**The above bills were referred to the Council for Smarter Government.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

CS/HB 623  
HB 1223  
HB 1785

**The above bills were referred to the Council for Smarter Government.**

The Committee on State Administration recommends the following pass:

HB 875  
HB 1655, with 6 amendments

**The above bills were referred to the Council for Smarter Government.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

CS/HB 341  
CS/HB 1131, with 1 amendment

**The above bills were referred to the Committee on Criminal Justice Appropriations.**

The Committee on Judicial Oversight recommends the following pass:  
HB 285

**The above bill was referred to the Committee on Criminal Justice Appropriations.**

The Committee on Health Regulation recommends the following pass:  
HB 1129

**The above bill was referred to the Committee on Education Appropriations.**

The Committee on Business Regulation recommends the following pass:

HB 1363, with 2 amendments

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

CS/HB 199

HB 349, with 1 amendment

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Elder & Long-Term Care recommends the following pass:

HB 549

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Judicial Oversight recommends the following pass:

HB 233

HJR 571

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 917, with 2 amendments

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on State Administration recommends the following pass:

CS/HB 249

HB 1141, with 1 amendment

HB 1329

HB 1469

HB 1523, with 1 amendment

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Elder & Long-Term Care recommends the following pass:

HB 1519

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on Health Promotion recommends the following pass:

HB 1371, with 2 amendments

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on State Administration recommends the following pass:

HB 193

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on Crime Prevention, Corrections & Safety recommends a committee substitute for the following:

HB 1529

**The above committee substitute was referred to the Committee on Criminal Justice Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1529 was laid on the table.**

The Committee on Colleges & Universities recommends a committee substitute for the following:

HB 1509

**The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1509 was laid on the table.**

The Committee on Education Innovation recommends a committee substitute for the following:

HB 1633

**The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1633 was laid on the table.**

The Committee on Insurance recommends the following pass:

HB 1787, with 1 amendment

**The above bill was referred to the Committee on Agriculture & Consumer Affairs.**

The Committee on Insurance recommends the following pass:

CS/HB 359, with 1 amendment

**The above bill was referred to the Committee on Business Regulation.**

The Committee on Judicial Oversight recommends the following pass:

HB 1343, with 6 amendments

HB 1497, with 1 amendment

**The above bills were referred to the Committee on Child & Family Security.**

The Committee on Business Regulation recommends the following pass:

HB 1477, with 1 amendment

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Judicial Oversight recommends the following pass:

HB 1673, with 1 amendment

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on State Administration recommends the following pass:

HB 1609

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on State Administration recommends the following pass:

HB 567, with 1 amendment

**The above bill was referred to the Committee on Economic Development & International Trade.**

The Committee on State Administration recommends the following pass:

HB 485, with 1 amendment

**The above bill was referred to the Committee on Education Innovation.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 1187, with 2 amendments

HB 1587

**The above bills were referred to the Committee on Judicial Oversight.**

The Committee on Insurance recommends the following pass:

HB 1365, with 1 amendment

HB 1507, with 1 amendment

**The above bills were referred to the Committee on Judicial Oversight.**

The Committee on Business Regulation recommends the following pass:

HB 879

**The above bill was referred to the Committee on Local Government & Veterans Affairs.**

The Committee on Judicial Oversight recommends the following pass:  
HB 1019, with 1 amendment

**The above bill was referred to the Committee on Natural Resources & Environmental Protection.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 891, with 1 amendment  
HB 1793, with 1 amendment

**The above bills were referred to the Committee on Natural Resources & Environmental Protection.**

The Committee on Judicial Oversight recommends the following pass:  
HB 1035

**The above bill was referred to the Committee on Rules, Ethics & Elections.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 863, with 1 amendment

**The above bill was referred to the Committee on Rules, Ethics & Elections.**

The Committee on Elder & Long-Term Care recommends the following pass:

HB 957, with 1 amendment

**The above bill was referred to the Committee on State Administration.**

The Committee on Health Regulation recommends the following pass:  
HB 1659, with 1 amendment

**The above bill was referred to the Committee on State Administration.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 899, with 1 amendment  
HB 907, with 1 amendment  
HB 933

HB 1701

**The above bills were referred to the Committee on State Administration.**

The Committee on Crime Prevention, Corrections & Safety recommends the following pass:

HB 1683

**The above bill was referred to the Committee on Transportation.**

**Received April 16:**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 1189, with 7 amendments (fiscal note attached)

**The above bill was referred to the Council for Smarter Government.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 1823, with 1 amendment (fiscal note attached)

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

The Committee on General Education recommends a committee substitute for the following:

HB 1561

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 1561 was laid on the table.**

**Communications**

The Governor advised that he had filed in the Office of the Secretary of State CS/HB 215, which he approved on April 16.

**Excused**

Reps. Diaz de la Portilla, Wilson

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 6:11 p.m., to reconvene at 1:30 p.m., Tuesday, April 24.

**Pages and Messengers  
for the week of  
April 16-20**

PAGES—Tenisha Alguero, Carol City; Ben Attkisson, Kissimmee; Kaitlin Connell, Vero Beach; Jordan Dany, Pensacola; Julio Egusquiza, Miami; Jessica Marie Ehrenfeld, Cocoa; Austin R. Emerson, Fort Myers; Tommy Feeney, Oviedo; Krystan Kupiszewski, Dover, DE; Logan Trevor Newell, Bonita Springs; Megan O'Hara, Jacksonville; Michelle E. Posey, Rockledge; Britney Nichole Rich, Cape Coral; Marissa J. Rogers, Eustis; Christopher J. Sebesta, Merritt Island; David P. Sparks, Port Orange; Anna Stevens, Mims; Brittani Thomas, Fort Lauderdale; Christin Wilson, Freeport.

MESSENGERS—Wesley R. Barnett, Lakeland; Stephen Deuble, Pace; Joseph S. Fielden, North Fort Myers; Jamele L. Gaines, Tallahassee; Krystle W. Johnson, Panama City; Charles T. Ketterer, Milton; Brittney Ranea Lewis, Milton; Jason N. Lup, Orlando; Austin M. McKinley, Port Charlotte; Lauren O'Hara, Jacksonville; Kristen N. Radcliffe, Gulf Breeze; Jennifer Nekole Stafford, Milton; Maurice Walker, Jr., Fort Lauderdale; Elaine Danielle Weisman, Bostwick.



# The Journal OF THE House of Representatives

Number 15

Monday, April 23, 2001

## Messages from the Senate

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS/HB 1; CS/HB 279; and HBs 499 and 1003.

*Faye W. Blanton, Secretary*

The above bills were ordered enrolled.

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has acceded to the request of the House for the appointment of a conference committee on SB 2000 and SB 2002.

The President has appointed the following Senators as conferees on the part of the Senate: Senator Horne, Chair; Senator Rossin, At-Large Member; Subcommittee on Education: Senator Sullivan, Chair; Senators Dyer, Garcia, Holzendorf, Latvala, Miller and Webster; Subcommittee on General Government: Senator Clary, Chair; Senators Jones, King, Laurent and Lawson; Subcommittee on Health and Human Services: Senator Silver, Chair; Senators Mitchell, Peaden, Sanderson and Saunders; Subcommittee on Public Safety and Judiciary: Senator Cowin, Chair; Senators Burt, Dawson, Meek and Villalobos.

*Faye W. Blanton, Secretary*

## First Reading by Publication

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 410 and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senators Dawson and Pruitt—

**SB 410**—A bill to be entitled An act relating to school emergency preparedness; amending s. 230.23, F.S.; requiring the Department of Education to adopt rules for emergency drills which must be followed by each district school board; providing an effective date.

Referred to the Council for Lifelong Learning and Fiscal Responsibility Council.

## Introduction and Reference

By the Committee on Fiscal Policy & Resources; Representative Wallace—

**HB 1961**—A bill to be entitled An act relating to tax on sales, use, and other transactions; creating s. 212.213, F.S.; providing that it is the policy of this state that only those items, services, and other

transactions deemed to be subject to said tax on July 1, 2001, shall be taxed under ch. 212, F.S., unless made subject to said tax by act of the Legislature; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Fiscal Policy & Resources; Representative Wallace—

**HM 1963**—A memorial urging the Congress of the United States to reinstate the federal income tax deduction for sales taxes paid.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Fiscal Policy & Resources; Representative Wallace—

**HJR 1965**—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 26 of Article XII of the State Constitution relating to exemption from ad valorem taxation for certain tangible personal property.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Crime Prevention, Corrections & Safety; Representative Needelman—

**HB 1967**—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.161, F.S.; revising requirements for the department with respect to calculating credit allowed to a defendant for time served; revising requirements for certifying time served; reenacting s. 944.275, F.S., relating to gain-time to incorporate said amendment in a reference; amending s. 944.17, F.S.; changing references from “sheriff” to “custodian of the local jail”; amending s. 944.28, F.S.; providing for a disciplinary hearing officer rather than a disciplinary committee to determine forfeiture of gain-time; amending s. 944.35, F.S.; requiring that the department’s inspector general review the use of force by department employees; providing for the inspector general to determine the appropriateness of the force used; amending s. 945.215, F.S.; revising provisions relating to use of funds for specified purposes at correctional facilities operated by the department; amending s. 948.09, F.S.; revising the amount of the surcharge paid to the department by offenders placed on community control; amending ss. 20.315, 39.806, 57.091, 112.531, 212.04, 229.565, 397.305, 413.051, 414.40, 435.04, 468.302, 496.404, 570.071, 766.314, 776.085, 921.0022, 921.187, 921.188, 943.045, 943.052, 943.085, 943.10, 943.11, 944.012, 944.02, 944.023, 944.026, 944.033, 944.08, 944.09, 944.095, 944.10, 944.11, 944.115, 944.14, 944.151, 944.17, 944.1905, 944.23, 944.24,

944.279, 944.28, 944.281, 944.291, 944.31, 944.32, 944.39, 944.402, 944.44, 944.45, 944.46, 944.47, 944.472, 944.516, 944.611, 944.613, 944.704, 944.711, 944.801, 944.803, 945.025, 945.0311, 945.043, 945.091, 945.27, 945.6031, 945.72, 946.002, 946.205, 946.25, 946.40, 946.504, 946.513, 947.1405, 947.172, 947.174, 947.1745, 948.03, 948.12, 948.51, 948.90, 951.23, 958.04, and 960.001, F.S.; redesignating state correctional institutions as state prisons; redesignating community correctional centers as work release centers; conforming provisions thereto; amending ss. 945.091 and 958.09, F.S.; correcting references to disciplinary committee; providing a directive to the Division of Statutory Revision; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Healthy Communities.

By the Committee on Natural Resources & Environmental Protection; Representative Harrington—

**HB 1969**—A bill to be entitled An act relating to land acquisition and management; amending s. 253.034, F.S.; defining “conservation lands”; providing procedure for disposition of certain surplus conservation lands by the Board of Trustees of the Internal Improvement Trust Fund; revising procedure for evaluating and offering for sale of surplus lands; providing for disposition of proceeds from the sale of surplus nonconservation lands; exempting sale of Cross Florida Greenway lands from review by the Acquisition and Restoration Council; amending ss. 253.7821, 253.7825, 253.7827, 253.7828, and 259.035, F.S.; conforming references and cross references; deleting obsolete language; amending ss. 253.111 and 253.115, F.S.; exempting Greenway lands from certain public notice and hearing requirements prior to sale, lease, exchange, or grant of easement; amending s. 253.781, F.S.; renaming the Cross Florida Greenways State Recreation and Conservation Area; amending s. 253.7822, F.S.; providing for modification of the Greenway boundary; amending s. 253.7823, F.S.; providing for sale or exchange of surplus lands within the Greenway; providing for disposition of fees and proceeds; amending s. 253.7829, F.S.; revising requirements for management of Greenway lands and structures; amending s. 253.783, F.S.; deleting obsolete language relating to the disposition of surplus lands by the Department of Environmental Protection; amending s. 253.82, F.S.; revising conditions under which certain lands titled to the board of trustees may be declared surplus lands; revising appraisal requirements; providing rulemaking authority; creating s. 253.86, F.S.; providing for management and use of certain uplands; providing rulemaking authority of the Office of Coastal and Aquatic Managed Areas; providing for fees; providing a penalty; creating s. 259.0324, F.S.; creating the Citizenship Conservation and Education Program; providing legislative findings and definitions; providing requirements for participation; providing for use of funds from the Conservation and Recreation Lands Trust Fund as state matching funds; providing rulemaking authority; amending s. 259.105, F.S.; revising goals and performance measures of the Florida Forever Act; authorizing the Florida Communities Trust to develop certain goals and performance measures; providing rulemaking authority; amending s. 298.22, F.S.; authorizing boards of supervisors of water control districts to construct and manage resource-based recreational facilities; amending s. 369.255, F.S.; authorizing certain municipalities to create a funding mechanism for greenspace management and exotic plant control; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Natural Resources & Environmental Protection; Representative Harrington—

**HB 1971**—A bill to be entitled An act relating to water supply policy; amending s. 153.11, F.S.; authorizing county commissions to establish water and sewer rates and rate structures to encourage and promote water conservation and the use of reclaimed water; amending s. 163.3167, F.S.; requiring that each local government provide in its growth management plan for the long-term availability of water supplies for approved land development; amending s. 163.3177, F.S.;

directing local government comprehensive plans to coordinate with regional water supply plans; directing future land use plans to be based on data regarding the availability of sufficient water supplies for present and future growth; amending s. 163.3180, F.S.; providing a concurrency requirement for water supply availability; providing for assistance from water management districts and the Department of Community Affairs; amending s. 373.0361, F.S.; providing that incompatibility with a regional supply plan be considered in determining if a proposed use of water is consistent with the public interest; amending s. 373.236, F.S.; requiring consideration of the implementation of agricultural water conservation best management practices in determining permit duration for water use permits; amending s. 373.406, F.S.; providing an exemption from provisions regulating the management and storage of surface waters for implementation of such best management practices having minimal adverse impacts; creating s. 373.621, F.S.; recognizing the significance of agricultural water conservation; requiring consideration of the implementation of agricultural water conservation practices in water use permitting; amending s. 403.064, F.S.; requiring the reuse of reclaimed water when feasible; removing certain limitations on applicability; creating s. 570.080, F.S.; establishing an agricultural water conservation program; requiring water management districts to develop and finance public-private alternative water supply projects; creating the Water Supply Task Force; providing membership and duties; providing for technical advisory committees; providing for reimbursement for certain expenses; providing for an executive director and staff; requiring reports; providing for state agency assistance; providing for termination of the task force; providing an appropriation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Fiscal Policy & Resources; Representative Wallace—

**HB 1973**—A bill to be entitled An act relating to state debt; creating s. 215.98, F.S.; providing a declaration of public policy; requiring the Division of Bond Finance of the State Board of Administration to conduct an annual debt affordability analysis; requiring a report; specifying report requirements; amending s. 11.90, F.S.; providing additional powers and duties of the Legislative Budget Commission relating to the state’s debt; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Fiscal Policy & Resources; Representative Wallace—

**HB 1975**—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; updating references to the Internal Revenue Code; providing for retroactive effect; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Fiscal Responsibility Council; Representative Lacasa—

**HB 1977**—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; modifying the definitions of “operating capital outlay” and “state agency”; amending s. 216.013, F.S.; removing the requirement for the Executive Office of the Governor to consider certain findings relating to information technology in its review of long-range program plans of executive agencies; requiring long-range program plans to be consistent with legislation implementing the General Appropriations Act; amending s. 216.023, F.S.; revising requirements of legislative budget requests relating to the total number of positions and to unit-cost data; requiring legislative budget requests to include an inventory of litigation requiring additional appropriations or changes in the law; providing for update of such inventory; amending

s. 216.0446, F.S.; correcting terminology; amending s. 216.081, F.S.; revising provisions requiring submission to the Governor of information on financial needs for the next fiscal year to remove applicability to the judicial branch; amending s. 216.151, F.S.; adding the judicial branch to entities the Executive Office of the Governor is required to study for budgeting and reorganizational purposes; amending s. 216.163, F.S.; revising requirements for the Governor's recommended budget to exclude recommendations of the Chief Justice of the Supreme Court, require the Governor to make such recommendations, and include the legislative budget request of the judicial branch; amending s. 216.177, F.S.; revising the manner in which requests regarding legislative intent on the General Appropriations Act are to be made; revising requirements relating to notice of action on appropriations to be taken by the Executive Office of the Governor or the Chief Justice of the Supreme Court; deleting an obsolete notice requirement; amending s. 216.181, F.S.; requiring budget amendments for the judicial branch to be approved by the Chief Justice of the Supreme Court and the Legislative Budget Commission; authorizing the Chief Justice to amend, without approval of the Legislative Budget Commission, judicial branch entity budgets to reflect transferred funds based on the approved plans for lump-sum appropriations; requiring approval of the Legislative Budget Commission for certain adjustments to approved salary rate; providing circumstances under which lump-sum bonuses may be provided; requiring quarterly reporting of positions filled, positions vacant, and the salary rate associated with each category; granting the Legislative Budget Commission authority to approve state trust fund appropriations in excess of \$1 million; creating s. 216.1815, F.S.; providing for an agency incentive and savings program; providing requirements; creating s. 216.1826, F.S.; providing for activity-based planning and budgeting; amending s. 216.192, F.S.; conforming provisions; amending s. 216.216, F.S.; providing restrictions on the expenditure of funds for court settlements negotiated by the state; amending s. 216.221, F.S.; providing requirements for the elimination of a deficit in a trust fund; amending s. 216.292, F.S.; conforming provisions; adding food products as an allowable fund transfer category; authorizing transfer of positions under certain circumstances; authorizing transfers of appropriations for operations from trust funds in excess of certain amounts under certain conditions; amending s. 11.90, F.S.; establishing the chair and vice chair of the Legislative Budget Commission each year; eliminating the election of such officers; amending ss. 27.345 and 27.3451, F.S.; revising references, to conform; amending s. 45.062, F.S.; requiring certain notification and reporting with respect to executive branch settlements; saving s. 215.20(3), F.S., relating to an additional trust fund service charge, from scheduled repeal; amending s. 284.385, F.S.; requiring assigned counsel to report to the covered department on the status of casualty claims or litigation; prohibiting compromise or settlement of a casualty claim without prior notification to the covered department; amending s. 376.15, F.S.; correcting a cross reference; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By Representatives Richardson, Kendrick, Meadows, Ausley, Bendross-Mindingall, Cusack, Joyner, Smith, Peterman, Siplin, Holloway, Bullard, Lee, Brutus, and Jennings—

**HR 9069**—A resolution honoring Dr. Frederick S. Humphries, President of Florida Agricultural and Mechanical University.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Hogan—

**HR 9071**—A resolution recognizing March 6 as "Lymphedema D-Day" in Florida and expressing support for those who have lymphedema.

First reading by publication (Art. III, s. 7, Florida Constitution).

## Reference

**HB 1947**—Referred to the Council for Smarter Government.

**HB 1949**—Referred to the Fiscal Responsibility Council; and Council for Ready Infrastructure.

**HB 1951**—Referred to the Calendar of the House.

**HB 1953**—Referred to the Committee on Transportation & Economic Development Appropriations.

**HB 1955**—Referred to the Calendar of the House.

**HB 1957**—Referred to the Calendar of the House.

**HB 1959**—Referred to the Calendar of the House.

## Additional Reference of Bills

CS/HB 85 was further referred to the Fiscal Responsibility Council.

## First Reading of Council and Committee Substitutes by Publication

By the Committees on Colleges & Universities; Natural Resources & Environmental Protection; Representative Detert—

**CS/CS/HB 111**—A bill to be entitled An act relating to marine biotechnology research, training, and industry development; establishing the Florida Marine Biotechnology Research, Training, and Development Program; providing legislative intent; providing program focus and long-term goals; providing for administration of the program; requiring appointment of a steering committee; providing duties of the steering committee; providing an appropriation; providing for disbursement of funds; providing that chapter 287, F.S., applies to this act; requiring an annual report to the Legislature; providing for rules; providing for future repeal; providing an effective date.

By the Council for Healthy Communities; Representatives Hogan and Alexander—

**CS/HB 475**—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, and 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; providing implied consent for treatment and transport and certain immunity from liability; amending s. 154.02, F.S.; specifying purposes for which reserve amounts must be maintained in the County Health Department Trust Fund; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; amending s. 381.0059, F.S.; revising background screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; replacing references to the term "physical handicap" with the term "handicap"; amending ss. 382.003, 382.004, 382.013, 382.016, and 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.14, F.S.; requiring postnatal tests and screenings for infant metabolic disorders to be performed by the State Public Health Laboratory; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the Department of Health to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; requiring the department to establish rules; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; modifying provisions relating to a retail pharmacy wholesaler's permit to authorize transfer of certain prescription drugs between the permittee and a Modified Class II institutional pharmacy; amending s. 509.049, F.S.; revising

provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; amending s. 742.10, F.S.; requiring a voluntary acknowledgment of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration; providing effective dates.

By the Committee on Crime Prevention, Corrections & Safety; Representative Gannon—

**CS/HB 735**—A bill to be entitled An act relating to sex crimes; amending s. 794.022, F.S.; providing for certain rules of evidence applicable to the criminal prosecution of the crime of sexual battery to apply in any civil action brought under the Florida Civil Rights Act involving the perpetration or alleged perpetration of such crime; amending ss. 794.011, 796.07, 800.04, 825.1025, 827.071, and 847.001, F.S., relating to sexual battery, prostitution, lewd or lascivious offenses, sexual performance by a child, and obscene literature and other material; defining the terms “vaginal” and “vagina” for purposes of laws defining certain prohibited sexual activities; providing effective dates.

By the Committee on General Education; Representatives Harrell and Fiorentino—

**CS/HB 1015**—A bill to be entitled An act relating to learning disabilities in young children; creating s. 240.5311, F.S.; creating the Learning Gateway Project to provide grants to universities to establish a statewide consortium to address learning disabilities; providing for administration of the project; providing project functions; providing for regional Learning Gateway Centers and specifying services of the centers; requiring a report; requiring an appropriation; requiring the Department of Education to finalize all rules by a date certain to implement the Individuals with Disabilities Education Act; requiring the Department of Education to report by a specific date on needed rule authority to implement the Individuals with Disabilities Education Act; providing an effective date.

By the Committee on Information Technology; Representatives Jennings, Joyner, Brutus, Jordan, Gannon, Paul, Harrell, Ausley, and Hart—

**CS/HB 1045**—A bill to be entitled An act relating to workforce development through education and training in information technology; providing legislative findings and intent; creating the Digital Divide Council in the State Technology Office; specifying membership; providing for terms, filling vacancies, and compensation; providing for council meetings and officers; requiring the State Technology Office to provide administrative and technical support; providing powers and duties of the council; authorizing design and implementation of certain programs; providing program objectives and goals; requiring the council to monitor, review, and assess program performances; requiring reports; providing an appropriation; providing an effective date.

By the Committee on Insurance; Representative Gannon—

**CS/HB 1101**—A bill to be entitled An act relating to insurer rehabilitation and liquidation; amending s. 626.9541, F.S.; correcting a cross reference; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by

the department preliminary or incidental to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.193, F.S.; providing an additional limitation upon the operation of a release; creating s. 631.3995, F.S.; providing procedures and requirements for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; amending s. 631.57, F.S.; specifying additional criteria for absence of certain obligations or liabilities of an association; amending s. 631.60, F.S.; limiting certain causes of action against an association; specifying absence of creation of additional rights against the association; creating s. 817.2341, F.S.; providing criminal penalties for certain activities; providing an effective date.

By the Committee on Insurance; Representative Gannon—

**CS/HB 1103**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for records of insurers subject to delinquency proceedings; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Information Technology; Representatives Jennings, Joyner, Paul, Brutus, Jordan, Gannon, Harrell, Mack, Ausley, and Hart—

**CS/HB 1109**—A bill to be entitled An act relating to trust funds; creating the Digital Divide Trust Fund in the State Technology Office; providing for sources of moneys and purposes; providing for administration of the fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Council for Competitive Commerce; Representative Brown—

**CS/HB 1219**—A bill to be entitled An act relating to insurance agents; amending s. 624.318, F.S.; requiring maintenance of separate records relating to insurance products and transactions; amending s. 626.112, F.S.; describing activities which constitute the solicitation of insurance requiring licensure as an insurance agent; prohibiting certain referral payments or receipts of payments; amending s. 626.171, F.S.; revising agent application requirements; amending s. 626.181, F.S.; extending a period of eligibility for reappointment; creating s. 626.202, F.S.; requiring fingerprinting of certain persons; amending s. 626.431, F.S.; extending a period of eligibility for reappointment; amending s. 626.5715, F.S.; applying requirements of the Florida Insurance Code equally to all insurance transactions; creating s. 626.9531, F.S.; requiring identification of insurers, agents, and insurance contracts; amending s. 626.541, F.S.; revising requirements for notification of name and information change; amending s. 626.601, F.S.; deleting a limitation on a confidentiality provision; amending 626.611, F.S.; prohibiting the sale of certain unregistered securities; amending ss. 626.741, 626.792, and 626.835, F.S.; limiting authority of certain nonresident licenses; amending ss. 626.927 and 626.8427, F.S.; revising certain time provisions relating to licensure; amending s. 626.872, F.S.; clarifying a temporary license loss adjustment provision; amending s. 626.856, F.S.; revising a definition; amending s. 626.873, F.S.; clarifying application of certain adjuster provisions; amending s. 626.521, F.S.; revising certain information reporting requirements; amending ss. 648.315, 648.38, and 648.384, F.S.; extending a period of eligibility for reappointment; repealing s. 624.501(11) and (23), F.S., relating to appointment fees for vending machines and health care risk managers; providing an effective date.

By the Committee on Insurance; Representatives Spratt, Kilmer, Melvin, Kendrick, Bense, Stansel, Machek, Bean, Miller, Russell, Pickens, Attkisson, Richardson, Harrington, Brown, Gibson, and Bowen—

**CS/HB 1227**—A bill to be entitled An act relating to the state group health insurance and prescription drug programs; creating s. 110.1228,

F.S.; authorizing specified local governmental entities to apply for participation; providing eligibility requirements for enrollment; exempting the program from ss. 624.436-624.446, F.S., relating to multiple-employer welfare arrangements; authorizing the Department of Management Services to adopt rules; providing a declaration that the act fulfills important state interest; providing an effective date.

By the Committee on Crime Prevention, Corrections & Safety; Representatives Kravitz, Gardiner, Davis, Gibson, Alexander, Arza, Clarke, and Kyle—

**CS/HB 1231**—A bill to be entitled An act relating to property crimes; amending s. 812.014, F.S.; providing second-degree felony penalties for theft of certain emergency medical equipment; amending s. 812.015, F.S.; revising certain definitions; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; providing a felony penalty for unlawfully possessing antishiplifting or inventory control device countermeasures; providing a third-degree felony penalty for certain commission of retail theft; providing a second-degree felony penalty for second or subsequent violations of such retail theft; creating s. 812.0155, F.S.; authorizing a court to suspend the driver's license of certain persons under certain circumstances; requiring a court to suspend the driver's license of such persons for second or subsequent offenses; providing for increased periods of suspension for second or subsequent adjudications; providing requirements of court for revoking, suspending, or withholding issuance of the driver's license of certain persons; providing construction; creating s. 812.017, F.S.; providing misdemeanor penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing criminal penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; providing a felony penalty for using a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing a felony penalty for using a reencoder to place information onto a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, and 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to second conviction of uttering forged bills, to incorporate a reference; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; making unlawful the counterfeiting of payment instruments with intent to defraud or possessing counterfeit payment instruments; providing a felony penalty; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S.; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 877.26, F.S.; making unlawful the surreptitious observation, videotaping, or visual surveillance of customers in merchants' dressing rooms; providing construction; amending s. 921.0022, F.S.; conforming provisions of the Offense Severity Ranking Chart of the Criminal Punishment Code to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition, operation, and termination of such a task force; providing severability; providing an effective date.

By the Committee on Insurance; Representative Farkas—

**CS/HB 1253**—A bill to be entitled An act relating to health insurance; providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing

requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.6699, F.S.; revising certain definitions; requiring the Insurance Commissioner to appoint new health benefit plan committees under certain circumstances for certain purposes; revising certain coverage disclosure requirements for small employer carriers; including certain form filing, approval, and disapproval requirements and procedures relating to health maintenance organizations within certain small employer carrier proscriptions; providing certain notice requirements; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing an effective date.

By the Committee on Local Government & Veterans Affairs; Representative Diaz-Balart—

**CS/HB 1255**—A bill to be entitled An act relating to the Florida Building Code; amending s. 373.323, F.S.; authorizing water well contractors to install, repair, or modify specified equipment in accordance with the code; amending s. 489.509, F.S.; transferring specified licensing fees from the Department of Education to the Department of Community Affairs; amending ss. 553.36 and 553.415, F.S.; defining the term "factory-built school shelter"; providing for the Department of Community Affairs to approve plans for such shelters; authorizing districts to charge inspection fees; authorizing approved inspection entities to conduct inspections of factory-built school buildings while they are under construction; delaying the deadline for inspecting factory-built buildings currently in use; amending ss. 553.505 and 553.507, F.S.; conforming cross references; amending s. 553.73, F.S.; providing for the uniform implementation of parts of the residential swimming pool safety act; defining the term "specific needs" for purposes of selection from available codes; providing a process for the approval of technical amendments to the code; providing for the treatment of permit applications submitted prior to the effective date of the code; exempting specified buildings from certain standards of the code; amending s. 553.77, F.S.; requiring the commission to issue specified declaratory statements; providing for hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the code to establish standards for preliminary construction; creating s. 553.8412, F.S.; providing for statewide outreach for training in the code; amending s. 553.842, F.S.; providing methods for local and statewide approval of products and methods or systems of construction; providing rulemaking authority; amending s. 553.895, F.S.; exempting specified spaces within telecommunications buildings under specified circumstances; allowing the use of a manual wet standpipe under certain circumstances; directing the commission to research certain issues and provide reports to the Legislature; providing an effective date for the Florida Building Code; amending chs. 98-287, Laws of Florida, as amended by ch. 2000-141, Laws of Florida, 98-419, Laws of Florida, as amended by ch. 2000-141, Laws of Florida, and 2000-141, Laws of Florida; revising effective dates of certain provisions; requiring the Florida Building Commission to appoint members to the commission's Education Technical Advisory Committee; specifying duties of the advisory committee; providing for the carryforward of funds collected for research projects; requiring the Florida Building Commission to convene an ad hoc subcommittee to make recommendations regarding alternative plans review and inspection procedures; requiring a report; amending ss. 316.515 and 627.702, F.S.; revising cross references; repealing s. 553.77(2), F.S., relating to commission prescription of certain renewal fees; providing effective dates.

By the Committee on Education Innovation; Representatives Farkas and Harper—

**CS/HB 1257**—A bill to be entitled An act relating to in-school suspension; amending s. 228.041, F.S.; revising the definition of the



term “in-school suspension” to include an additional alternative program; creating s. 230.23155, F.S.; providing funding for the establishment of School-based Alternative to Suspension Programs (SASPs) within specified school districts; providing a process for applying to the Commissioner of Education for funds to establish and conduct a SASP; providing program requirements; requiring an annual report; providing for future repeal; providing an effective date.

By the Council for Ready Infrastructure; Representatives Dockery, Murman, Stansel, Spratt, Bowen, and Ross—

**CS/HB 1263**—A bill to be entitled An act relating to mining; amending s. 378.035, F.S.; reserving certain funds in the Nonmandatory Land Reclamation Trust Fund for use by the Department of Environmental Protection for reclaiming lands; authorizing the department to use funds from the trust fund for the purpose of closing certain abandoned phosphogypsum stack systems; limiting the period of operation of the program; requiring the Bureau of Mine Reclamation to review the sufficiency of the trust fund to support certain objectives and make reports; amending s. 378.601, F.S.; removing limitations on an exemption from required development of regional impact review for certain heavy mineral mining operations; amending s. 403.4154, F.S.; defining the terms “phosphogypsum stack system” and “process wastewater”; authorizing the Department of Environmental Protection to take action to abate or reduce any imminent hazard caused by a phosphogypsum stack system; requiring the department to recover moneys from the owner or operator of the system; providing for attorney’s fees and costs; authorizing the department to impose a lien for the recovery of such moneys; imposing certain fees upon an owner or operator who has not demonstrated financial responsibility; providing for the refund of the fee upon closure of the phosphogypsum stack; authorizing the department to expend moneys from the Nonmandatory Land Reclamation Trust Fund to close abandoned phosphogypsum stack systems; providing for a lien for the recovery of such moneys; amending s. 403.4155, F.S.; requiring the department to review certain rules and determine the adequacy of the rules; providing an appropriation; providing an effective date.

By the Committee on Education Innovation; Representatives Arza, Atwater, Kallinger, and Fiorentino—

**CS/HB 1361**—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; prohibiting a public school from using the word “charter” in its name unless it is currently operating under a charter that has been granted pursuant to this section; providing additional purposes of charter schools; requiring a public school to have been in operation for at least 2 years prior to application to convert to charter school status; requiring a school board to provide notice of denial to charter school applicant in writing; prohibiting a sponsor from charging a fee related to the consideration of a charter school application; prohibiting the consideration or approval of a charter school application from being contingent on the promise of future payment of any kind; clarifying provisions relating to appeals of denial of charter school applications; deleting provisions relating to failure to act in accordance with the recommendation of the State Board of Education regarding a charter school application; exempting a charter school from a sponsor’s policies; authorizing charter school cooperatives; deleting a cap on the number of newly created charter schools; authorizing students in a charter school-in-a-development or charter school-in-a-municipality as a condition of eligibility; authorizing students articulating from one charter school to another as a condition of eligibility; authorizing the establishment of reasonable academic, artistic, or other standards as a condition for eligibility; requiring the capacity of a charter school to be annually determined by the charter school’s governing body based on certain factors; allowing required financial records to follow accounting principles for not-for-profit organizations; requiring a charter to address the identification and acquisition of appropriate technologies; requiring a charter to address how a school board shall provide academic student performance data to charter schools; requiring a charter to address means for ensuring accountability; requiring a charter to address a description of delineated responsibilities needed to effectively manage the charter school;

requiring a charter to address procedures that identify risks and provide an approach to remove the impact of losses; requiring a charter to include a financial plan for the facilities to be used; requiring a charter to address the strategies used to recruit qualified staff; requiring the governing body to exercise continuing oversight over charter school operations; providing for appeal of a sponsor’s decision to terminate a charter; providing for a charter school governing board to request a waiver of statutes directly from the commissioner, rather than through the sponsor; providing for notice of receipt and final disposition of such request; stipulating that a charter school may not knowingly employ an individual whose certification has been revoked by this or any other state; requiring student enrollment report to be submitted in a certain format; prohibiting a sponsor from withholding an administrative fee from certain funds; requiring PECO maintenance funds to remain with a conversion charter school; authorizing the establishment of a charter school-in-a-development and a charter school-in-a-municipality; amending s. 228.0561, F.S.; deleting current capital outlay distribution methods; requiring the Department of Education to distribute capital outlay funds on a monthly basis; amending s. 228.058, F.S.; requiring public schools in a charter school district to vote by a time certain to convert to a charter school; amending s. 232.425, F.S.; authorizing charter school students to participate at the public school to which the student would be assigned in any interscholastic extracurricular activity of that school; providing an effective date.

By the Committee on Colleges & Universities; Representatives Bilirakis, Fiorentino, Farkas, Waters, Wallace, Crow, Justice, and Carassas—

**CS/HB 1369**—A bill to be entitled An act relating to postsecondary education; providing legislative intent; redesignating St. Petersburg Junior College as St. Petersburg College; requiring accreditation; providing mission; providing for students and fees; providing conditional authority to offer baccalaureate degree level programs; authorizing certain baccalaureate degree programs and a process for increasing their number; establishing a board of trustees and a coordinating board; providing for employment; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing intent for state funding; requiring a cost study; providing an effective date.

By the Committee on Colleges & Universities; Representatives Fiorentino, Henriquez, McGriff, Heyman, Betancourt, Mealor, Brutus, and Waters—

**CS/HB 1375**—A bill to be entitled An act relating to student financial assistance; creating s. 240.4061, F.S.; creating the Teach Florida Scholarship Loan Program; providing a purpose; defining eligible institutions and programs of study; authorizing summer term receipt of funds; authorizing part-time enrollment; specifying summer institutes to be developed by the Department of Education; providing eligibility criteria; providing for repayment of a scholarship loan; providing a definition; providing renewal and restoration requirements; setting a limit upon repayment authority; providing for an annual appropriation; authorizing the Department of Education to adopt rules; providing an effective date.

By the Council for Competitive Commerce; Representatives Dockery, Alexander, Spratt, Harrington, Machek, Pickens, Stansel, Gannon, Goodlette, Detert, Atwater, and Bean—

**CS/HB 1389**—A bill to be entitled An act relating to rural land conservation; creating the “Rural and Family Lands Protection Act”; providing a definition; creating s. 570.70, F.S.; providing legislative findings; creating s. 570.71, F.S.; providing for the purchase of rural land protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for conservation easements, resource conservation agreements, and agricultural protection agreements; prescribing allowable land uses; requiring rulemaking; providing for an application process; providing for an option to purchase property; directing the department to seek funds from federal sources; amending s. 201.15, F.S.; providing for the distribution of certain taxes to the department; creating s. 215.619, F.S.; providing for bonds; amending s. 570.207, F.S.; providing uses for funds from the Conservation and Recreation Lands Program Trust Fund; providing an effective date.

By the Council for Healthy Communities; Representatives Mealor and Kravitz—

**CS/HB 1403**—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic violence education courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses; amending ss. 458.319, 459.008, and 765.102, F.S.; conforming terminology relating to palliative care; amending s. 765.101, F.S.; redefining the term “end-stage condition” with respect to health care advance directives; creating s. 765.1025, F.S.; prescribing the content and suitability of palliative care; amending s. 765.1103, F.S.; requiring specified health care providers, health care practitioners, and health care facilities to comply with patient requests for pain management and palliative care; amending s. 765.205, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by health care surrogates, persons who have durable powers of attorney for health care, and proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by proxy decisionmakers; providing an effective date.

By the Council for Healthy Communities; Representatives Bowen, Spratt, and Heyman—

**CS/HB 1425**—A bill to be entitled An act relating to law enforcement; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; revising membership; providing circumstances for additional meetings; prescribing the duties and responsibilities of the Florida Violent Crime and Drug Control Council; providing statutory limits on funding of investigative efforts by the council; authorizing the Victim and Witness Protection Review Committee to conduct meetings by teleconference under certain circumstances; amending s. 943.17, F.S.; conforming a reference; amending s. 943.042, F.S.; renaming the Violent Crime Emergency Account as the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account; revising provisions relating to use of emergency supplemental funds; clarifying limits on disbursement of funds for certain purposes; requiring the Department of Law Enforcement to adopt rules pertaining to certain investigations; requiring reports by recipient agencies; providing circumstances for limitation or termination of funding or return of funds by recipient agencies; amending s. 943.0585, F.S., relating to court-ordered expunction of certain criminal history records; adding sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.059, F.S., relating to court-ordered sealing of certain criminal history records; adding offenses relating to sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.325, F.S.; permitting collection of approved biological specimens other than blood for purposes of DNA testing; permitting collection of specimens from certain persons who have never been incarcerated; limiting liability; authorizing use of force to collect specimens under certain circumstances; amending s. 760.40, F.S., to conform to changes made by s. 943.325, F.S.; creating s. 843.167, F.S.; prohibiting the interception of police communications for certain purposes; prohibiting disclosure of police communications; providing presumptions; providing penalties; amending s. 943.053, F.S.; providing clarification of the manner in which the Department of Law Enforcement determines the actual cost of producing criminal history information; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction under certain circumstances; providing definitions; providing for retroactive effect; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of certain records pursuant to s. 943.0582, F.S.; providing an effective date.

By the Council for Ready Infrastructure; Representative Ball—

**CS/HB 1437**—A bill to be entitled An act relating to public records exemptions; amending s. 119.07, F.S.; providing an exemption from public records requirements for technical information pertaining to trunking radio communication systems and mobile data communications systems used by governmental agencies; providing for future review and repeal; providing legislative findings of public necessity; providing an effective date.

By the Council for Ready Infrastructure; Representative Dockery—

**CS/HB 1489**—A bill to be entitled An act relating to funding for the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; providing for dismissal of violations of boating safety identification card possession requirements under certain conditions; providing a fee; amending s. 328.72, F.S.; specifying source of the county portion of vessel registration fees; providing for the return of certain vessel registration fees to the vessel owner’s county of Florida residence; amending s. 328.76, F.S.; clarifying provisions relating to distribution and uses of funds in the Marine Resources Conservation Trust Fund; renumbering and amending s. 370.062, F.S., relating to issuance of license tags for harvesting tarpon; modifying date for tax collector’s return of unissued tags; deleting provisions relating to transfer of tag fees to the Marine Resources Conservation Trust Fund within a specified period; amending s. 370.0603, F.S.; specifying the uses of designated funds deposited into the Marine Resources Conservation Trust Fund; renumbering and amending s. 370.0608, F.S.; providing for the deposit of licenses and fees into the Marine Resources Conservation Trust Fund; revising purposes for which licenses and fees may be used; renumbering and amending s. 370.0609, F.S.; providing for the expenditure of funds through grants and contracts to specified research institutions; amending s. 372.105, F.S.; revising provisions relating to sources and uses of funds in the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; specifying distribution of certain funds in the Dedicated License Trust Fund; amending s. 372.16, F.S.; increasing the license fee for private game preserves and farms; amending s. 372.561, F.S.; revising provisions relating to issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting related thereto; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees and requirements; amending s. 372.57, F.S.; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; creating an annual gold sportsman’s license; increasing the fee for a nonresident Florida turkey permit; providing for pier licenses and recreational vessel licenses, and fees therefor; providing for snook permits and crawfish permits, and uses thereof; amending ss. 370.063, 372.571, 372.5712, 372.5715, 372.5717, 372.573, and 372.65, F.S.; correcting cross references; deleting obsolete language; amending s. 372.574, F.S.; revising subagent duties and reporting requirements; creating s. 372.579, F.S.; authorizing a processing fee for certain licenses and permits; requiring a report; providing rulemaking authority; amending s. 372.661, F.S.; increasing the license fee for a private hunting preserve; amending s. 372.711, F.S.; providing for dismissal of violations of license or permit possession requirements, under certain conditions; providing a fee; reenacting s. 372.83(1)(h), F.S.; reenacting a provision referencing penalties for violations of hunting, fishing, and trapping license requirements; amending s. 372.921, F.S.; including amphibians in provisions relating to exhibition of wildlife; increasing permit fees; providing rulemaking authority; amending s. 372.922, F.S.; requiring a permit for personal possession of wildlife by an exhibitor or seller; providing a fee exemption; amending s. 705.101, F.S.; including derelict vessels within the definition of “abandoned property”; amending ss. 212.06 and 215.20, F.S.; correcting cross references; repealing s. 370.0605, F.S., relating to saltwater fishing licenses and fees; repealing s. 370.0615, F.S., relating to lifetime saltwater fishing licenses; repealing s. 370.1111, F.S., relating to snook fishing permits; repealing s. 370.14(10) and (11), F.S., relating to recreational crawfish taking permits and issuance of a crawfish stamp; providing appropriations; providing an effective date.

By the Committee on Education Innovation; Representatives Carassas and Needelman—

**CS/HB 1495**—A bill to be entitled An act relating to school safety; creating the “Safe Passage Act”; creating s. 229.8349, F.S.; providing legislative findings and intent; providing for safety audits of school districts and safety and security programs, district plans and procedures, and safety and security practices; requiring a public review of audit recommendations; requiring an action plan to address audit

recommendations; providing for appeal of a school district failure to adopt or implement an action plan; providing for school safety hotlines; requiring reporting of offenses against school property or persons on school property; providing penalties for failure to report known or suspected threats; providing penalties for false reports of threats; providing immunity from liability for good-faith reporting of suspected threats; requiring a record of hotline calls and a review of the record; providing for rules; amending s. 235.06, F.S.; providing for the State Fire Marshal to adopt rules for firesafety in educational facilities; providing for firesafety inspections by personnel or the local fire control authority or the State Fire Marshal; providing responsibilities of local fire control authorities with respect to firesafety in educational facilities; amending s. 633.01, F.S.; prescribing duty of the State Fire Marshal to adopt rules relating to firesafety of occupants of educational facilities; providing an effective date.

By the Council for Lifelong Learning; Committee on Colleges & Universities; Representatives Lynn, Melvin, Waters, Wallace, Dockery, Lacasa, Murman, Maygarden, Johnson, Andrews, and Kilmer—

**CS/CS/HB 1533**—A bill to be entitled An act relating to education governance reorganization; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees and making appointees subject to Senate confirmation; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Center for Education Policy Research and Improvement, respectively; creating the Center for Education Policy Research and Improvement within OPPAGA; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Center for Education Policy Research and Improvement; providing duties of the center; establishing membership and duties of an advisory council to the center; providing for funding and staff; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and oversee the chancellors and the executive director; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization;

requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, the chief transition officer, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission, goals, and systemwide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees and a Florida Board of Education; providing for appointment of a chief transition officer and specifying duties of the officer; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Florida Board of Education to appoint advisory bodies as necessary and develop and recommend a new School Code; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; creating s. 229.0073, F.S.; establishing the chief transition officer's Education Reorganization Workgroup to direct and oversee reorganization of the Department of Education; providing requirements for reorganization to include the establishment of offices and divisions; providing duties of the offices; transferring the SMART Schools Clearinghouse to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing for membership and duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing for membership and duties of the commission; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; providing for protections from civil liability; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; providing legislative intent regarding the School Readiness Act; clarifying and providing responsibilities of the Florida Partnership for School Readiness, the Agency for Workforce Innovation, the Department of Education, and parents relating to school readiness; providing for the addition of members to the Florida Partnership for School Readiness; providing for the development of minimum child care licensing standards; transferring the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; transferring the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program including statewide staff to the Agency for Workforce Innovation; transferring the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including statewide staff, to the Agency for Workforce Innovation; amending s. 216.136, F.S.; deleting certain duties of the Social Services Estimating Conference; adding staff of the Agency for Workforce Innovation to the School Readiness Program Estimating Conference; amending ss. 232.01, 236.08104, and 445.023, F.S.; conforming language and correcting cross references; effective January 1, 2002, repealing ss. 228.061(1) and (2), 230.23(4)(o), 230.2303, 230.2305, and 230.2306, F.S., relating to preschool and prekindergarten early intervention programs in the public schools, school board provision of early childhood and basic skills development, the Florida First Start Program, the prekindergarten early intervention program, and prekindergarten children service needs assessments; effective July 1, 2002, repealing ss. 230.23166, 232.01(1)(d), 234.01(1)(e), and 236.083(1)(f), F.S., relating to teenage parent programs, school attendance for married or pregnant students, transportation for pregnant students or student parents, and the annual allocation for such transportation; effective January 1, 2002, repealing ss. 402.28, 402.281(1), 402.3015, 402.3027, 402.3028, 402.305(18), 402.3052, 402.3135(2)(c), and 402.45(2) and (6), F.S., relating to Child Care Plus, the Gold Seal Quality Care program rating system, the subsidized child

care program, observation and assessment of young children in subsidized child care programs, referral for assessment, the child care technical review panel, the child development associate training grants program, provision of assistance to Child Care Plus facilities, and certain requirements for the community resource mother or father program; effective January 1, 2002, repealing ss. 391.304(1)(a), 411.01(4)(l), (q), (s), and (t), (5)(g), and (9)(c), 411.201, 411.202, 411.203, 411.205, 411.22, 411.221, 411.222, 411.223, 411.224, 411.23, and 411.231, F.S., relating to Department of Health coordination with the Department of Education and specified councils, specified duties of the Florida Partnership for School Readiness and school readiness coalition grants and bonuses, the Florida Prevention, Early Assistance, and Early Childhood Act, legislative intent for prevention and early assistance, the prevention and early assistance strategic plan, the State Coordinating Council for School Readiness Programs, uniform standards for preventive health care, a family support planning process, and the short title and legislative intent for the Children's Early Investment Program; creating s. 229.0084, F.S.; providing a statement of legislative findings and intent regarding liability for student achievement and the autonomy of independent K-12 schools and home education programs; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; effective June 30, 2002, repealing s. 229.8065, F.S., relating to expenditures for the Knott Data Center and projects, contracts, and grants programs; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; providing for recommendations on performance-based funding for the State University System; repealing s. 235.217(1)(b), (c), and (d), (2), (3)(a), (c), (d), and (e), (4), and (5), F.S., relating to membership and certain duties of the SMART Schools Clearinghouse; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; providing effective dates.

By the Committee on Local Government & Veterans Affairs; Representatives Dockery and Russell—

**CS/HBs 1617 & 1487**—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that local planning agencies include a representative of the district school board; repealing s. 163.3177(12), F.S., which provides requirements for a public school facilities element of a local government comprehensive plan adopted to implement a school concurrency program; amending s. 163.3177, F.S.; revising requirements for the future land use element and intergovernmental coordination element with respect to planning for schools; creating s. 163.31776, F.S.; providing legislative intent and findings; requiring that a local government comprehensive plan include a public educational facilities element; providing that the state land planning agency shall establish a schedule for adoption of such elements; exempting certain municipalities from adopting such elements; requiring local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; specifying the effect of a local government's failure to enter into an interlocal agreement or transmit such element according to the adopted schedule and of a school board's failure to provide certain information or to enter into an interlocal agreement; creating s. 163.31777, F.S.; requiring that local governments consider public school facilities when considering certain comprehensive plan amendments and rezonings; requiring that the school board provide a

school capacity report; requiring denial of such amendments or rezoning requests under certain conditions; providing requirements for proportionate share mitigation of public school facility impacts; providing for development agreements with respect thereto; providing for certain credits; amending s. 163.3180, F.S.; providing requirements with respect to the public educational facilities element when school concurrency is imposed by local option; removing school concurrency requirements relating to intergovernmental coordination and exemption for certain municipalities; revising requirements relating to an interlocal agreement for school concurrency; amending s. 163.3184, F.S.; including requirements for plan amendments relating to the public educational facilities element in the process for adoption of comprehensive plan amendments; amending s. 163.3187, F.S.; providing that plan amendments to adopt such elements and future land use map amendments for school siting are not subject to the statutory limits on the frequency of plan amendments; amending s. 163.3191, F.S.; conforming language; creating s. 163.3198, F.S.; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of proposed development; providing requirements with respect thereto; creating a commission to oversee such development; providing for field tests of the models developed; directing the commission to make recommendations to the Governor and Legislature regarding statewide implementation of a uniform model and other growth management issues; providing an appropriation; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be submitted as part of the district's educational facilities plan; revising provisions relating to certain deviation from space need standards; providing for review and validation of surveys by the Office of Educational Facilities; revising requirements relating to certifications necessary for expenditure of PECO funds; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for the district's facilities 5-year work program; providing for submittal of the tentative plan to local governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; removing provisions relating to 10-year and 20-year work programs; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S., relating to site planning and selection; providing that said section is superseded by an interlocal agreement between a school board and local government and the school board and local government plans under certain conditions; revising site selection requirements; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; requiring the school board to provide a local government certain information when it is considering certain comprehensive plan amendment or rezoning applications; revising requirements relating to school board responsibilities in planning with local governments; revising requirements relating to location of educational facilities; revising a notice requirement regarding proposed use of property for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; conforming language; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending ss. 235.218, 235.321, and 236.25, F.S.; conforming language; providing an effective date.

By the Committee on Insurance; Representative Waters—

**CS/HB 1699**—A bill to be entitled An act relating to public records; amending s. 624.319, F.S.; exempting workpapers relating to examinations and investigations of insurers from public records requirements; providing legislative findings; providing for future review and repeal; amending s. 627.351, F.S.; providing exemptions from the public records law for specified records of the Florida Windstorm Underwriting Association; providing for future review and repeal; providing findings of public necessity; providing an effective date.

By the Committee on Crime Prevention, Corrections & Safety; Representatives Melvin and Bean—

**CS/HB 1765**—A bill to be entitled An act relating to public protection; amending s. 944.605, F.S.; requiring that the state attorney and a victim's parent, guardian, next of kin, or lawful representative be notified under certain circumstances after the inmate who committed the crime is approved for community work release; amending s. 958.07, F.S.; authorizing the victim of a crime or the victim's parent, guardian, or next of kin to review the presentence investigation report under certain circumstances; amending s. 960.001, F.S.; requiring that a victim's parent, guardian, or representative be allowed to be informed, present, and heard in a criminal or juvenile proceeding; requiring that a crime victim or witness be informed of the address confidentiality program; requiring notice when an inmate is approved for community work release; requiring that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about the offense; prescribing standing of certain persons to assert a victim's rights; amending s. 921.143, F.S.; prescribing the right of the parent or guardian of a minor victim, or the lawful representative of any of them, to appear and make a statement at a sentencing hearing; amending s. 944.606, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, the lawful representative of any of them, or the next of kin of a homicide victim when a sexual offender is being released; amending s. 948.10, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, or the next of kin of a homicide victim when an offender is placed on community control; amending s. 960.28, F.S.; prohibiting a medical provider who performs an initial forensic examination from billing the parent or guardian of a minor victim for that examination; amending s. 949.07, F.S.; providing a compact for the supervision of adult offenders; authorizing and directing the Governor to enter into the compact on behalf of the state; providing purpose; providing definitions; providing for an Interstate Commission for Adult Offender Supervision; providing for governance of the commission; providing for a State Council for Interstate Adult Offender Supervision; providing for membership of the state council; providing for reimbursement for travel expenses; specifying powers and duties of the Interstate Commission; providing for organization and operation of the commission; providing activities of the commission; authorizing the commission to adopt rules; providing for oversight, enforcement, and resolution of disputes between compacting states; providing for financing the activities of the commission; providing for the effective date of the compact; providing for withdrawal, default, or termination of member states; providing for judicial enforcement; providing for severability and construction of the compact; providing that the compact binds the member states; amending s. 949.071, F.S.; redefining the term "state" for purposes of the compact; creating s. 949.072, F.S.; establishing the State Council for Interstate Adult Offender Supervision; providing for membership and duties; providing for reimbursement for travel and per diem expenses; amending s. 949.08, F.S.; providing certain limitations on the amount paid by the state under the compact; amending s. 949.09, F.S.; redesignating ss. 949.07-949.08, F.S., as the "Interstate Compact for Adult Offender Supervision"; providing an effective date.

By the Committees on Fiscal Policy & Resources; Utilities & Telecommunications; Representatives Ritter and Barreiro—

**CS/HB 1893**—A bill to be entitled An act relating to trust funds; creating s. 202.193, F.S.; creating the Local Communications Services Tax Clearing Trust Fund within the Department of Revenue; providing for sources of moneys and purposes; providing for annual carryforward of fund balances; providing that the trust fund is exempt from constitutional termination; providing a contingent effective date.

By the Council for Healthy Communities; Committee on Health Regulation; Representative Farkas—

**CS/HB 1895**—A bill to be entitled An act relating to health care regulation; amending s. 483.245, F.S.; prohibiting rebate or split-fee arrangements with dialysis facilities for patient referrals to clinical laboratories; providing penalties; amending s. 381.6021, F.S.;

prohibiting rules that establish standards and guidelines for organ and tissue procurement from allowing the pooling of human cells or tissue; amending s. 395.0197, F.S.; revising provisions relating to hospital and ambulatory surgical center internal risk management programs; modifying requirements for risk management and prevention education and training; restricting participation of unlicensed persons in surgical procedures; requiring ongoing evaluation of surgical procedures and protocols; eliminating an annual report summarizing facility incident reports and disciplinary actions; requiring the Agency for Health Care Administration to publish website summaries of adverse incident reports; requiring facility reporting of allegations of sexual misconduct by health care practitioners; providing certain civil liability for licensed risk managers; prohibiting intimidation of a risk manager; providing a penalty; amending s. 395.10972, F.S.; increasing membership on the Health Care Risk Management Advisory Council; amending s. 395.701, F.S.; limiting the financial information the agency may require to determine the amount of hospital annual assessments; amending s. 456.013, F.S.; providing a professional continuing education requirement relating to prevention of medical errors; amending s. 456.057, F.S.; providing for appointment of a records custodian under certain circumstances; amending s. 456.063, F.S.; requiring licensed health care practitioners to report to the Department of Health any allegations of sexual misconduct; amending s. 456.072, F.S.; providing additional grounds for disciplinary actions; clarifying a penalty involving restriction of professional practice or license; providing additional penalties; requiring assessment of costs related to investigation and prosecution; amending s. 456.073, F.S.; requiring the Department of Health to notify the patient or legal representative of the status of a disciplinary case; requiring the department to provide certain information to the complainant; providing time limitations on the filing of administrative complaints against licensees of the department; amending s. 456.074, F.S.; providing for an emergency order suspending the license of any practitioner for fraud; amending s. 456.077, F.S.; specifying violations for which the Department of Health or a regulatory board may issue citations; amending s. 456.081, F.S.; requiring the Department of Health and regulatory boards to maintain a website containing specified information; creating s. 458.3147, F.S.; providing automatic eligibility for admission to any medical school in the State University System for military academy students or graduates who qualify for the Medical Corps of the United States military; providing for waiver or refund of application fees; amending ss. 458.331 and 459.015, F.S.; conforming language and cross references to changes made by the act; amending ss. 465.019 and 465.0196, F.S.; requiring institutional pharmacies and special pharmacy permittees that use pharmacy technicians to have a written policy and procedures manual; directing the Department of Health and the Agency for Health Care Administration to review health care practitioner and facility reporting requirements; requiring a report to the Legislature; amending s. 468.1755, F.S.; providing an additional ground for disciplinary action against a nursing home administrator; reenacting ss. 468.1695(3) and 468.1735, F.S., to incorporate said amendment in references; reenacting s. 484.056(1)(a), F.S., relating to disciplinary action against hearing aid specialists, to incorporate the amendment to s. 456.072(1), in a reference; amending s. 766.101, F.S.; providing that a continuous quality improvement committee of a licensed pharmacy is a medical review committee for purposes of immunity from liability, and reenacting ss. 440.105(1)(a) and 626.989(6), F.S., to incorporate said amendment in references; amending s. 766.1115, F.S.; conforming language and cross references to changes made by the act; amending s. 456.047, F.S.; providing intent; revising and providing definitions; revising duties of the Department of Health relating to file maintenance; providing that primary source data verified by the department or its designee may be relied upon to meet accreditation purposes; amending s. 240.4075, F.S.; transferring the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health; including public schools, family practice teaching hospitals, and specialty hospitals for children as eligible facilities under the program; exempting such facilities from the fund-matching requirements of the program; amending s. 240.4076, F.S.; transferring the nursing scholarship program from the Department of Education to the Department of Health; providing requirements under the program for students seeking to qualify for a nursing faculty position and receive

credit for work in such a position; including nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program; transferring powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 464.008, F.S.; revising education requirements for licensure by examination; amending s. 464.009, F.S.; revising requirements for licensure by endorsement; requiring submission of fingerprints for a criminal history check and a fee to cover the costs of such check; providing for an electronic applicant notification process; creating s. 464.0195, F.S.; creating the Florida Center for Nursing and providing its goals; creating s. 464.0196, F.S.; providing for a board of directors; providing for appointment of board members; providing for staggered terms; providing powers and duties; authorizing per diem and travel expenses; creating s. 464.0197, F.S.; declaring state budget support for the center; prohibiting the Board of Nursing from developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the Legislature an implementation plan detailing the impact and cost of any such proposed rule change; amending s. 464.0205, F.S.; deleting the application and processing fee for applicants for a retired volunteer nurse certificate; requiring study by Office of Program Policy Analysis and Government Accountability of the feasibility of maintaining all of Medical Quality Assurance in one state agency; creating s. 456.0375, F.S.; requiring registration of certain clinics; providing requirements, including fees; providing rulemaking authority; requiring medical directors or clinic directors for such clinics and providing their duties and responsibilities; providing an appropriation; amending s. 456.031, F.S.; providing an alternative by which licensees under ch. 466, F.S., relating to dentistry, may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which such licensees may comply with a general requirement that they take AIDS/HIV education courses; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations relating to dental service claims; providing applicability; amending s. 468.302, F.S.; revising a provision relating to exemption from certification to use radiation on human beings; amending ss. 468.352, 468.355, 468.357, 468.358, and 468.359, F.S.; revising definitions and provisions relating to licensure and use of titles and abbreviations to correct and conform terminology with respect to respiratory therapists and respiratory care practitioners; amending ss. 468.1155 and 468.1215, F.S.; revising requirements for licensure to practice speech-language pathology or audiology and for certification of speech-language pathology or audiology assistants; amending s. 480.033, F.S.; correcting terminology in the definition of "massage"; amending s. 484.0445, F.S.; removing certain provisions relating to the training program for hearing aid specialists; amending s. 484.045, F.S.; revising requirements for licensure as a hearing aid specialist by examination; amending s. 490.012, F.S.; prohibiting the use of certain titles or descriptions relating to the practice of psychology or school psychology unless properly licensed; providing penalties; amending s. 490.014, F.S.; revising exemptions from regulation under ch. 490, F.S., relating to psychology; correcting a cross reference; amending s. 491.012, F.S.; revising prohibitions against unlicensed practice of clinical social work, marriage and family therapy, and mental health counseling to provide that practice by registered interns is lawful; amending s. 491.014, F.S.; revising exemptions from licensure under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, to prohibit the use by certain employees of titles, names, or descriptions protected by the chapter; amending ss. 458.319, 459.008, and 765.102, F.S.; conforming terminology relating to palliative care; amending s. 765.101, F.S.; redefining the term "end-stage condition" with respect to health care advance directives; creating s. 765.1025, F.S.; prescribing the content and suitability of palliative care; amending s. 765.1103, F.S.; revising provisions relating to compliance with requests for pain management and palliative care; amending s. 765.205, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by health care surrogates, persons who have durable powers of attorney for health care, and proxy decisionmakers; amending

s. 765.401, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by proxy decisionmakers; requiring the Department of Health to conduct an interim study on specialty certification and provide a report to the Legislature; amending s. 499.012, F.S.; authorizing transfer of prescription drugs between a retail pharmacy and a Modified Class II institutional pharmacy under a retail pharmacy wholesaler's permit; providing effective dates.

By the Procedural & Redistricting Council; Committee on Rules, Ethics & Elections; Representative Goodlette—

**CS/HB 1921**—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; revising certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems; amending s. 101.151, F.S.; providing general specifications for ballots; deleting provisions specific to certain elections and voting systems; requiring the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system; amending s. 101.5603, F.S.; revising definitions relating to the Electronic Voting Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines; amending s. 101.5604, F.S.; requiring any electronic or electromechanical voting system used by a county to be a precinct tabulation system; amending s. 101.5606, F.S.; providing additional requirements for electronic or electromechanical voting systems; creating s. 101.56062, F.S.; establishing a loan program for counties to purchase voting equipment; providing the term of such loans; providing for a priority system based on county need; providing penalties for default or delinquent payments; providing for suspension of payment of principal and penalties under certain financial emergency conditions; providing rulemaking authority; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of "voting equipment," applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

By the Procedural & Redistricting Council; Committee on Rules, Ethics & Elections; Representative Goodlette—

**CS/HB 1925**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms "error in the vote tabulation" and "provisional ballot"; revising the definition of "primary election"; amending s. 100.061, F.S.; providing for a single primary

election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; increasing campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for an appropriation; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; providing a penalty for releasing the results of an election prior to the closing of the polls; amending s. 101.68, F.S.; allowing the processing of absentee ballots through electronic tabulating equipment prior to election day; prohibiting the release of the results of a canvassing or processing of absentee ballots prior to the closing of the polls; providing a penalty; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is the proper party to bring an election contest for certain elections; providing that any elector is the proper party to bring an election contest for elections involving a referendum; clarifying the circumstances under which a person may bring an election contest; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; amending s. 106.31, F.S.; providing legislative intent with respect to public campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; prohibiting participants from accepting contributions from political committees and committees of continuous existence; amending s. 106.35, F.S.; providing that certain contributions may not be used as qualifying matching contributions; providing a limit on the total funds available for distribution for election

campaign financing purposes; amending s. 106.355, F.S.; revising limits on the funding provided to participating candidates when nonparticipating candidates exceed the expenditure limits; repealing s. 98.0975, F.S., relating to list maintenance of the central voter file; providing severability; providing effective dates.

## Reports of Councils and Standing Committees

### Council Reports

#### Received April 17:

The Council for Competitive Commerce recommends the following pass:

HB 289  
CS/HB 345  
CS/HB 717  
HB 733  
CS/HB 747  
HB 1681, with 2 amendments

#### The above bills were placed on the Calendar.

The Council for Ready Infrastructure recommends the following pass:

CS/HB 699  
CS/HB 729  
HB 1221  
HB 1379  
HB 1577  
HB 1603

#### The above bills were placed on the Calendar.

#### Received April 18:

The Fiscal Responsibility Council recommends the following pass:

HJR 689, with 1 amendment  
HB 1111  
HB 1615, with 1 amendment

#### The above bills were placed on the Calendar.

The Council for Healthy Communities recommends the following pass:

HB 315  
HB 375  
HB 649  
HB 1077  
HB 1465  
HB 1863

#### The above bills were placed on the Calendar.

The Fiscal Responsibility Council recommends the following pass:

HB 1513

#### The above bill was referred to the Council for Smarter Government.

#### Received April 19:

The Council for Healthy Communities recommends the following pass:

CS/HB 11  
HB 259  
HB 569  
HB 1049  
HB 1067  
HB 1691  
CS/HB 1765

#### The above bills were placed on the Calendar.

The Council for Lifelong Learning recommends the following pass:  
CS/HB 281, with 1 amendment

CS/HB 463  
 HB 465  
 HB 1547, with 1 amendment  
 HB 1783  
 HB 1801

**The above bills were placed on the Calendar.**

The Council for Ready Infrastructure recommends the following pass:

CS/HB 9, with 1 amendment  
 CS/HB 239  
 CS/HB 687, with 1 amendment  
 CS/HB 949, with 1 amendment  
 HB 1059, with 1 amendment  
 HB 1239, with 1 amendment  
 HB 1421  
 HB 1875

**The above bills were placed on the Calendar.**

The Council for Competitive Commerce recommends council substitutes for the following:

HB 1219  
 HB 1389

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 1219 and 1389 were laid on the table.**

**Received April 20:**

The Council for Competitive Commerce recommends the following pass:

HB 363  
 HB 531, with 1 amendment  
 CS/HB 685  
 HB 1055  
 HB 1087, with 1 amendment  
 HB 1147  
 HB 1203  
 HB 1449, with 4 amendments  
 HB 1479  
 HB 1565  
 HB 1585  
 HB 1787

**The above bills were placed on the Calendar.**

The Council for Healthy Communities recommends the following pass:

CS/CS/HB 179, with 1 amendment  
 HB 235, with 1 amendment  
 HB 301, with 1 amendment  
 HB 421  
 HB 477, with 1 amendment  
 HB 737, with 1 amendment  
 HB 961  
 HB 985, with 1 amendment  
 CS/HB 1073, with 2 amendments  
 CS/HB 1145, with 1 amendment  
 HB 1153, with 1 amendment  
 HB 1349  
 CS/HB 1529  
 HB 1543  
 HB 1703  
 HB 1777, with 2 amendments  
 HB 1799, with 2 amendments  
 HB 1843, with 1 amendment  
 HB 1867, with 1 amendment  
 HB 1873, with 2 amendments

**The above bills were placed on the Calendar.**

The Council for Lifelong Learning recommends the following pass:  
 HB 1601

**The above bill was placed on the Calendar.**

The Council for Ready Infrastructure recommends council substitutes for the following:

HB 1263  
 HB 1437

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 1263 and 1437 were laid on the table.**

**Received April 23:**

The Council for Healthy Communities recommends the following pass:

CS/HB 365  
 CS/HB 605  
 CS/HBs 715 & 1355  
 HB 947  
 CS/HB 1253, with 1 amendment  
 HB 1415  
 HB 1429  
 HB 1885

**The above bills were placed on the Calendar.**

The Council for Lifelong Learning recommends the following pass:  
 CS/HB 1633  
 HB 1943

**The above bills were placed on the Calendar.**

The Procedural & Redistricting Council recommends the following pass:

HB 189, with 2 amendments  
 HB 329  
 HJR 571  
 HB 749  
 HB 1323  
 HB 1611  
 HB 1755  
 HB 1757

**The above bills were placed on the Calendar.**

The Council for Ready Infrastructure recommends the following pass:

CS/HB 161  
 CS/HB 987, with 2 amendments  
 HB 1043  
 HB 1491  
 HB 1635  
 HB 1669  
 HB 1845  
 HB 1905

**The above bills were placed on the Calendar.**

The Council for Smarter Government recommends the following pass:

HB 629  
 HB 869

**The above bills were placed on the Calendar.**

The Council for Healthy Communities recommends council substitutes for the following:

HB 475  
 HB 1403  
 HB 1425  
 HB 1895

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 475, 1403, 1425, and 1895 were laid on the table.**



The Council for Lifelong Learning recommends a council substitute for the following:

CS/HB 1533

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 1533 was laid on the table.**

The Procedural & Redistricting Council recommends council substitutes for the following:

HB 1921

HB 1925

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 1921 and 1925 were laid on the table.**

The Council for Ready Infrastructure recommends a council substitute for the following:

HB 1489

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1489 was laid on the table.**

The Council for Ready Infrastructure recommends the following pass:

HB 1879, with 3 amendments

HB 1881

**The above bills were referred to the Council for Healthy Communities.**

#### Committee Reports

##### Received April 17:

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

CS/HB 67 (fiscal note attached)

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Colleges & Universities recommends a committee substitute for the following:

CS/HB 111

**The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, CS/HB 111 was laid on the table.**

The Committee on General Education recommends a committee substitute for the following:

HB 1015

**The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1015 was laid on the table.**

The Committee on Information Technology recommends committee substitutes for the following:

HB 1045

HB 1109

**The above committee substitutes were referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HBs 1045 and 1109 were laid on the table.**

The Committee on Insurance recommends a committee substitute for the following:

HB 1101

**The above committee substitute was referred to the Committee on Judicial Oversight, subject to review under Rule 6.3, and, under the rule, HB 1101 was laid on the table.**

The Committee on Insurance recommends a committee substitute for the following:

HB 1103

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 1103 was laid on the table.**

##### Received April 18:

The Committee on Criminal Justice Appropriations recommends the following pass:

HB 1687 (fiscal note attached)

**The above bill was placed on the Calendar.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 927 (fiscal note attached)

**The above bill was placed on the Calendar.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 103, with 1 amendment (fiscal note attached)

HB 213, with 1 amendment (fiscal note attached)

CS/HB 309, with 1 amendment (fiscal note attached)

CS/HB 337, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Competitive Commerce.**

The Committee on General Government Appropriations recommends the following pass:

CS/HB 255, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 1127 (fiscal note attached)

HJR 1451 (fiscal note attached)

HB 1551 (fiscal note attached)

**The above bills were referred to the Fiscal Responsibility Council.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

HB 1241 (fiscal note attached)

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on Criminal Justice Appropriations recommends the following pass:

HB 301 (fiscal note attached)

CS/HB 1529 (fiscal note attached)

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 421 (fiscal note attached)

HB 961 (fiscal note attached)

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Health & Human Services Appropriations recommends the following pass:

CS/HB 605, with 2 amendments (fiscal note attached)

CS/HBs 715 & 1355, with 1 amendment (fiscal note attached)

HB 1885, with 3 amendments (fiscal note attached)

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Education Appropriations recommends the following pass:

CS/HB 1509, with 4 amendments (fiscal note attached)  
 CS/HB 1533, with 3 amendments (fiscal note attached)  
 CS/HB 1661, with 5 amendments (fiscal note attached)

**The above bills were referred to the Council for Lifelong Learning.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 523 (fiscal note attached)

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

HB 423, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on General Government Appropriations recommends the following pass:

CS/HB 161, with 1 amendment (fiscal note attached)  
 HB 1669, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

CS/HB 987 (fiscal note attached)  
 HB 1905, with 2 amendments (fiscal note attached)

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on Criminal Justice Appropriations recommends the following pass:

CS/HB 341 (fiscal note attached)  
 CS/HB 1131 (fiscal note attached)

**The above bills were referred to the Council for Smarter Government.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 973 (fiscal note attached)  
 CS/HB 1121, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Smarter Government.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

HB 1433 (fiscal note attached)

**The above bill was referred to the Council for Smarter Government.**

The Committee on Crime Prevention, Corrections & Safety recommends a committee substitute for the following:

HB 1765

**The above committee substitute was referred to the Council for Healthy Communities, subject to review under Rule 6.3, and, under the rule, HB 1765 was laid on the table.**

The Committee on Insurance recommends a committee substitute for the following:

HB 1253

**The above committee substitute was referred to the Council for Healthy Communities, subject to review under Rule 6.3, and, under the rule, HB 1253 was laid on the table.**

The Committee on Crime Prevention, Corrections & Safety recommends a committee substitute for the following:

HB 735

**The above committee substitute was referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HB 735 was laid on the table.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

CS/HB 135, with 1 amendment (fiscal note attached)

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Education Innovation recommends a committee substitute for the following:

HB 1257

**The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1257 was laid on the table.**

The Committee on Education Innovation recommends a committee substitute for the following:

HB 1361

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 1361 was laid on the table.**

The Committee on Insurance recommends a committee substitute for the following:

HB 1227

**The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 1227 was laid on the table.**

The Committee on Insurance recommends a committee substitute for the following:

HB 1699

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 1699 was laid on the table.**

**Received April 19:**

The Committee on Colleges & Universities recommends a committee substitute for the following:

HB 1375

**The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1375 was laid on the table.**

The Committee on Crime Prevention, Corrections & Safety recommends a committee substitute for the following:

HB 1231

**The above committee substitute was referred to the Committee on Judicial Oversight, subject to review under Rule 6.3, and, under the rule, HB 1231 was laid on the table.**

**Received April 20:**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 843, with 1 amendment  
 HB 879  
 HB 1855, with 1 amendment  
 HB 1857, with 1 amendment  
 HB 1859  
 HB 1887, with 2 amendments  
 HB 1897, with 4 amendments  
 HB 1899, with 1 amendment  
 HB 1903

**The above bills were placed on the Calendar.**

The Committee on Business Regulation recommends the following pass:  
 HB 1789

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
 HB 1523 (fiscal note attached)

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
 HB 1439, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
 HB 1043, with 1 amendment (fiscal note attached)  
 HB 1491, with 2 amendments (fiscal note attached)  
 HB 1635, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
 HJR 99 (fiscal note attached)  
 CS/HB 199 (fiscal note attached)  
 HB 349, with 3 amendments (fiscal note attached)  
 HB 1469 (fiscal note attached)

**The above bills were referred to the Council for Smarter Government.**

The Committee on Juvenile Justice recommends the following pass:  
 HB 1771, with 1 amendment

**The above bill was referred to the Council for Smarter Government.**

The Committee on Business Regulation recommends the following pass:  
 HB 1471, with 1 amendment

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 CS/HB 79

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 HB 1563

**The above bill was referred to the Committee on Transportation & Economic Development Appropriations.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HB 935  
 HB 941  
 HB 1849, with 1 amendment

**The above bills were referred to the Committee on State Administration.**

The Committee on Colleges & Universities recommends a committee substitute for the following:  
 HB 1369

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 1369 was laid on the table.**

The Committee on Education Innovation recommends a committee substitute for the following:  
 HB 1495

**The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 1495 was laid on the table.**

**Received April 23:**

The Committee on Fiscal Policy & Resources recommends a committee substitute for the following:  
 HB 1893 (fiscal note attached)

**The above committee substitute was referred to the Committee on Council for Ready Infrastructure, subject to review under Rule 6.3, and, under the rule, HB 1893 was laid on the table.**

The Committee on Insurance recommends the following pass:  
 HB 773, with 2 amendments  
 HB 1643, with 1 amendment

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Insurance recommends the following pass:  
 HB 381, with 2 amendments  
 HB 1373, with 1 amendment

**The above bills were referred to the Committee on Health & Human Services Appropriations.**

The Committee on Local Government & Veterans Affairs recommends committee substitutes for the following:  
 HB 1255  
 HBs 1617 & 1487

**The above committee substitutes were referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HBs 1255, 1617, and 1487 were laid on the table.**

The Committee on Insurance recommends the following pass:  
 HB 291, with 1 amendment

**The above bill was referred to the Committee on State Administration.**

**Enrolling Reports**

HB 407 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 18, 2001.

*John B. Phelps, Clerk*

CS/CS/HB 107 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 23, 2001.

*John B. Phelps, Clerk*

## Communications

The Governor advised that he had filed in the Office of the Secretary of State CS/HB 141, which will become law on April 18, 2001 without his signature.

*The Honorable Katherine Harris*  
Secretary of State

April 17, 2001

*Dear Secretary Harris:*

I hereby transmit to you without my signature House Bill 141, an act relating to adoption.

Over the last few weeks, the Office of the Governor has been involved in an education process spanning countless hours of meetings with the entities and individuals most engaged in the debate over House Bill 141.

This bill has presented our state with the opportunity to address a subject that presents emotional and complex issues of public policy. One thing is clear to me—there are good people who passionately support this reform and good people who passionately oppose it. I have listened to all points of view. There are legislators for whom I have the greatest respect who voted for and against this bill. Adoptive parents are both proponents and opponents of the bill. It is also apparent that the faith community is divided over the impacts of House Bill 141. So, too, are our statewide newspaper editorial boards. The public debate, though difficult, has highlighted the need for reform on this important issue.

House Bill 141 begins with the premise that we should bring more certainty to Florida's adoption procedures and laws. This certainty is designed to provide greater finality once the adoption is approved, and to avoid circumstances where future challenges to the adoption disrupt the life of the child. In order to accomplish this goal, a goal that most everyone believes is worthy, certain rights and responsibilities must be clearly enumerated at the outset of the adoption process, and procedures followed.

Adoption laws in the state attempt to strike the appropriate balance between the rights and responsibilities of three parties with a vested interest in the outcome—the birth mother, the birth father, and the adoptive parents. The child's safety, well-being, and permanency must be the paramount concern of these parties and the state. House Bill 141 is no different in attempting to balance rights and responsibilities. Where it is different is that it spells out these rights and responsibilities in the law, which in turn provides some comfort as well as discomfort for all groups involved in the process.

House Bill 141 establishes a clear and distinct two-step process for private adoptions similar to the process that already exists for adoptions handled by the Department of Children and Families and licensed adoption agencies. It sets forth explicit and extensive disclosure, consent, notice and hearing requirements in adoption proceedings. It requires 48 hours before the birth mother may consent to an adoption in an effort to provide more finality to her decision, and it clarifies and updates the criteria for the finding of abandonment.

However, House Bill 141 does have its deficiencies. Foremost, in its effort to strike the appropriate balance between rights and responsibilities, there is a shortage of responsibility on behalf of the birth father that could be corrected by requiring some proactive conduct on his part. Furthermore, while House Bill 141 restates current law that provides a two-year statute of repose for challenging an adoption based on fraud, it is clear that this two-year window causes much concern among adoption practitioners, agencies and members of the faith community. I, too, believe the current statute of repose may be too long. And finally, there is language in the bill that is unclear. The notice provisions do not accurately track the substantive law in the bill, and there are certain word changes that have given rise to the concern that birth fathers' rights are being unduly expanded.

The standard procedure in Tallahassee is to pass during the next legislative session what insiders call a "glitch bill" that would seek to cure many of these defects. And, in fact, at least one of the sponsors of the bill has indicated his willingness to do the same in the event there is a need next year.

A better alternative exists. Yesterday, the House of Representatives passed House Bill 415 prepared by Rep. Johnnie Byrd and Rep. Evelyn Lynn that uses House Bill 141 as its base, but addresses many of the concerns raised above.

First, it provides for a Paternity Registry similar to those already in existence in the vast majority of states around the country. This registry imposes a duty on the birth father to take affirmative action if he wants to later raise a parental claim. The registry, which will be well publicized, also gives greater finality to adoptions by cutting off a birth father's ability to later claim a child on the basis that he was unaware of the child's birth.

Second, and most important, the current two-year statute of repose to challenge an adoption will be further reduced to one year. Only two years ago, challenges to adoptions based on fraud could have been brought within four years. With the passage of this later corrective adoption bill, Florida will have reduced the amount of time an adoption can be challenged by 75 percent.

Third, the bill provides for mutuality of obligations among the parties. Under House Bill 141, in cases of fraud or duress, the adoption entities are strictly liable for attorney's fees and costs of the challenging birth parent if that birth parent prevails. House Bill 415 provides more parity by requiring a "loser pays" system that will award attorney's fees and costs to the prevailing party in such a challenge.

Fourth, some of the publication requirements imposed in House Bill 141 have been scaled back to current practice in order to avoid higher adoption costs and public exposure to women who undertake this difficult decision.

And finally, many of the drafting problems with House Bill 141 are corrected in this later filed bill. Consistency is restored between the notice provisions and substantive law, and words are deleted that were causing adoption attorneys and other adoption entities some concern.

While House Bill 415 as a corrective measure will be portrayed by some as an elusive attempt to compromise, I believe it addresses many of the issues that were raised by those who opposed the adoption bill. In addition, I have received a commitment from the Senate sponsor of House Bill 141 that House Bill 415 will be favorably reported to and acted on in the Florida Senate. In fact, this commitment was a precondition to my allowing House Bill 141 to become law without signature. As the later enacted legislation, House Bill 415 will supercede and complement House Bill 141.

Of course, not all the concerns related to House Bill 141 are addressed in the later-filed legislation, but the legislative process rarely yields a work product on such a sensitive matter that satisfies everyone. That fact, in and of itself, should be no reason to stymie reform.

Our own United States Constitution was the product of a similar process. Amid resistance by some to sign the Constitution, our great founding father Ben Franklin said, "I cannot help expressing a wish that every member of the convention who may still have objections to it would with me on this occasion doubt a little of his own infallibility. . . ." because after all, Franklin was "not sure that it is not the best" product given the joint wisdom, passions, prejudices, and even errors of opinion of those who created the document. So it is the same with the adoption reform embodied in both House Bill 141 and House Bill 415, and that we must doubt a little of our own infallibility.

I look forward to receiving House Bill 415, and to turning our future thoughts to the means of having our new adoption laws well-administered.

Sincerely,  
*JEB BUSH*  
Governor

## Recorded Votes

Rep. Bean:

Yeas—HR 9067

Rep. Gibson:

Yeas—Passage of CS/CS/HB 107 after concurrence in Senate Amendments 1 and 2

Rep. Heyman:

Yeas—CS/HB 409; motion to consider a late-filed amendment to Substitute Amendment 1 to HB 1083

Change from Yeas to Nays—Amendment 1 to Substitute Amendment 1 to HB 1083

Change from Nays to Yeas—HB 1083

Rep. Mahon:

Yeas—HR 9067

Rep. Maygarden:

Yeas—HB 1715

Rep. Meadows:

Change from Yeas to Nays—CS/HB 339

Change from Nays to Yeas—HB 45

Rep. Rich:

Change from Yeas to Nays—Profile Amendment 61 to HB 1807

**Disclosure of Interest**

On April 16, 2001 the Florida House of Representatives voted on CS/HB 339, related to Certificate of Need and Open Heart Surgery. This bill has the potential to grant Martin Memorial Hospital an Open Heart Program.

Currently I am in negotiation with that hospital for their purchase of property located at 707 East Osceola Street of which I am a partial owner.

I requested an opinion on the potential conflict of interest in this matter from Mr. Tom Tedcastle, General Counsel to the Florida House of Representatives, on April 10, 2001. I was subsequently advised by the General Counsel that since the purchase of the property is not contingent on the passage of CS/HB 339 and I have no personal financial interest in the passage of the bill, I am required to vote on CS/HB 339.

In order to avoid any appearance of an ethical violation, I am hereby providing disclosure of Martin Memorial Medical System's potential benefit from CS/HB 339 and their possible purchase of said property.

Rep. Gayle B. Harrell  
District 81

**Cosponsors**

- HJR 49—McGriff
- CS/HB 73—Dockery, Murman
- CS/HB 79—Sobel
- HB 189—Spratt
- CS/HB 239—Slosberg
- CS/HB 267—Andrews, Attkisson, Bendross-Mindingall, Betancourt, Farkas, Fiorentino, Harrington, Melvin, Prieguez, Wilson

- HB 301—Bullard
- CS/HB 341—Bullard
- CS/HB 411—Haridopolos
- HB 419—Heyman
- CS/HB 427—Lerner
- HB 449—Dockery, Kendrick, Murman
- CS/CS/HB 453—Dockery, Murman
- CS/HB 463—Detert, McGriff, Melvin
- HB 465—Wiles
- HB 489—Farkas, Paul
- HB 553—Diaz de la Portilla
- HB 559—Bendross-Mindingall, Berfield, Bilirakis, Carassas, Crow, Farkas, Fields, Henriquez, Joyner, Justice, Richardson, Wallace, Waters, Wilson
- HB 593—Dockery
- CS/HB 605—Fiorentino
- CS/HB 617—Gannon, Heyman, McGriff, Romeo
- HB 621—Atwater, Diaz de la Portilla, Gannon, Siplin, Weissman
- HB 635—Fiorentino
- HB 649—Detert
- HB 651—Attkisson, Baxley, Detert, Johnson, Peterman
- HB 701—Needelman
- CS/HB 705—Murman
- CS/HBs 715 & 1355—Fiorentino
- HB 875—Negron
- HB 947—Kottkamp
- HB 953—Wishner
- CS/HB 987—Diaz-Balart
- HB 997—Fiorentino
- HB 1047—Jordan
- CS/HB 1073—Fiorentino, Sobel
- HB 1089—Carassas
- HB 1099—Bendross-Mindingall
- CS/HB 1131—Bullard, Harper
- CS/HM 1177—Green
- CS/HB 1199—Dockery, Murman
- HB 1221—Murman
- HB 1225—Bean
- HB 1237—Ritter
- HB 1485—Argenziano, Bense, Ross
- HB 1547—Wishner
- HB 1555—Bendross-Mindingall, Harper, Harrington, Romeo, Siplin, Smith
- HB 1595—Lerner
- HB 1687—Bullard, Russell
- HB 1799—Fiorentino, Green
- HB 1879—Murman
- HB 1881—Murman
- HB 1889—Allen, Andrews, Atwater, Bean, Berfield, Bucher, Crow, Detert, Farkas, Flanagan, Gottlieb, Harper, Harrell, Hogan, Jennings, Joyner, Justice, Kallinger, Littlefield, Machek, Mayfield, McGriff, Mealor, Ross, Slosberg, Stansel, Trovillion, Wishner
- HB 1943—Brown, Byrd, Farkas, Haridopolos, Kyle, Melvin, Murman, Negron, Ross, Wallace
- HR 9063—Crow

**Withdrawals as Cosponsor**

- HB 921—Flanagan



# The Journal OF THE House of Representatives

Number 16

Tuesday, April 24, 2001

The House was called to order by the Speaker at 1:30 p.m.

## Prayer

The following prayer was offered by Pastor Glenn Bass of Faith Presbyterian Church of Tallahassee, upon invitation of Rep. Ausley:

Almighty God, bless those who hold office in the government for this state, city, and town, that they may do their work in a spirit of kindness, justice, and wisdom, and to see that one of the greatest virtues is having the wisdom to know and do what is right for all. Help them use their authority to serve faithfully and promote the general welfare for all. Amen.

The following Members were recorded present:

Session Vote Sequence: 152

The Chair	Crow	Holloway	Paul
Alexander	Cusack	Jennings	Peterman
Allen	Davis	Johnson	Prieguez
Andrews	Detert	Joyner	Rich
Arza	Diaz de la Portilla	Justice	Richardson
Attkisson	Diaz-Balart	Kallinger	Ritter
Atwater	Dockery	Kendrick	Romeo
Ausley	Farkas	Kilmer	Ross
Baker	Fasano	Kosmas	Rubio
Ball	Fields	Kottkamp	Russell
Barreiro	Fiorentino	Kravitz	Ryan
Baxley	Flanagan	Kyle	Seiler
Bean	Frankel	Lee	Simmons
Bendross-Mindingall	Gannon	Lerner	Siplin
Bennett	Garcia	Littlefield	Slosberg
Bense	Gardiner	Lynn	Smith
Benson	Gelber	Machek	Sobel
Berfield	Gibson	Mack	Sorensen
Betancourt	Goodlette	Mahon	Spratt
Bilirakis	Gottlieb	Mayfield	Stansel
Bowen	Green	Maygarden	Trovillion
Brown	Greenstein	McGriff	Wallace
Brummer	Haridopolos	Meadows	Waters
Brutus	Harper	Mealor	Weissman
Bucher	Harrington	Melvin	Wiles
Bullard	Hart	Miller	Wilson
Byrd	Henriquez	Murman	Wishner
Cantens	Heyman	Needelman	
Clarke	Hogan	Negron	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The Members, led by Brianna Barry of Tallahassee, Daniel Ben-Zadok of Weston, Taylor Bense of Panama City, Robert H. Berntsson II of Port Charlotte, Christopher Corr, Courtney Corr of Jacksonville, Brittany Fishel of Panama City, and Timothy D. Meadows of Orlando, pledged allegiance to the Flag. Brianna Barry served at the invitation of Rep. Byrd. Daniel Ben-Zadok served at the invitation of Rep. Rich. Taylor Bense served at the invitation of his father, Rep. Bense. Robert H. Berntsson II served at the invitation of Rep. Paul. Courtney Corr and Brittany Fishel served at the invitation of Speaker Feeney. Timothy D. Meadows served at the invitation of Rep. Allen.

## House Physician

The Speaker introduced Dr. John R. Hayes of Boca Raton, who served in the Clinic today upon invitation of Rep. Slosberg.

## Correction of the Journal

The *Journal* of April 23 was corrected and approved as corrected.

The *Journal* of April 16 was corrected and approved as follows: On page 527, column 2, delete lines 11 through 12 from the bottom.

And on line 8 from the bottom, in CS/HB 415, delete Kyle

The *Journal* of March 30 was further corrected as follows: On page 399, column 1, between lines 16 and 17 from the bottom, insert: Referred to the Calendar of the House.

And between lines 8 and 9 from the bottom, insert: Referred to the Calendar of the House.

And beneath line 1 from the bottom, insert: Referred to the Calendar of the House.

The *Journal* of March 21 was further corrected as follows: On page 324, column 1, 4 lines from the bottom, delete "Crime Prevention, Corrections & Safety;"

And in column 2, lines 4 through 5 from the top, delete "Agriculture & Consumer Affairs;"

And on page 325, column 1, lines 20 through 21 from the bottom, delete "Judicial Oversight" and insert in lieu thereof: State Administration

And in column 2, lines 28 through 29 from the bottom, delete "Local Government & Veterans Affairs;"

**Reports of Councils and Standing Committees**

**Reports of the Procedural & Redistricting Council**

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

April 23, 2001

*Dear Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits as Special Orders for Tuesday, April 24, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):
  - CS/HB 1925—Elections
  - CS/HB 1921—Voting Systems
  - HB 1323—Department of State (RAB)
  - HB 1757—Absentee Ballots
  - HB 749—Absentee Ballots
  - HB 189—Military Voter Protection Act
  - HB 1935—Legislature/Convening Date/2002
  - HR 9003—Tax Relief Proposal
  - CS/HB 347—Public Employee Optional Retirement
  - CS/CS/HB 503—Public Employee Optional Retirement
  - HB 449—Civil Actions/Firearms & Ammunition
  - HB 505—Sex Crimes/Time Limitations
  - HB 1747—Controlled Substances/Hydrocodone
  - CS/HB 203—Child Pornography
  - CS/HB 257—Road Designations/Miami-Dade Co.
  - HB 1863—Onsite Sewage Treatment & Disposal
  - HB 559—Pinellas Co. School Board
  - HB 829—Broward Co./Lauderdale-By-The-Sea
  - HB 831—Broward Co./Pompano Beach
  - HB 835—Broward Co./Corporate Boundaries
  - HB 837—Sunshine Drainage District
  - HB 843—Coral Springs/Corporate Limits
  - HB 853—Pinellas Co./Tourist Dev. Council
  - HB 867—Hillsborough Co./Tourist Development
  - HB 869—Broward Co./Concurrency Requirements
  - HB 873—West Palm Beach/Police Pension
  - HB 915—Ft. Lauderdale/Dania Beach

II. Time Certain - 4:00 p.m. - Local Bill Calendar for Tuesday, April 24, 2001:

- HB 115—City of Marathon/Police Powers
- CS/HB 479—Rainbow Lakes Estates District
- HB 585—Martin Co./Tax/Indigent Health Care
- HB 629—Sheriff/Employees & Appointees
- HB 763—Monroe Co./Key West Utility Board
- HB 775—Collier Mosquito Control District
- HB 777—Public Transportation Commission
- HB 799—Glades/Hendry Co./Barron Water Dist.
- HB 845—West Lauderdale Water Control Dist.
- HB 847—Dog Island Conservation District
- HB 849—Emergency Medical Services Authority
- HB 851—Hillsborough Co. Hospital Authority
- HB 855—Citrus County Hospital Board
- HB 857—Highland Glades Water Control Dist.
- HB 859—Gladeview Water Control District
- HB 879—South Indian River Water Control
- HB 885—Hillsborough Co./Hospital Liens
- HB 887—Ocean City-Wright Fire Control Dist.
- HB 897—Clay Co. Development Authority
- HB 901—Jacksonville/Air & Water Pollution
- HB 903—City of Jacksonville
- HB 905—Broward Co./Pine Tree Water District
- HB 911—Hillsborough Co./Tampa
- HB 919—Escambia Co. Utilities Authority
- HB 927—Pinellas Park Water Mgmt. District
- HB 929—Rupert J. Smith Law Library
- HB 931—Coral Springs Improvement District
- HB 937—Escambia Co./City of Pensacola

- HB 939—Pensacola-Escambia Govt. Center
- HB 943—Immokalee Fire Control District
- HB 945—Palm Beach Co./Solid Waste Authority
- HB 975—Sebring Airport Authority
- HB 1037—West Manatee Fire & Rescue District
- HB 1041—Ft. Myers Beach Mosquito Cont. Dist.
- HB 1115—Brevard Co./Melbourne-Tillman Dist.
- HB 1125—Monroe Co./Water Quality Standards
- HB 1183—Englewood Area Fire Control District
- HB 1815—Santa Rosa Co. Civil Service Board
- HB 1851—Manatee Co./Fire Prevention/Marshal
- HB 1855—Holiday Park Park & Recreation Dist.
- HB 1857—Tri-Par Estates Park District
- HB 1859—Collier Co./Governmental Powers
- HB 1887—Dorcas Fire District
- HB 1897—Ft. Walton Beach Area Bridge Auth.
- HB 1899—Lake Weir/Watercraft Speeds
- HB 1903—Escambia Co. Civil Service System

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

On motion by Rep. Byrd, **HR 9069** was added to the Special Order Calendar.

On motion by Rep. Byrd, the above report was adopted, as amended.

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

April 23, 2001

*Dear Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits the following Special Rule report:

- I. Special Rule 01-11 applies to each bill on Third Reading during days 50-58 of the 2001 Regular Session.
- II. Pursuant to Special Rule 01-12 which applies to CS/HB 1921, the attached 3 amendments were approved for floor consideration (amendments 130935, 781917, and 173025).
- III. Pursuant to Special Rule 01-13 which applies to CS/HB 1925, the attached 8 amendments were approved for floor consideration (amendments 545881, 571173, 245775, 633661, 412611, 102897, 582609, and 713047).
- IV. Pursuant to Special Rule 01-14 which applies to CS/HB 1533, the attached 5 amendments were approved for floor consideration (amendments 234981, 062771, 981421, 601975, and 801849).

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

**Special Rule 01-11**

*Bill(s):* Each bill on third reading during days 50 through 58 of the 2001 Regular Session.

During days 50 through 55 of the 2001 Regular Session, any bill on third reading shall be temporarily postponed. Upon motion by the Chair of the Procedural & Redistricting Council and with the approval of a majority of the House, the House shall advance or revert to the Order of Business of Bills and Joint Resolutions on Third Reading to consider the specific bill or bills designated in the motion. Following consideration of these bills, the House may return to the previous Order of Business by motion of the Chair of the Procedural & Redistricting and approval of the the majority of the House.

During days 56 through 58 of the 2001 Regular Session, a bill on third reading shall be considered by the House only in accordance with a report submitted by the Procedural & Redistricting Council in the form of a Third Reading Calendar. The Third Reading Calendar may be submitted to the House in conjunction with the Special Order Calendar or as a separate report.

Notwithstanding House Rule 10.13 (a), such Third Reading Calendars from the Procedural & Redistricting Council shall specify the date and sequence for the consideration of identified bills on third reading. Notice and amendment filing deadlines for a Third Reading Calendar shall be the same as apply to a Special Order Calendar. A previously adopted Third Reading Calendar shall expire upon adoption of new Third Reading Calendar.

This Special Rule does not apply to Senate Bills taken up instant as Senate Messages or to specific policies adopted by the House for consideration of local bills or consent calendar bills.

**Special Rule 01-12**

*Bill(s):* HB 1921 by Rules, Ethics, & Elections and Rep. Goodlette relating to voting systems (or subsequent version reported by committee or council)

Summary: The Special Rule includes a structured condition for consideration of amendments and covers consideration of the bill on third reading.

*Floor Leaders:*

- Rep. Byrd for the Proponents
- Rep. Ryan for the Opponents

*Floor Consideration:*

3<sup>rd</sup> Reading

During third reading, up to a total of 75 minutes shall be allocated for debate. From this allotted time, the sponsor(s) will have up to 10 minutes to open and 5 minutes to close. The floor leaders will each be allocated 30 minutes for the purpose of debate, and may yield their time to other Members.

No Member may be recognized for any purpose unless a floor leader yields time to that Member. It is the prerogative of the Speaker to alternately recognize each floor leader for an amount of time determined by the Speaker. Time will be counted against the floor leader who yields to a speaker.

All recognitions must go through the Speaker.

*Amendments:*            \_\_\_\_\_ Open  
                                   \_\_\_\_\_ **X**    Structured  
                                   \_\_\_\_\_ Closed

Only traveling committee or council amendments and amendments approved for consideration by the Procedural & Redistricting Council shall be in order. The proponents and opponents shall each be approved for no more than 2 amendments. Amendments must be delivered in floor-ready form to the Procedural & Redistricting Council before 3 p.m. on April 23, 2001. An amendment to the amendment or substitute amendment must be delivered to the Council before 4 pm. of that day.

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

[Amendments 130935, 781917, and 173025 attached]

**Special Rule 01-13**

*Bill(s):* HB 1925 by Rules, Ethics, & Elections and Rep. Goodlette (or subsequent version reported by Committee/Council)

Summary: The Special Rule covers consideration of the bill on both second and third readings and includes a structured condition for consideration of amendments.

*Floor Leaders:*

- Rep. Byrd for the Proponents
- Rep. Smith for the Opponents

*Floor Consideration:*

2<sup>nd</sup> Reading

During second reading, up to a total of 160 minutes shall be allocated for the sponsor(s) and floor leaders to explain the bill and to ask and answer questions and for the House to consider amendments. From this time, the sponsor(s) shall be allowed 10 minutes to explain the bills. The floor leaders will each be allocated a total of 75 minutes for the purpose of questions and answers and for consideration of amendments. Floor leaders may yield their time to other Members.

3<sup>rd</sup> Reading

During third reading, up to a total of 75 minutes shall be allocated for debate. From this allotted time, the sponsor(s) will have up to 10 minutes to open and 5 minutes to close. The floor leaders will each be allocated 30 minutes for the purpose of debate, and may yield their time to other Members.

During both 2<sup>nd</sup> and 3<sup>rd</sup> Readings, no Member may be recognized for any purpose unless a floor leader yields time to that Member. It is the prerogative of the Speaker to alternately recognize each floor leader for an amount of time determined by the Speaker. Time will be counted against the floor leader who yields to a speaker.

All recognitions must go through the Speaker.

*Amendments:*            \_\_\_\_\_ Open  
                                   \_\_\_\_\_ **X**    Structured  
                                   \_\_\_\_\_ Closed

Only traveling committee or council amendments and amendments approved for consideration by the Procedural & Redistricting Council shall be in order. The proponents and opponents shall each be approved for no more than 6 amendments. Amendments must be delivered in floor-ready form to the Procedural & Redistricting Council before 3 p.m. on April 23, 2001. An amendment to the amendment or substitute amendment must be delivered to the Council before 4 pm. of that day.

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

[Amendments 545881, 571173, 245775, 633661, 412611, 102897, 582609, and 713047 attached]

**Special Rule 01-14**

*Bill(s):* CS/HB 1533 by Colleges & Universities and Rep. Lynn and others (or subsequent version reported by Committee/Council)

Summary: The Special Rule covers consideration of the bill on both second and third readings and includes a structured condition for consideration of amendments.

*Floor Leaders:*

- Rep. Melvin for the Proponents
- Rep. Richardson for the Opponents on Second Reading
- Rep. Bucher for the Opponents on Third Reading

*Questions and Debate:*

3<sup>rd</sup> Reading

During third reading, up to a total of 115 minutes shall be allocated for debate. From this allotted time, the sponsor(s) will have up to 10 minutes to open and 5 minutes to close. The floor leaders will each be allocated 50 minutes for the purpose of debate, and may yield their time to other Members.



No Member may be recognized for any purpose unless a floor leader yields time to that Member. It is the prerogative of the Speaker to alternately recognize each floor leader for an amount of time determined by the Speaker. Time will be counted against the floor leader who yields to a speaker. All recognitions must go through the Speaker.

Amendments:                             Open  
        X     Structured  
             Closed

Only traveling committee or council amendments and amendments approved for consideration by the Procedural & Redistricting Council shall be in order. The proponents and opponents shall each be approved for no more than 4 amendments. Amendments must be delivered in floor-ready form to the Procedural & Redistricting Council before 3 p.m. on April 23, 2001. An amendment to the amendment or substitute amendment must be delivered to the Council before 4 pm. of that day.

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

[Amendments 234981, 062771, 981421, 601975, and 801849 attached]

On motion by Rep. Byrd, the above report was adopted.

**Motions**

Rep. Diaz-Balart explained the procedure for consideration of Local Bills, which was adopted on motion by Rep. Byrd.

On motion by Rep. Byrd, the rules were waived and HRs 9025, 9031, 9037, 9045, 9053, 9057, 9059, 9061, 9063, 9065, and 9071 were approved for adoption by publication, subject to an objection process where an objection by any Member to any resolution prior to 5:00 p.m. on Wednesday, April 25, would remove it from the list.

**Motions Relating to Committee or Council References**

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 61 was withdrawn from the Council for Smarter Government and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 653 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 291 was withdrawn from the Committee on State Administration and remains referred to the Committee on General Government Appropriations and the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 793 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 557 was withdrawn from the Committee on Crime Prevention, Corrections & Safety and remains referred to the Council for Ready Infrastructure.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 863 was withdrawn from the Committee on Rules, Ethics & Elections and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1095 was withdrawn from the Committee on Crime Prevention, Corrections & Safety and remains referred to the Committee on Fiscal Policy & Resources and the Council for Smarter Government.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1129 was withdrawn from the Committee on Education Appropriations and remains referred to the Council for Lifelong Learning.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1187 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1365 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 891 was withdrawn from the Committee on Natural Resources & Environmental Protection and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1477 was withdrawn from the Committee on Crime Prevention, Corrections & Safety and remains referred to the Council for Smarter Government.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1915 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1621 was withdrawn from the Committee on Economic Development & International Trade and remains referred to the Council for Ready Infrastructure.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1587 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1673 was withdrawn from the Committee on Crime Prevention, Corrections & Safety and remains referred to the Council for Smarter Government.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1683 was withdrawn from the Committee on Transportation and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1683 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1889 was withdrawn from the Council for Ready Infrastructure and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1891 was withdrawn from the Council for Ready Infrastructure and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1893 was withdrawn from the Council for Ready Infrastructure and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1915 was withdrawn from the Council for Competitive Commerce and placed on the Calendar of the House.

**Bills and Joint Resolutions on Third Reading**

Pursuant to adoption of Special Rule 01-11 earlier today, consideration of **CS/HB 1199** was temporarily postponed.

**Special Orders**

**Special Order Calendar**

**Bill Subject to Special Rule**

**CS/HB 1925**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms “error in the vote tabulation” and “provisional ballot”; revising the definition of “primary election”; amending s. 100.061, F.S.; providing for a single primary election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to

conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; increasing campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for an appropriation; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; providing a penalty for releasing the results of an election prior to the closing of the polls; amending s. 101.68, F.S.; allowing the processing of absentee ballots through electronic tabulating equipment prior to election day; prohibiting the release of the results of a canvassing or processing of absentee ballots prior to the closing of the polls; providing a penalty; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is the proper party to bring an election contest for certain elections; providing that any elector is the proper party to bring an election contest for elections involving a referendum; clarifying the circumstances under which a person may bring an election contest; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; amending s. 106.31, F.S.; providing legislative intent with respect to public campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; prohibiting participants from accepting contributions from political committees and committees of continuous existence; amending s. 106.35, F.S.; providing that certain contributions may not be used as qualifying matching contributions; providing a limit on the total funds available for distribution for election campaign financing purposes; amending s. 106.355, F.S.; revising limits on the funding provided to participating candidates when nonparticipating candidates exceed the expenditure limits; repealing s. 98.0975, F.S., relating to list maintenance of the central voter file; providing severability; providing effective dates.

—was read the second time by title.

On motion by Rep. Byrd, Special Rule 01-13 for CS/HB 1925 was adopted.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 545881)

**Amendment 1**—On page 32, lines 18-26  
remove from the bill: all of said lines

and insert in lieu thereof:

*(5) The duties of the supervisors of elections under this section shall be considered part of their regular registration list maintenance duties under this chapter, and any supervisor of elections who willfully refuses or willfully neglects to perform his or her duties under this section shall be in violation of s. 104.051(2).*

Section 32. *(1) The statewide voter registration database, created pursuant to s. 98.0977, Florida Statutes, by this act, shall be operational by June 1, 2002.*

*(2) Funding for the analysis, design, development, operation, and maintenance of the statewide voter registration database pursuant to s. 98.0977(1), Florida Statutes, shall be as provided for in the 2001-2002 General Appropriations Act.*

Rep. Goodlette moved the adoption of the amendment, which was adopted.

Representative(s) Smith, Wilson, and Sobel offered the following:

(Amendment Bar Code: 571173)

**Amendment 2 (with title amendment)**—On page 61, between lines 6 and 7,

insert:

Section 51. Section 98.255, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 98.255, F.S., for present text.)*

*98.255 Voter-education programs.—*

*(1) By March 1, 2002, the Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. In developing the rules, the department shall review current voter-education programs within each county of the state. The standards shall address, but are not limited to, the following subjects:*

- (a) Voter registration;*
- (b) Balloting procedures, absentee and polling place;*
- (c) Voter rights and responsibilities;*
- (d) Distribution of sample ballots; and*
- (e) Public service announcements.*

*(2) Each supervisor of elections shall implement the minimum voter-education standards and shall conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.*

*(3)(a) By December 15 of each general election year, each supervisor of elections shall report to the Department of State a detailed description of the voter-education programs implemented and any other information that may be useful in evaluating the effectiveness of voter-education efforts.*

*(b) The Department of State, upon receipt of such information, shall prepare a public report on the effectiveness of voter-education programs and shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.*

*(c) The Department of State shall reexamine the rules adopted pursuant to subsection (1) and consider the findings in the report as a*

basis for adopting modified rules that incorporate successful voter-education programs and techniques, as necessary.

(4) The State Board of Education shall adopt rules for expanding civic education programs in high schools in the state. The expansion must contain a voter-education program and include basic instruction in voter skills. The supervisor of elections in each county shall cooperate with the district school board in conducting and implementing the voter-education program required under this subsection, however, the program required under this subsection shall be in addition to, and not in lieu of, the nonpartisan voter education required under subsection (1).

Section 52. Section 102.014, Florida Statutes, is created to read:

102.014 Pollworker recruitment and training.—

(1) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.

(2) A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.

(3) In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in section 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

(4) Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:

(a) Each clerk shall receive four hours of training biannually when not in a general election year, and two hours of training quarterly in each general election year;

(b) Each inspector shall receive at least two hours of training biannually when not in a general election year, and one hour of training quarterly in each general election year.

(c) No clerk shall be entitled to work at the polls unless he or she has had a minimum of six hours of training.

(d) No inspector shall work at the polls unless he or she has had a minimum of three hours of training.

(5) The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall insure that the manual is available in hard copy or electronic form in every precinct in the supervisor's jurisdiction on election day. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems. The manual shall include, without limitation:

(a) Regulations governing solicitation by individuals and groups at the polling place;

(b) Procedures to be followed with respect to voters whose names are not on the precinct register;

(c) Proper operation of the voting system;

(d) Ballot handling procedures;

(e) Procedures governing spoiled ballots;

(f) Procedures to be followed after the polls close;

(g) Rights of voters at the polls;

(h) Procedures for handling emergency situations;

(i) Procedures for dealing with irate voters;

(j) The handling and processing of provisional ballots; and

(k) Security procedures.

The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and pollworkers at the precincts.

(6) State, county, and municipal workers who volunteer to serve as clerks and inspectors and whose jobs are not of an emergency nature may work at the polls, as needed, in lieu of their normal work.

(7) Supervisors of elections shall work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks.

Section 53. Subsections (8) and (9) of section 102.012, Florida Statutes, are repealed.

Section 54. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the pollworker training required by s. 102.014 ~~102.012(8)~~.

Section 55. Section 97.0584, Florida Statutes, is created to read:

97.0584 Voter registration of high school students.—

(1)(a) Each school district in the state shall establish a voter registration program that provides every eligible student enrolled in a high school in the district the opportunity to register to vote or to update a voter registration record at least once each year in the spring as provided in this section. Registration under this section includes preregistration as authorized under s. 97.041(1)(b).

(b) Participation in the program is mandatory for all public high schools and voluntary for each nonpublic high school.

(2) The social sciences division of each school district shall administer the program for the district and shall coordinate the annual voter registration drive conducted in the participating high schools in the district to ensure compliance with this section.

(3)(a) Each participating high school in the district shall conduct a voter registration drive each spring pursuant to this section with the goal of registering a number of students equal to its base group. The base group for each school shall consist of those students who are enrolled in American Government or Economics classes, who are at least 17 years of age as of April 10 of the year of the registration drive, and who meet the requirements to become a registered voter specified in s. 97.041. If the goal is not met with the base group, students who are enrolled in a social studies class other than American Government or Economics and who are otherwise eligible may participate. If the goal is still not met, students who are not enrolled in any social science class but who are otherwise eligible may participate.

(b) Each participating high school shall conduct a review of the voter registration applications filled out by students at the school to ensure compliance with the requirements for completeness specified in s. 97.053(5) and shall submit the completed voter registration applications to the school district for submission to the supervisor of elections.

(4) *The supervisor of elections of the county shall provide the voter registration forms and other materials and support necessary to assist the school district in carrying out its responsibilities under this section.*

(5) *This section neither requires an eligible student to register nor prevents a school district from providing eligible students the opportunity to register at other times of the school year.*

(6) *As an adjunct to the program and to familiarize students with the voting system used in the county of their school district, each school district shall make arrangements with the supervisor of elections for use of the county's voting equipment in any election held in a high school in the district in which only students are candidates, provided there is no conflict with another scheduled election.*

Section 56. Section 97.041, Florida Statutes, reads:

97.041 Qualifications to register or vote.—

(1)(a) A person may become a registered voter only if that person:

1. Is at least 18 years of age;
2. Is a citizen of the United States;
3. Is a legal resident of the State of Florida;
4. Is a legal resident of the county in which that person seeks to be registered; and
5. Registers pursuant to the Florida Election Code.

(b) A person who is otherwise qualified may preregister on or after that person's 17th birthday and may vote in any election occurring on or after that person's 18th birthday.

(2) The following persons, who might be otherwise qualified, are not entitled to register or vote:

(a) A person who has been adjudicated mentally incapacitated with respect to voting in this or any other state and who has not had his or her right to vote restored pursuant to law.

(b) A person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored pursuant to law.

(3) A person who is not registered may not vote.

Section 57. Subsection (5) of section 97.053, Florida Statutes, reads:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.
2. The applicant's legal residence address.
3. The applicant's date of birth.
4. An indication that the applicant is a citizen of the United States.
5. The last four digits of the applicant's social security number.
6. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.
7. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation

and that the voter may change party affiliation as provided in s. 97.1031.

And the title is amended as follows:

On page 5, line 2,

after the semicolon, insert: amending s. 98.255, F.S.; providing for nonpartisan voter education; requiring the supervisors of elections to report to the Division of Elections on voter-education programs; requiring the division to report to the Legislature on the effectiveness of voter-education programs; requiring the State Board of Education to adopt rules expanding high school civic education programs to include voter education; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012 (8) and (9), F.S., relating to pollworker training; creating s. 97.0584, F.S.; requiring each school district to establish a voter registration program that offers eligible high school students in the district the opportunity to register to vote or to update a voter registration record at least once a year in the spring; providing that participation is mandatory for public high schools and voluntary for nonpublic high schools; providing requirements of the participating high schools, the school districts, and the supervisors of elections with respect to the program; specifying eligibility requirements; providing for use of county voting equipment in certain school elections;

Rep. Smith moved the adoption of the amendment.

On motion by Rep. Smith, further consideration of **Amendment 2** was temporarily postponed under Rule 11.10.

Representative(s) Smith offered the following:

(Amendment Bar Code: 633661)

**Amendment 3 (with title amendment)**—On page 61, between lines 6 and 7, of the bill

insert:

Section 51. Section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.—

(1) The Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct *for each election* and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. *The cards must also include the list of rights and responsibilities afforded to Florida voters, as described in subsection (2).*

(2) *The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:*

#### VOTER'S BILL OF RIGHTS

*Each registered voter in this state has the right to:*

1. *Vote and have his or her vote accurately counted.*
2. *Cast a vote if he or she is in line when the polls are closing.*
3. *Ask for and receive assistance in voting.*
4. *Up to two replacement ballots if he or she has voted in error.*
5. *An explanation if his or her registration is in question.*
6. *Cast a provisional ballot if his or her registration is in question.*
7. *Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.*

8. *Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.*

9. *Vote free from coercion or intimidation by elections officers or any other person.*

10. *Vote on a voting system that is in working condition and that will allow votes to be accurately cast.*

**VOTER RESPONSIBILITIES**

Each registered voter in this state has the responsibility to:

1. Study and know candidates and issues.
2. Keep his or her voter address current.
3. Know his or her precinct and its hours of operation.
4. Bring proper identification to the polling station.
5. Know how to operate voting equipment properly.
6. Treat precinct workers with courtesy.
7. Respect the privacy of other voters.
8. Report problems or violations of election law.
9. Ask questions when confused.
10. Check his or her completed ballot for accuracy.

(3) *Nothing in this section shall give rise to a legal cause of action.*

(4)(2) In case any elector, after entering the voting booth, shall ask for further instructions concerning the manner of voting, two election officers who are not both members of the same political party, if present, or, if not, two election officers who are members of the same political party, shall give such instructions to such elector, but no officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any elector to vote for or against any particular ticket, candidate, amendment, question, or proposition. After giving the elector instructions and before the elector has voted, the officers or persons assisting the elector shall retire, and such elector shall vote in secret.

And the title is amended as follows:

On page 5, line 2,

after the semicolon insert: amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections;

Rep. Smith moved the adoption of the amendment.

On motion by Rep. Smith, further consideration of **Amendment 3** was temporarily postponed under Rule 11.10.

Representative(s) Ryan offered the following:

(Amendment Bar Code: 412611)

**Amendment 4 (with title amendment)—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsections (11) through (20) and (22) through (30) of section 97.021, Florida Statutes, are renumbered as subsections (12) through (21) and (24) through (32), respectively, present subsection (21) is renumbered as subsection (22) and amended, and new subsections (11) and (23) are added to said section, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) *“Error in the vote tabulation” means the failure of a vote tabulation system to count a vote for a candidate when the voter’s intent is clearly ascertainable.*

(21) *“Primary election” means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. The first primary election is a nomination or elimination election; the second primary is a nominating election only.*

(23) *“Provisional ballot” means a ballot issued to a voter by the election board at the polling place on election day for one of the following reasons:*

(a) *The voter’s name does not appear on the precinct register and verification of the voter’s eligibility cannot be determined.*

(b) *There is an indication on the precinct register that the voter has requested an absentee ballot and there is no indication whether the voter has returned the absentee ballot.*

Section 2. Section 100.061, Florida Statutes, is amended to read:

100.061 ~~First~~ Primary election.—In each year in which a general election is held, a ~~first~~ primary election for nomination of candidates of political parties shall be held on the ~~second Tuesday in September 9 weeks prior to the general election.~~ *The* Each candidate receiving the highest number ~~a majority~~ of the votes cast in each contest in the ~~first~~ primary election shall be declared nominated for such office. *If two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall receive the nomination. A second primary election shall be held as provided by s. 100.091 in every contest in which a candidate does not receive a majority.*

Section 3. Sections 100.091 and 100.096, Florida Statutes, are repealed.

Section 4. Section 10.1008, Florida Statutes, is amended to read:

10.1008 Applicability.—This joint resolution applies with respect to the qualification, nomination, and election of members of the Legislature in the ~~primary primaries~~ and general ~~elections~~ election to be held in 1992 and thereafter.

Section 5. Subsection (1) of section 97.055, Florida Statutes, is amended to read:

97.055 Registration books; when closed for an election.—

(1) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. When the registration books are closed for an election, voter registration and party changes must be accepted but only for the purpose of subsequent elections. ~~However, party changes received between the book closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.~~

Section 6. Subsection (3) of section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(3) In the case of a change of name, address, or party affiliation, the supervisor must issue the voter a new registration identification card. ~~However, a registration identification card indicating a party affiliation change made between the book closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.~~

Section 7. Subsection (3) of section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence within the same county, change of name, or change of party.—

(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to the supervisor and obtain a registration identification card reflecting the new party affiliation, ~~subject to the issuance restriction in s. 97.071(3).~~

Section 8. Subsection (1) of section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from registration books; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.—

(1) Any person who requested that his or her name be removed from the registration books between the book-closing date of the ~~first~~ primary election and the date of the *subsequent general election* ~~second primary~~ may not register in a different political party *during the period until* after the date of the ~~second~~ primary election *and before the date of the subsequent general election.*

Section 9. Subsections (1), (2), and (8) of section 99.061, Florida Statutes, are amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the ~~first~~ primary election, but not later than noon of the 116th day prior to the date of the ~~first~~ primary election, for persons seeking to qualify for nomination or election to federal office; and noon of the 50th day prior to the ~~first~~ primary election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election, for persons seeking to qualify for nomination or election to a state or multicounty district office.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the alternative method with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 50th day prior to the ~~first~~ primary election or special district election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election or special district election. *When However, if a special district election is held at the same time as the ~~second primary~~ or general election, qualifying shall also be the 50th day prior to the ~~first~~ primary election, but not later than noon of the 46th day prior to the date of the ~~first~~ primary election. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.*

(8) Notwithstanding the qualifying period prescribed by this section, in each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 57th day prior to the ~~first~~ primary election, but not later than noon of the 53rd day prior to the ~~first~~ primary election.

Section 10. Subsections (1), (2), and (4) of section 99.063, Florida Statutes, are amended to read:

99.063 Candidates for Governor and Lieutenant Governor.—

(1) No later than 5 p.m. of the ~~9th 6th~~ day following the ~~second~~ primary election, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.

(2) No later than 5 p.m. of the ~~9th 6th~~ day following the ~~second~~ primary election, each designated candidate for Lieutenant Governor shall file with the Department of State:

(a) The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, duly acknowledged.

(b) The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

(c) If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

(d) The full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution.

(4) In order to have the name of the candidate for Lieutenant Governor printed on the ~~first or second~~ primary election ballot, a candidate for Governor participating in the primary must designate the candidate for Lieutenant Governor, and the designated candidate must qualify no later than the end of the qualifying period specified in s. 99.061. If the candidate for Lieutenant Governor has not been designated and has not qualified by the end of the qualifying period specified in s. 99.061, the phrase "Not Yet Designated" must be included in lieu of the candidate's name on *the primary election ballot ballots and on advance absentee ballots for the general election.*

Section 11. Subsection (1) of section 99.095, Florida Statutes, is amended to read:

99.095 Alternative method of qualifying.—

(1) A person seeking to qualify for nomination to any office may qualify to have his or her name placed on the ballot for the ~~first~~ primary election by means of the petitioning process prescribed in this section. A person qualifying by this alternative method shall not be required to pay the qualifying fee or party assessment required by this chapter. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method for the office sought. If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate in his or her oath for which group or district office he or she is running. The oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the ~~first~~ primary election is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The Department of State shall prescribe the form to be used in administering and filing such oath. No signatures shall be obtained by a candidate on any nominating petition until the candidate has filed the oath required in this section. If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election and the petition does not indicate the group or district office for which the person is running, the signatures obtained on such petition will not be counted.

Section 12. Section 99.103, Florida Statutes, is amended to read:

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.—

(1) If more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party is declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the ~~first~~ primary election in general election years, 5 percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates less an amount equal to 15 percent of the filing fees, which amount the Department of State shall deposit in the General Revenue Fund of the state.

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all

filing fees, less the amount deposited in general revenue pursuant to subsection (1), or party assessments that may have been collected by the department to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate state executive committees not later than the date of the ~~first~~ primary election.

Section 13. Subsection (2) of section 100.071, Florida Statutes, is amended to read:

100.071 Grouping of candidates on primary election ballot ~~ballots~~.—

(2) Each nominee of a political party chosen in the *primary election primaries* shall appear on the general election ballot in the same numbered group or district as on the primary election ballot.

Section 14. Section 100.081, Florida Statutes, is amended to read:

100.081 ~~Conducting primary elections~~; Nomination of county commissioners *at primary election*.—The *primary election elections* shall provide for the nomination of county commissioners by the qualified electors of such county at the time and place set for voting on other county officers.

Section 15. Paragraph (c) of subsection (1), subsection (3), paragraph (a) of subsection (4), and subsection (5) of section 100.111, Florida Statutes, are amended to read:

100.111 Filling vacancy.—

(1)

(c) If such a vacancy occurs prior to the ~~first~~ primary election but on or after the first day set by law for qualifying, the Secretary of State shall set dates for qualifying for the unexpired portion of the term of such office. Any person seeking nomination or election to the unexpired portion of the term shall qualify within the time set by the Secretary of State. If time does not permit party nominations to be made in conjunction with the ~~first and second~~ primary election elections, the Governor may call a special primary election, ~~and, if necessary, a second special primary election~~, to select party nominees for the unexpired portion of such term.

(3) Whenever there is a vacancy for which a special election is required pursuant to s. 100.101(1)-(4), the Governor, after consultation with the Secretary of State, shall fix the date of a special ~~first~~ primary election, ~~a special second primary election~~, and a special election. Nominees of political parties other than minor political parties shall be chosen under the primary laws of this state in the special primary election elections to become candidates in the special election. Prior to setting the special election dates, the Governor shall consider any upcoming elections in the jurisdiction where the special election will be held. The dates fixed by the Governor shall be specific days certain and shall not be established by the happening of a condition or stated in the alternative. The dates fixed shall provide a minimum of 2 weeks between each election. In the event a vacancy occurs in the office of state senator or member of the House of Representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker of the House of Representatives, and the President of the Senate. If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for ~~the any~~ special primary election and ~~for~~ the special election to coincide with the dates of the ~~first and second~~ primary election and the general election. If a vacancy in office occurs in any district in the state Senate or House of Representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is in a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

(a) The dates for candidates to qualify in such special election or special primary election shall be fixed by the Department of State, and candidates shall qualify not later than noon of the last day so fixed. The dates fixed for qualifying shall allow a minimum of 14 days between the last day of qualifying and the special ~~first~~ primary election.

(b) The filing of campaign expense statements by candidates in such special *primary election elections* or special *election primaries* and by committees making contributions or expenditures to influence the results of such special *primary election primaries* or special *election elections* shall be not later than such dates as shall be fixed by the Department of State, and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations.

(c) The dates for a candidate to qualify by the alternative method in such special primary election or special election shall be fixed by the Department of State. In fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations. Any candidate seeking to qualify by the alternative method in a special primary election shall obtain 25 percent of the signatures required by s. 99.095, s. 99.0955, or s. 99.096, as applicable.

(d) The qualifying fees and party assessments of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. The party assessment shall be paid to the appropriate executive committee of the political party to which the candidate belongs.

(e) Each county canvassing board shall make as speedy a return of the ~~results~~ result of such special *primary election elections* and *special election primaries* as time will permit, and the Elections Canvassing Commission likewise shall make as speedy a canvass and declaration of the nominees as time will permit.

(4)(a) In the event that death, resignation, withdrawal, removal, or any other cause or event should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the Governor shall, after conferring with the Secretary of State, call a special primary election ~~and, if necessary, a second special primary election~~ to select for such office a nominee of such political party. The dates on which candidates may qualify for such special primary election shall be fixed by the Department of State, and the candidates shall qualify no later than noon of the last day so fixed. The filing of campaign expense statements by candidates in a special *primary election primaries* shall not be later than such dates as shall be fixed by the Department of State. In fixing such dates, the Department of State shall take into consideration and be governed by the practical time limitations. The qualifying fees and party assessment of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. Each county canvassing board shall make as speedy a return of the results of such *special primary election primaries* as time will permit, and the Elections Canvassing Commission shall likewise make as speedy a canvass and declaration of the nominees as time will permit.

(5) In the event of unforeseeable circumstances not contemplated in these general election laws concerning the calling and holding of a special *primary election elections* and a special *election elections* resulting from court order or other unpredictable circumstances, the Department of State shall have the authority to provide for the conduct of orderly elections.

Section 16. Subsection (2) of section 100.141, Florida Statutes, is amended to read:

100.141 Notice of special election to fill any vacancy in office or nomination.—

(2) The Department of State shall prepare a notice stating what offices and vacancies are to be filled in the special election, the ~~dates~~ date set for ~~the each~~ special primary election and the special election, the dates fixed for qualifying for office, the dates fixed for qualifying by the alternative method, and the dates fixed for filing campaign expense statements.

Section 17. Subsection (6) of section 101.141, Florida Statutes, is amended to read:

101.141 Specifications for primary election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the primary election ballot shall conform to the following specifications:

(6) Should the above directions for complete preparation of the ballot be insufficient, the Department of State shall determine and prescribe any additional matter or form. The Department of State shall, not less than 60 days prior to the first primary election, mail to each supervisor of elections the format of the ballot to be used for the primary election.

Section 18. Subsection (1) of section 101.251, Florida Statutes, is amended to read:

101.251 Information which supervisor of elections must print on ballots.—

(1) The supervisor of elections of each county shall print, on the general election ballots to be used in such county, the names of candidates nominated by primary election or special primary election or selected by the appropriate executive committee of any political party.

Section 19. Subsection (2) of section 101.252, Florida Statutes, is amended to read:

101.252 Candidates entitled to have names printed on certain ballots; exception.—

(2) Any candidate for party executive committee member who has qualified as prescribed by law is entitled to have his or her name printed on the first primary election ballot. However, when there is only one candidate of any political party qualified for such an office, the name of the candidate shall not be printed on the first primary election ballot, and such candidate shall be declared elected to the state or county executive committee.

Section 20. Paragraph (a) of subsection (4) and subsection (7) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election and not fewer than 45 days before the general election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in s. 99.063(4), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.

(7)(a) For the purposes of this section, “absent qualified elector overseas” means:

(a)1. Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

(b)2. Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and

(c)3. Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,

who are qualified and registered as provided by law.

(8)(b) Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.

~~(e) With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.~~

Section 21. Subsection (8) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(8) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each first primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A person who has attended previous training conducted within 2 years of the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (9) from among persons who have not received the training required by this section.

Section 22. Subsection (3) and paragraph (b) of subsection (4) of section 103.021, Florida Statutes, are amended to read:

103.021 Nomination for presidential electors.—Candidates for presidential electors shall be nominated in the following manner:

(3) Candidates for President and Vice President with no party affiliation may have their names printed on the general election ballots if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the last preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisor of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the first primary election, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as party candidates.

(4)



(b) A minor party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States may have the names of its candidates for President and Vice President printed on the general election ballot if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisors of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the *first* primary election, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State, which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates.

Section 23. Section 103.022, Florida Statutes, is amended to read:

103.022 Write-in candidates for President and Vice President.—Persons seeking to qualify for election as write-in candidates for President and Vice President of the United States may have a blank space provided on the general election ballot for their names to be written in by filing an oath with the Department of State at any time after the 57th day, but before noon of the 49th day, prior to the date of the *first* primary election in the year in which a presidential election is held. The Department of State shall prescribe the form to be used in administering the oath. The candidates shall file with the department a certificate naming the required number of persons to serve as electors. Such write-in candidates shall not be entitled to have their names on the ballot.

Section 24. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the *first* primary election in each year a presidential election is held. The terms shall commence on the first day of the month following each presidential general election; but the names of candidates for political party offices shall not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections not earlier than noon of the 57th day, or later than noon of the 53rd day, preceding the *first* primary election. The outgoing chair of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chair of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

Section 25. Subsection (1) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(1) TIME OF QUALIFYING.—Except for candidates for judicial office, nonpartisan candidates for multicounty office shall qualify with the Division of Elections of the Department of State and nonpartisan candidates for countywide or less than countywide office shall qualify with the supervisor of elections. Candidates for judicial office other than the office of county court judge shall qualify with the Division of Elections of the Department of State, and candidates for the office of county court judge shall qualify with the supervisor of elections of the

county. Candidates shall qualify no earlier than noon of the 50th day, and no later than noon of the 46th day, before the *first* primary election. Filing shall be on forms provided for that purpose by the Division of Elections and furnished by the appropriate qualifying officer. Any person seeking to qualify by the alternative method, as set forth in s. 105.035, if the person has submitted the necessary petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he or she is notified that the necessary number of signatures has been obtained. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his or her name printed on the ballot.

Section 26. Subsection (1) and paragraph (b) of subsection (2) of section 105.041, Florida Statutes, are amended to read:

105.041 Form of ballot.—

(1) BALLOTS.—The names of candidates for judicial office and candidates for the office of school board member which appear on the ballot at the *first* primary election shall either be grouped together on a separate portion of the ballot or on a separate ballot. The names of candidates for election to judicial office and candidates for the office of school board member which appear on the ballot at the general election and the names of justices and judges seeking retention to office shall be grouped together on a separate portion of the general election ballot.

(2) LISTING OF CANDIDATES.—

(b)1. The names of candidates for the office of circuit judge shall be listed on the *first* primary election ballot in the order determined by lot conducted by the director of the Division of Elections of the Department of State after the close of the qualifying period.

2. Candidates who have secured a position on the general election ballot, after having survived elimination at the *first* primary election, shall have their names listed in the same order as on the *first* primary election ballot, notwithstanding the elimination of any intervening names as a result of the *first* primary election.

Section 27. Paragraph (b) of subsection (1) of section 105.051, Florida Statutes, is amended to read:

105.051 Determination of election or retention to office.—

(1) ELECTION.—In circuits and counties holding elections:

(b) If two or more candidates, neither of whom is a write-in candidate, qualify for such an office, the names of those candidates shall be placed on the ballot at the *first* primary election. If any candidate for such office receives a majority of the votes cast for such office in the *first* primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself or herself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the *first* primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

Section 28. Paragraphs (a) and (b) of subsection (1) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of

such candidate or political committee. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(a) Except as provided in paragraph (b), following the last day of qualifying for office, the reports shall be filed on the 32nd, 18th, and 4th days immediately preceding the ~~first~~ primary election and on the 18th and 4th days immediately preceding the ~~second primary~~ and general election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

(b) Following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund shall file reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the ~~first~~ primary and general elections, ~~and on the 4th, 11th, 18th, and 25th days prior to the second primary.~~

Section 29. Subsection (1) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)(a) Except for political parties, no person, political committee, or committee of continuous existence may, in any election, make contributions in excess of \$750 ~~\$500~~ to any candidate for election to or retention in office or to any political committee supporting or opposing one or more candidates. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section.

(b)1. The contribution limits provided in this subsection do not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign.

2. Notwithstanding the limits provided in this subsection, an unemancipated child under the age of 18 years of age may not make a contribution in excess of \$100 to any candidate or to any political committee supporting one or more candidates.

(c) The contribution limits of this subsection apply to each election. For purposes of this subsection, the ~~first~~ primary election, ~~second primary~~, and the general election are separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice or judge, there is only one election, which is the general election. ~~With respect to candidates in a circuit holding an election for circuit judge or in a county holding an election for county court judge, there are only two elections, which are the first primary election and general election.~~

Section 30. Subsection (1) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.—

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding ~~both the first primary election, the second primary election, and the~~

general election. Each state executive committee shall file the original and one copy of its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any state or county executive committee failing to file a report on the designated due date shall be subject to a fine as provided in subsection (3). No separate fine shall be assessed for failure to file a copy of any report required by this section.

Section 31. Section 98.0977, Florida Statutes, is created to read:

98.0977 *Statewide voter registration database.*—

(1) *The department shall develop a statewide voter registration database, which shall contain voter registration information from every supervisor of elections in this state and shall be accessible through an Internet web site. Accordingly, the department may contract for the analysis, design, development, operation, and maintenance of a statewide, on-line voter registration database and associated Internet web site. The database system adopted must provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:*

(a) *The voter is deceased;*

(b) *The voter has been convicted of a felony and has not had his or her civil rights restored; or*

(c) *The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.*

*The database shall also allow for duplicate voter registrations to be identified.*

(2) *In administering the database, each supervisor of elections shall compare registration information provided by a voter with information held by the Department of Law Enforcement, the Board of Executive Clemency, and the Office of Vital Statistics. If the supervisor of elections finds information that suggests that a voter is ineligible to register to vote, the supervisor of elections shall notify the voter by certified United States mail. The notification shall contain a statement as to the reason for the voter's potential ineligibility to register to vote and shall request information from the voter on forms provided by the supervisor of elections in order to make a final determination on the voter's eligibility. After reviewing the information requested by the supervisor of elections and provided by the voter, if the supervisor of elections determines that the voter is not eligible to vote under the laws of this state, the supervisor of elections shall notify the voter by certified United States mail that he or she has been found ineligible to register to vote in this state, shall state the reason for the ineligibility, and shall inform the voter that he or she will be removed from the voter registration rolls.*

(3) *To the maximum extent feasible, state and local governmental agencies shall facilitate provision of information and access to data to the department and the supervisors of elections in order to compare information in the statewide voter registration database with available information in other computer databases, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local governmental agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.*

(4) *The Division of Elections shall provide written quarterly progress reports on each phase of development of the voter registration database to the President of the Senate and the Speaker of the House of Representatives beginning July 1, 2001, and continuing until the database is fully implemented.*

(5) *Any supervisor of elections who willfully refuses or willfully neglects to perform his or her duties under this section shall be in violation of s. 104.051(2).*

Section 32. (1) *The statewide voter registration database, created pursuant to s. 98.0977, Florida Statutes, by this act, shall be operational by June 1, 2002.*

(2) Funding for the design and implementation of the statewide voter registration database shall be as provided for in the General Appropriations Act.

Section 33. Section 98.0979, Florida Statutes, is created to read:

98.0979 Statewide voter registration database open to inspection; copies.—

(1)(a) The voter registration information of the state constitutes public records. Any citizen shall be allowed to examine the voter registration records, but may not make any copies or extract therefrom except as provided by this section.

(b) Within 15 days after a request for voter registration information, the division or supervisor of elections shall furnish any requested information, excluding only a voter's signature, social security number, and such other information that is by statute specifically made confidential or is exempt from public records requirements.

(c) Actual costs of duplication of information authorized by this section for release to the public shall be charged in accordance with the provisions of s. 119.07.

(2) The information provided by the division or supervisor of elections pursuant to this section shall be furnished only to:

- (a) Municipalities;
(b) Other governmental agencies;
(c) Political candidates, for the purpose of furthering their candidacies;
(d) Registered political committees, certified committees of continuous existence, and political parties or officials thereof, for political purposes only; and
(e) Incumbent officeholders, for the purpose of reporting to their constituents.

(3) Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, or law enforcement.

(4) Any person who acquires a list of registered voters from the division or supervisor of elections shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear (or affirm) that I am a person authorized by s. 98.0979, Florida Statutes, to acquire information on the registered voters of Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

... (Signature of person acquiring list) ...

Sworn and subscribed before me this ... day of ....., .. (year). ...
... (Name of person providing list) ...

Section 34. Section 101.048, Florida Statutes, is created to read:

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the county and eligible to vote in the election, but whose eligibility cannot be determined, shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

(2)(a) The county canvassing board shall examine each provisional ballot to determine if the person voting that ballot was entitled to vote in the election and that the person had not already cast a ballot in the election.

(b)1. If it is determined that the person was registered and entitled to vote, the canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter's registration and, if it matches, shall count the ballot.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and the envelope marked "Rejected as Illegal."

(3) The Provisional Ballot Voter's Certificate shall be in substantially the following form:

STATE OF FLORIDA
COUNTY OF ....

I do solemnly swear (or affirm) that my name is ....; that my date of birth is ....; that I am registered to vote and at the time I registered I resided at ...., in the municipality of ...., in .... County, Florida; that I am a qualified voter of the county and have not voted in this election.

... (Signature of Voter) ...
... (Current Address) ...

Sworn to and subscribed before me this .... day of ....., .. (year). ...
... (Clerk or Inspector of Election) ...

Additional information may be provided to further assist the supervisor of elections in determining eligibility. If known, please provide the place and date that you registered to vote.

(4) In counties where the voting system does not utilize a paper ballot, the supervisor of elections shall provide the appropriate provisional ballots to each polling place.

Section 35. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

101.045 Electors must be registered in precinct; provisions for residence or name change.—

(2)(a) An elector who moves from the precinct within the county in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered
Voter

Under penalties for false swearing, I, ... (Name of voter) ..., swear (or affirm) that the former address of my legal residence was ... (Address of legal residence) ... in the municipality of ...., in .... County, Florida, and I was registered to vote in the .... precinct of .... County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at ... (Address of legal residence) ... in the Municipality of ...., in .... County, Florida, and am therefore eligible to vote in the .... precinct of .... County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

... (Signature of voter whose address of legal residence has changed) ...

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered
Voter

Under penalties for false swearing, I, ... (New name of voter) ..., swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence

appear on the registration books of precinct . . . as follows:

Name . . . . .
Address . . . . .
Municipality . . . . .
County . . . . .
Florida, Zip . . . . .
My present name and address of legal residence are as follows:
Name . . . . .
Address . . . . .
Municipality . . . . .
County . . . . .
Florida, Zip . . . . .

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

. . . (Signature of voter whose name has changed) . . .

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to indicate the change in address of legal residence or name of such elector.

(d) Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

(e) A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his or her address of legal residence, the supervisor shall provide the elector with the proper ballot for the precinct in which the elector then has his or her legal residence.

(3) When an elector's name does not appear on the registration books of the election precinct in which the elector is registered and when the elector cannot present a valid registration identification card, the elector may have his or her name restored if the supervisor is otherwise satisfied that the elector is validly registered, that the elector's name has been erroneously omitted from the books, and that the elector is entitled to have his or her name restored. The supervisor, if he or she is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.

Section 36. Subsections (1), (2), and (8) of section 101.5614, Florida Statutes, are amended, and subsection (9) is added to said section, to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.

(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, provisional, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.

(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by the Department of State, which rules shall provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a central location.

(8) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, absentee, and manually counted votes and votes from provisional ballots, shall constitute the official return of the election. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

(9) Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of any election prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 37. Paragraph (a) of subsection (2) of section 101.68, Florida Statutes, is amended to read:

101.68 Canvassing of absentee ballot.—

(2)(a) The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the fourth day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin at 7 a.m. on the fourth day before the election upon the opening of the polls on election day. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result or tabulation of absentee ballots shall be released made until after the closing close of the polls on election day. Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of absentee ballots prior to the closing of the polls on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 38. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of absentee ballot.—The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election notwithstanding that the elector has requested an absentee ballot for that election. An elector who has received an absentee ballot, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector is unable to return the ballot, the elector may vote a provisional ballot as provided in s. 101.048 execute an affidavit stating that the absentee ballot has not been voted and the elector may then vote at the precinct.

Section 39. Subsection (1) of section 102.111, Florida Statutes, is amended to read:

## 102.111 Elections Canvassing Commission.—

(1) Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer. ~~The Elections Canvassing Commission shall consist of the Governor and two members of the Cabinet as determined by the Governor, the Secretary of State, and the Director of the Division of Elections shall be the Elections Canvassing Commission.~~ The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each office. In the event that *the Governor is recused, or any other member of the commission cannot serve, the Governor shall fill the vacancy following the same procedure for appointment to the commission. If no other Cabinet members are available to serve, the Governor shall choose a registered voter to replace the member any member of the Elections Canvassing Commission is unavailable to certify the returns of any election, such member shall be replaced by a substitute member of the Cabinet as determined by the Director of the Division of Elections. If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.*

Section 40. Section 102.112, Florida Statutes, is amended to read:

102.112 Deadline for submission of county returns to the Department of State; penalties.—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results.

(2) Returns must be filed by 5 p.m. on the 7th day following the ~~first primary election and by 5 p.m. on the 11th day following the~~ and general election ~~and by 3 p.m. on the 3rd day following the second primary.~~

(3) If the returns are not received by the department by the time specified, such returns ~~shall~~ ~~may~~ be ignored and the results on file at that time ~~shall~~ ~~may~~ be certified by the department.

(4) ~~If the returns are not received by the department due to an emergency, as defined in s. 101.732, the Elections Canvassing Commission shall determine the deadline by which the returns must be received.~~

~~(2) The department shall fine each board member \$200 for each day such returns are late, the fine to be paid only from the board member's personal funds. Such fines shall be deposited into the Election Campaign Financing Trust Fund, created by s. 106.32.~~

~~(3) Members of the county canvassing board may appeal such fines to the Florida Elections Commission, which shall adopt rules for such appeals.~~

Section 41. Subsection (4) of section 102.141, Florida Statutes, is amended to read:

102.141 County canvassing board; duties.—

(4)(a) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, *each county canvassing the board responsible for certifying the results of the vote on such race or measure shall order a machine recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. Each canvassing board responsible for conducting a machine recount shall recount the ballots with the vote tabulation system. On optical scan*

*machines, a machine recount shall mean actually processing each ballot through the vote tabulation system examine the counters on the machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.*

*(b) If, after conducting a machine recount under paragraph (a), the returns for any office reflect that a candidate was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, each county canvassing board responsible for certifying the results of the vote on such race or measure shall order a manual recount of the votes cast with respect to such office or measure that were not counted by an otherwise properly functioning vote tabulation system. Manual recounts shall be conducted by the county canvassing boards using the procedures described in s. 102.166. Upon completion of its manual recount, each county canvassing board shall certify the returns for the applicable office or measure.*

Section 42. Section 102.166, Florida Statutes, is amended to read:

102.166 Protest of election returns; procedure.—

(1)(a) Any candidate for nomination or election *to a federal, state, or multicounty district office*, or any elector qualified to vote in the election related to such candidacy, shall have the right to protest the returns of the election as being erroneous by filing with the *Elections Canvassing Commission* ~~appropriate canvassing board~~ a sworn, written protest.

~~(b)(2) Such protest shall be filed with the Elections Canvassing Commission canvassing board prior to the time the Elections Canvassing Commission canvassing board certifies the results for the office being protested or within 72 hours 5 days after the closing of the polls in that election midnight of the date the election is held, whichever occurs later.~~

~~(3) Before canvassing the returns of the election, the canvassing board shall:~~

~~(a) When paper ballots are used, examine the tabulation of the paper ballots cast.~~

~~(b) When voting machines are used, examine the counters on the machines of nonprinter machines or the printer-pac on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer-pac, the counters of such machines or the printer-pac shall be presumed correct.~~

*(c) Upon receipt of a sworn, written protest, the Elections Canvassing Commission shall direct each county canvassing board within the geographic jurisdiction of the office or ballot measure to* ~~When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy that which could affect the outcome of an election, the Elections Canvassing Commission may direct each county canvassing board to may recount the ballots on the automatic tabulating equipment.~~

*(d)1.(4)(a) Upon completion of a machine recount ordered by the Elections Canvassing Commission pursuant to paragraph (c), any candidate for federal, state, or multicounty district office whose name appeared on the ballot or, any political committee that supports or opposes a statewide or multicounty an issue that which appeared on the ballot, or any political party whose candidates' names appeared on the ballot may file a written request with the Elections Canvassing Commission county canvassing board for a manual recount of the votes cast with respect to such office or measure that were not counted by an*

otherwise properly functioning vote tabulation system. The written request shall contain a statement of the reason the manual recount is being requested.

2.(b) Such request must be filed with the Elections Canvassing Commission ~~canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 72 hours after completion of the machine recount ordered by the Elections Canvassing Commission pursuant to paragraph (c) midnight of the date the election was held, whichever occurs later.~~

3.(e) Based on its evaluation of the validity of the reasons stated in the written request, the Elections Canvassing Commission ~~county canvassing board~~ may authorize a manual recount of those ballots not counted by the voting equipment during the machine recount. If a manual recount is authorized, the Elections Canvassing Commission shall direct each county canvassing board within the geographic jurisdiction of the office or ballot measure to manually recount all ballots not previously counted by an otherwise properly functioning vote tabulation system, using standards for determining voter intent developed and published by the Division of Elections. If a manual recount is authorized, the Elections Canvassing Commission ~~county canvassing board~~ shall make a reasonable effort to notify each candidate whose race is being recounted of the time and place of such recount.

(d) ~~The manual recount must include at least three precincts and at least 1 percent of the total votes cast for such candidate or issue. In the event there are less than three precincts involved in the election, all precincts shall be counted. The person who requested the recount shall choose three precincts to be recounted, and, if other precincts are recounted, the county canvassing board shall select the additional precincts.~~

(5) ~~If the manual recount indicates an error in the vote tabulation which could affect the outcome of the election, the county canvassing board shall:~~

- (a) ~~Correct the error and recount the remaining precincts with the vote tabulation system;~~
- (b) ~~Request the Department of State to verify the tabulation software; or~~
- (c) ~~Manually recount all ballots.~~

(2)(a) Any candidate for nomination or election to a county office, municipal office, or district office not covered by paragraph (1)(a), or any elector qualified to vote in the election related to such candidacy, shall have the right to protest the returns of the election as being erroneous by filing with the appropriate county canvassing board a sworn, written protest.

(b) Such protest shall be filed with the county canvassing board prior to the time the canvassing board certifies the results for the office being protested or within 72 hours after the closing of the polls in that election, whichever occurs later.

(c) Upon receipt of a sworn, written protest, the county canvassing board shall:

1. When paper ballots are used, examine the tabulation of the paper ballots cast.
2. When voting machines are used, examine the counters on the machines of nonprinter machines or the printer-pac on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer-pac, the counters of such machines or the printer-pac shall be presumed correct.
3. When electronic or electromechanical equipment is used, examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy that could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.

(d)1. Upon completion of a machine recount ordered by a county canvassing board pursuant to subparagraph (c)3., any candidate not

covered by paragraph (1)(d) whose name appeared on the ballot or any political committee that supports or opposes an issue not covered by paragraph (1)(d) which appeared on the ballot may file a written request with the county canvassing board for a manual recount of the votes cast with respect to such office or measure that were not counted by an otherwise properly functioning vote tabulation system. The written request shall contain a statement of the reason the manual recount is being requested.

2. Such request must be filed with the canvassing board within 72 hours after the completion of the machine recount ordered pursuant to subparagraph (c)3.

3. Based on its evaluation of the validity of the reasons stated in the written request, the county canvassing board may authorize a manual recount of those ballots not counted by the voting equipment during the machine recount. If a manual recount is authorized, the county canvassing board shall manually recount all ballots not previously counted by an otherwise properly functioning vote tabulation system, using standards for determining voter intent developed and published by the Division of Elections. If a manual recount is authorized, the county canvassing board shall make a reasonable effort to notify each candidate whose race is being recounted of the time and place of such recount.

(3)(6) Any manual recount shall be open to the public.

(4)(7) Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) If a counting team is unable to determine a voter's intent in casting a ballot, using the standards for determining voter intent developed and published by the Division of Elections, the ballot shall be presented to the county canvassing board for it to determine the voter's intent. If the county canvassing board is unable to determine a voter's intent in casting a ballot using the standards for determining voter intent developed and published by the Division of Elections, the ballot shall not be counted in the official canvass.

(5)(8) If the county canvassing board determines the need to verify the tabulation software, the county canvassing board shall request in writing that the Department of State verify the software.

(6)(9) When the Department of State verifies such software, the department shall:

- (a) Compare the software used to tabulate the votes with the software filed with the Department of State pursuant to s. 101.5607; and
- (b) Check the election parameters.

(7)(10) The Department of State shall respond to the county canvassing board within 3 working days.

Section 43. Section 102.167, Florida Statutes, is amended to read:

102.167 Form of protest of election returns.—

(1) The form of the "Protest of Election Returns to the Elections Canvassing Commission" shall be as follows:

**PROTEST OF ELECTION RETURNS TO THE ELECTIONS CANVASSING COMMISSION**

..., Florida

..., (year) . . .

As provided in Section 102.166(1), Florida Statutes, I, . . . of . . . County, Florida, believe the election returns from . . . in the . . . election . . . (year) . . . are erroneous.

I hereby protest the canvass of such returns by the Elections Canvassing Commission, and request that said returns be investigated,

examined, checked, and corrected by the Elections Canvassing Commission. The basis for this protest is . . . . .

Under penalties of perjury, I swear (or affirm) that I have read the foregoing and that the facts alleged are true, to the best of my knowledge and belief.

. . . (Signature of person protesting election returns). . .

(2) The form of the "Protest of Election Returns to Canvassing Board" shall be as follows:

PROTEST OF ELECTION RETURNS TO CANVASSING BOARD

. . . . , Florida

. . . . , . . . (year). . .

As provided in Section 102.166(2)(4), Florida Statutes, I, . . . . of . . . . County, Florida, believe the election returns from Precinct No. . . . . in the . . . . election . . . (year). . . are erroneous.

I hereby protest the canvass of such returns by the . . . . Canvassing Board, and request that said returns be investigated, examined, checked, and corrected by said Canvassing Board. The basis for this protest is . . . . .

Under penalties of perjury, I swear (or affirm) that I have read the foregoing and that the facts alleged are true, to the best of my knowledge and belief.

. . . (Signature of person protesting election returns). . .

Section 44. Section 102.168, Florida Statutes, is amended to read:

102.168 Contest of election.—

(1) Except as provided in s. 102.171, the certification of election or nomination of any person to office, ~~or of the result on any question submitted by referendum,~~ may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto and the result on any question submitted by referendum may be contested in the circuit court or by any elector ~~qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.~~

(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of the election being contested or within 5 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of that particular election following a protest pursuant to s. 102.166(4), whichever occurs later.

(3) The complaint shall set forth the grounds on which the contestant intends to establish his or her right to such office or set aside the result of the election on a submitted referendum. The grounds for contesting an election under this section are:

- (a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.
(b) Ineligibility of the successful candidate for the nomination or office in dispute.
(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

(e) Any other cause or allegation which, if sustained, would show that a person other than the successful candidate was the person duly nominated or elected to the office in question or that the outcome of the election on a question submitted by referendum was contrary to the result declared by the canvassing board or election board.

(4) The canvassing board or the Elections Canvassing Commission ~~election board~~ shall be the proper party defendant, and the successful candidate shall be an indispensable party to any action brought to contest the election or nomination of a candidate.

(5) A statement of the grounds of contest may not be rejected, nor the proceedings dismissed, by the court for any want of form if the grounds of contest provided in the statement are sufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested.

(6) A copy of the complaint shall be served upon the defendant and any other person named therein in the same manner as in other civil cases under the laws of this state. Within 10 days after the complaint has been served, the defendant must file an answer admitting or denying the allegations on which the contestant relies or stating that the defendant has no knowledge or information concerning the allegations, which shall be deemed a denial of the allegations, and must state any other defenses, in law or fact, on which the defendant relies. If an answer is not filed within the time prescribed, the defendant may not be granted a hearing in court to assert any claim or objection that is required by this subsection to be stated in an answer.

(7) Any candidate ~~or, qualified elector, or taxpayer~~ presenting such a contest to a circuit judge is entitled to an immediate hearing. However, the court in its discretion may limit the time to be consumed in taking testimony, with a view therein to the circumstances of the matter and to the proximity of any succeeding ~~primary or other~~ election.

(8) The circuit judge to whom the contest is presented may fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked, to prevent or correct any alleged wrong, and to provide any relief appropriate under such circumstances.

Section 45. Subsection (5) is added to section 99.096, Florida Statutes, to read:

99.096 Minor party candidates; names on ballot.—

(5) Notwithstanding any other provision of this section, a minor political party's entire slate of candidates shall be automatically granted ballot access at the general election that immediately follows a statewide or federal election at which any candidate of the minor political party received at least 1 percent of the votes cast statewide, and shall be exempt from the qualifying fee provisions under subsection (2) and the provisions for qualifying by the alternative method under subsection (3), if otherwise qualified for the office sought.

Section 46. Effective June 1, 2002, section 98.0975, Florida Statutes, is repealed.

Section 47. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 48. Except as otherwise provided herein, this act shall take effect July 1, 2001

And the title is amended as follows:
remove from the title of the bill: title of the bill

and insert in lieu thereof: A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms "error in the vote tabulation" and "provisional ballot"; revising the definition of "primary election"; amending s. 100.061, F.S.; providing for a single primary election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; revising campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for an appropriation; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; providing a penalty for releasing the results of an election prior to the closing of the polls; amending s. 101.68, F.S.; allowing the processing of absentee ballots through electronic tabulating equipment prior to election day; prohibiting the release of the results of a canvassing or processing of absentee ballots prior to the closing of the polls; providing a penalty; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is the proper party to bring an election contest for certain elections; providing that any elector is the proper party to bring an election contest for elections involving a referendum; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; providing severability; providing effective dates.

Rep. Ryan moved the adoption of the amendment.

Representative(s) Smith offered the following:

(Amendment Bar Code: 102897)

**Amendment 1 to Amendment 4 (with title amendment)**—On page 52, between lines 25 and 26,

insert:

Section 48. Paragraph (b) of subsection (2) of section 97.041, Florida Statutes, is amended to read:

97.041 Qualifications to register or vote.—

(2) The following persons, who might be otherwise qualified, are not entitled to register or vote:

(b) A person who has been convicted of any felony by any court of record; *however, such a person's right to register or vote is automatically restored by operation of law, for persons convicted of a forcible felony as defined in s. 776.08, 5 years after completion and satisfaction of all sentences imposed upon such person or, for all other felons, 1 year after completion and satisfaction of all sentences imposed upon such person. For the purposes of this paragraph, "completion and satisfaction of all sentences" occurs when a person is released from incarceration upon expiration of sentence and has paid all court costs and court-ordered restitution and has achieved or completed all other nonmonetary terms and conditions of the sentence or subsequent supervision or, if the person has not been incarcerated for the felony offense, has paid all court costs and court-ordered restitution and has achieved or completed all nonmonetary terms and conditions of community supervision imposed by a court and who has not had his or her right to vote restored pursuant to law. If a majority of the Board of Executive Clemency objects before the automatic restoration of the right to register or vote, such rights shall be restored only upon application to, and approval by, the Board of Executive Clemency.*

Section 49. Subsection (2) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

- (a) Full name.
- (b) Date of birth.
- (c) Address of legal residence.
- (d) Mailing address, if different.
- (e) County of legal residence.
- (f) Address of property for which the applicant has been granted a homestead exemption, if any.
- (g) Race or ethnicity that best describes the applicant:
  1. American Indian or Alaskan Native.
  2. Asian or Pacific Islander.
  3. Black, not Hispanic.
  4. White, not Hispanic.
  5. Hispanic.
- (h) Sex.
- (i) Party affiliation.
- (j) Whether the applicant needs assistance in voting.
- (k) Name and address where last registered.
- (l) Last four digits of the applicant's social security number.
- (m) Florida driver's license number or the identification number from a Florida identification card issued under s. 322.051.



(n) Telephone number (optional).

(o) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(p) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement registration identification card.

(q) Whether the applicant is a citizen of the United States.

(r) That the applicant has not been convicted of a felony or, if convicted, has had his or her *voting* ~~civil~~ rights restored.

(s) That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form must be in plain language and designed so that convicted felons whose *voting* ~~civil~~ rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

Section 50. Paragraph (a) of subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.
2. The applicant's legal residence address.
3. The applicant's date of birth.
4. An indication that the applicant is a citizen of the United States.
5. The last four digits of the applicant's social security number.
6. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her *voting* ~~civil~~ rights restored.
7. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

Section 51. Sections 48 through 50 shall take effect on the effective date of an amendment to the State Constitution which authorizes, or removes impediments to, enactment of these sections by the Legislature.

And the title is amended as follows:

On page 56, line 15,

after the semicolon, insert: amending s. 97.041, F.S.; providing for automatic restoration of former felon's right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions on such automatic restoration; amending s.s. 97.052, and 97.053, F.S., to conform;

Rep. Smith moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Cusack offered the following:

(Amendment Bar Code: 582609)

**Amendment 2 to Amendment 4 (with title amendment)**—On page 52, between lines 25 and 26, insert:

Section 48. Subsection (1) of section 98.015, Florida Statutes, is amended to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—

(1)(a) A supervisor of elections shall be elected *in a nonpartisan election* in each county at the general election in each year the number of which is a multiple of four for a 4-year term commencing on the first Tuesday after the first Monday in January succeeding his or her election. Each supervisor shall, before performing any of his or her duties, take the oath prescribed in s. 5, Art. II of the State Constitution.

(b) *As a nonpartisan officer, each supervisor shall be subject to the restrictions on political activity specified in s. 98.017.*

Section 49. Section 98.017, Florida Statutes, is created to read:

98.017 Supervisors of elections; restrictions on political activity.—

(1)(a) A supervisor of elections, as a nonpartisan officer, shall not:

1. Act as a leader or hold an office in a political organization.
2. Publicly endorse or publicly oppose any candidate for public office or any ballot issue.
3. Make speeches on behalf of a political organization.
4. Solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate, or purchase tickets for political party dinners or other functions.
5. Accept funds for or from any candidate or political organization.

(b) For purposes of this section, "political organization" means any political committee, committee of continuous existence, or political party and includes any other entity engaging in partisan political activity on behalf of any candidate or ballot issue.

(2) The Commission on Ethics shall have all duties and powers provided in s. 112.322 to investigate violations of this section.

(3) Violation of any provision of this section may be punished as provided in s. 112.317, and the Attorney General may bring a civil action to recover any civil penalty assessed by the Commission on Ethics as provided in s. 112.317(2).

Section 50. Subsection (4) of section 101.141, Florida Statutes, is amended to read:

101.141 Specifications for primary election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the primary election ballot shall conform to the following specifications:

(4) The ballot shall have the headings, under which appear the names of the offices and the candidates for the respective offices alphabetically arranged as to surnames, in the following order: the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender; the heading "Legislative" and thereunder the offices of state senator and state representative; the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, *and* district superintendent of schools, ~~and supervisor of elections~~. Thereafter follows: members of the board of county commissioners, and such other county and district offices as are involved in the primary election, in the order fixed by the Department of State, followed, in the years of their election, by "Party offices," and thereunder the offices of state and county party executive committee members. Immediately following the name of each office on the ballot shall be printed, "Vote for One." When

more than one candidate is to be nominated for office, the candidates for such office shall qualify and run in a group or district. The group or district number shall be printed beneath the name of the office. The names of candidates in the respective group or district shall be arranged thereunder in alphabetical order as to surnames, and following the group or district number there shall be printed the words, "Vote for One." The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. When two or more candidates running for the same office have the same or similar surname and one candidate is currently holding that office, the word "Incumbent" shall be printed next to the incumbent's name. If in any primary election all the offices as above set forth are not involved, those offices to be filled shall be arranged on the ballot in the order named.

Section 51. Paragraph (a) of subsection (3) of section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for general election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the general election ballot shall conform to the following specifications:

(3)(a) Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the name of the candidate for whom you desire to vote. To vote for a write-in candidate, write the name of the candidate in the blank space provided for that purpose." The ballot shall have headings under which shall appear the names of the offices and names of duly nominated candidates for the respective offices in the following order: the heading "Electors for President and Vice President" and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party which received the highest vote for Governor in the last general election of the Governor in this state, above which shall appear the name of said party. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, and district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, and such other county offices as are involved in the general election, in the order fixed by the Department of State. When a write-in candidate has qualified for any office, a subheading "Write-in Candidate for . . . (name of office) . . ." shall be provided followed by a blank space in which to write the name of the candidate. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.

Section 52. Subsection (3), paragraph (a) of subsection (4), and paragraph (a) of subsection (5) of section 105.031, Florida Statutes, are amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(3) QUALIFYING FEE.—Each candidate qualifying for election to a judicial office, *the office of supervisor of elections*, or the office of school board member, except write-in judicial candidates, shall, during the time for qualifying, pay to the officer with whom he or she qualifies a qualifying fee, which shall consist of a filing fee and an election

assessment, or qualify by the alternative method. The amount of the filing fee is 3 percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought. The Department of State shall forward all filing fees to the Department of Revenue for deposit in the Elections Commission Trust Fund. The supervisor of elections shall forward all filing fees to the Elections Commission Trust Fund. The election assessment shall be deposited into the Elections Commission Trust Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection shall not apply to candidates qualifying for retention to judicial office.

(4) CANDIDATE'S OATH.—

(a) All candidates for *the office of supervisor of elections* or the office of school board member shall subscribe to the oath as prescribed in s. 99.021.

(5) ITEMS REQUIRED TO BE FILED.—

(a) In order for a candidate for judicial office, *the office of supervisor of elections*, or the office of school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. Except for candidates for retention to judicial office, a properly executed check drawn upon the candidate's campaign account in an amount not less than the fee required by subsection (3) or, in lieu thereof, the copy of the notice of obtaining ballot position pursuant to s. 105.035. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by subsection (4), which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, duly acknowledged.

3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021. In addition, each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of the Florida Code of Judicial Conduct. Such statement shall be in substantially the following form:

Statement of Candidate for Judicial Office

I, . . . (name of candidate) . . ., a judicial candidate, have received, read, and understand the requirements of the Florida Code of Judicial Conduct.

. . . (Signature of candidate) . . .  
. . . (Date) . . .

5. The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution or the statement of financial interests required by s. 112.3145, whichever is applicable.

Section 53. Section 105.035, Florida Statutes, is amended to read:

105.035 Alternative method of qualifying for certain judicial offices, *the office of supervisor of elections*, and the office of school board member.—

(1) A person seeking to qualify for election to the office of circuit judge or county court judge, *the office of supervisor of elections*, or the

office of school board member may qualify for election to such office by means of the petitioning process prescribed in this section. A person qualifying by this alternative method shall not be required to pay the qualifying fee required by this chapter. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method for the office sought. Such oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the election is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The form of such oath shall be prescribed by the Division of Elections. No signatures shall be obtained until the person has filed the oath prescribed in this subsection.

(2) Upon receipt of a written oath from a candidate, the qualifying officer shall provide the candidate with a petition format prescribed by the Division of Elections to be used by the candidate to reproduce petitions for circulation. If the candidate is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate's petition must indicate, prior to the obtaining of registered electors' signatures, for which group or district office the candidate is running.

(3) Each candidate for election to a judicial office, *the office of supervisor of elections*, or the office of school board member shall obtain the signature of a number of qualified electors equal to at least 1 percent of the total number of registered electors of the district, circuit, county, or other geographic entity represented by the office sought as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be circulated for each candidate availing himself or herself of the provisions of this section.

(4)(a) Each candidate seeking to qualify for election to the office of circuit judge or the office of school board member from a multicounty school district pursuant to this section shall file a separate petition from each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 21st day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. Each supervisor of elections to whom a petition is submitted shall check the signatures on the petition to verify their status as electors of that county and of the geographic area represented by the office sought. Prior to the first date for qualifying, the supervisor shall certify the number shown as registered electors and submit such certification to the Division of Elections. The division shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in s. 105.031 with the Division of Elections. Upon receipt of the copy of such notice and qualifying papers, the division shall certify the name of the candidate to the appropriate supervisor or supervisors of elections as having qualified for the office sought.

(b) Each candidate seeking to qualify for election to the office of county court judge, *the office of supervisor of elections*, or the office of school board member from a single county school district pursuant to this section shall submit his or her petition, prior to noon of the 21st day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. The supervisor shall check the signatures on the petition to verify their status as electors of the county and of the geographic area represented by the office sought. Prior to the first date for qualifying, the supervisor shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in s. 105.031 with the qualifying officer. Upon receipt of the copy of such notice and qualifying papers, such candidate shall be entitled to have his or her name printed on the ballot.

Section 54. Subsections (1) and (4) of section 105.041, Florida Statutes, are amended to read:

105.041 Form of ballot.—

(1) BALLOTS.—The names of candidates for judicial office, *candidates for the office of supervisor of elections*, and candidates for the office of school board member which appear on the ballot at the first primary election shall either be grouped together on a separate portion of the ballot or on a separate ballot. The names of candidates for election to judicial office, *candidates for the office of supervisor of elections*, and candidates for the office of school board member which appear on the ballot at the general election and the names of justices and judges seeking retention to office shall be grouped together on a separate portion of the general election ballot.

(4) WRITE-IN CANDIDATES.—Space shall be made available on the general election ballot for an elector to write in the name of a write-in candidate for judge of a circuit court or county court, *supervisor of elections*, or member of a school board if a candidate has qualified as a write-in candidate for such office pursuant to s. 105.031. This subsection shall not apply to the offices of justices and judges seeking retention.

Section 55. Paragraph (a) of subsection (1) of section 105.051, Florida Statutes, is amended to read:

105.051 Determination of election or retention to office.—

(1) ELECTION.—In circuits and counties holding elections:

(a) The name of an unopposed candidate for the office of circuit judge, county court judge, *supervisor of elections*, or member of a school board shall not appear on any ballot, and such candidate shall be deemed to have voted for himself or herself at the general election.

Section 56. Subsection (3) is added to section 105.061, Florida Statutes, to read:

105.061 Electors qualified to vote.—

(3) *The election of the supervisor of elections shall be by vote of the qualified electors of the county.*

Section 57. Section 105.071, Florida Statutes, is amended to read:

105.071 Candidates for judicial office or *the office of supervisor of elections*; limitations on political activity.—A candidate for judicial office or *the office of supervisor of elections* shall not:

(1) Participate in any partisan political party activities, except that such candidate may register to vote as a member of any political party and may vote in any party primary for candidates for nomination of the party in which she or he is registered to vote.

(2) Campaign as a member of any political party.

(3) Publicly represent or advertise herself or himself as a member of any political party.

(4) *Publicly endorse or oppose any candidate or ballot issue.*

(5) Make political speeches other than in the candidate's own behalf.

(6) Make contributions to *any candidate, political committee, committee of continuous existence, or political party funds.*

(7) Accept contributions *for or from any candidate, political committee, committee of continuous existence, or political party.*

(8) Solicit contributions for *any candidate, political committee, committee of continuous existence, or political party.*

(9) Accept or retain a place on any political party committee.

(10) Make any contribution to any person, group, or organization for its endorsement to judicial office or *the office of supervisor of elections.*

(11) Agree to pay all or any part of any advertisement sponsored by any person, group, or organization wherein the candidate may be

endorsed for judicial office or the office of supervisor of elections by any such person, group, or organization.

A candidate for judicial office or retention therein who violates the provisions of this section is liable for a civil fine of up to \$1,000 to be determined by the Florida Elections Commission. *A candidate for the office of supervisor of elections who violates any provision of this section is liable for a civil fine of up to \$5,000 for each violation, to be determined by the Florida Elections Commission.*

Section 58. Subsection (1) of section 105.08, Florida Statutes, is amended to read:

105.08 Campaign contribution and expense; reporting.—

(1) A candidate for judicial office, *the office of supervisor of elections*, or the office of school board member may accept contributions and may incur only such expenses as are authorized by law. Each such candidate shall keep an accurate record of his or her contributions and expenses, and shall file reports pursuant to chapter 106.

Section 59. Section 105.09, Florida Statutes, is amended to read:

105.09 Political activity in behalf of a candidate for judicial office or the office of supervisor of elections limited.—

(1) No political party or partisan political organization shall endorse, support, or assist any candidate in a campaign for election to judicial office or the office of supervisor of elections.

(2) Any person who knowingly, in an individual capacity or as an officer of an organization, violates the provisions of this section *commits* is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

On page 56, line 15,

after the semicolon, insert: amending s. 98.015, F.S.; providing that the supervisor of elections is a nonpartisan officer subject to certain restrictions on political activity; providing for the nonpartisan election of supervisors of elections; creating s. 98.017, F.S.; providing restrictions on the political activity of supervisors of elections; providing a definition; authorizing the Commission on Ethics to investigate violations of such restrictions; providing penalties; amending ss. 101.141 and 101.151, F.S., relating to ballot format, to conform; amending s. 105.031, F.S.; requiring candidates for supervisor of elections to pay a qualifying fee, subscribe to an oath, and file certain items to qualify; amending s. 105.035, F.S.; providing procedures for candidates for supervisor of elections to qualify by the alternative method; amending s. 105.041, F.S.; providing for the form of the ballot for candidates for supervisor of elections; providing for write-in candidates for supervisor of elections; amending s. 105.051, F.S.; providing for determination of election to office of candidates for supervisor of elections; amending s. 105.061, F.S.; providing that supervisors of elections shall be elected by vote of the qualified electors of the county; amending s. 105.071, F.S.; providing limitations on political activity of candidates for supervisor of elections; providing penalties; amending s. 105.08, F.S.; providing requirements for candidates for supervisor of elections with respect to campaign contributions and expenses and their reporting; amending s. 105.09, F.S.; prohibiting certain political activity on behalf of a candidate for supervisor of elections; providing penalties;

Rep. Cusack moved the adoption of the amendment to the amendment, which was adopted.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Representative(s) Wiles offered the following:

(Amendment Bar Code: 713047)

**Amendment 3 to Amendment 4 (with title amendment)**—On page 52, between lines 25 and 26,

insert:

Section 48. Subsection (3) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(3) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee. ~~However, expenditures may be made directly by any political committee or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.~~

Section 49. Subsection (2) through (9) of section 106.08, Florida Statutes, are renumbered as subsections (3) through (10), newly renumbered sections (3), (8) and (9) are amended and a new subsection (2) is added to said section to read:

(2) *A person, political committee, or committee of continuous existence may not make contributions to the state and county executive committees of a political party, including any subordinate committee of a state or county executive committee of a political party, which contributions, including in-kind contributions, in the aggregate in any calendar year exceed \$5,000.*

~~(3)(2)(a)~~ A candidate may not accept contributions from national, state, ~~including any subordinate committee of a national, state, or county committee of a political party~~, and county executive committees of a political party, *including any subordinate committee of a national, state, or county executive committee of a political party*, which contributions, *including in-kind contributions*, in the aggregate exceed \$50,000, no more than \$25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.

~~(b) Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits of paragraph (a). Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the \$50,000 contribution limits of paragraph (a). Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party under s. 106.29.~~

~~(4)(3)(a)~~ Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than 5 days prior to the day of that election must be returned by him or her to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(b) Except as otherwise provided in paragraph (c), any contribution received by a candidate or by the campaign treasurer or a deputy campaign treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office must be returned to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(c) With respect to any campaign for an office in which an independent or minor party candidate has filed as required in s. 99.0955 or s. 99.096, but whose qualification is pending a determination by the Department of State or supervisor of elections as to whether or not the required number of petition signatures was obtained:

1. The department or supervisor shall, no later than 3 days after that determination has been made, notify in writing all other candidates for that office of that determination.

2. Any contribution received by a candidate or the campaign treasurer or deputy campaign treasurer of a candidate after the candidate has been notified in writing by the department or supervisor that he or she has become unopposed as a result of an independent or minor party candidate failing to obtain the required number of petition signatures shall be returned to the person, political committee, or committee of continuous existence contributing it and shall not be used or expended by or on behalf of the candidate.

(5)(4) Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election may not be obligated or expended by the committee until after the date of the election.

(6)(5) A person may not make any contribution through or in the name of another, directly or indirectly, in any election. Candidates, political committees, and political parties may not solicit contributions from or make contributions to any religious, charitable, civic, or other causes or organizations established primarily for the public good. However, it is not a violation of this subsection for a candidate, political committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person or for a candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months. A candidate may purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

(7)(6) A political party may not accept any contribution which has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate.

(8)(7)(a) Any person who knowingly and willfully makes no more than one contribution in violation of subsection (1), subsection (2), or subsection (6) (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (4) (3), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a political party, political committee, or committee of continuous existence who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes two or more contributions in violation of subsection (1), subsection (2), or subsection (6), or any combination thereof, (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$10,000 and not more than \$50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence, or political party who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9)(8) Except when otherwise provided in subsection (8) (7), any person who knowingly and willfully violates any provision of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(10)(9) This section does not apply to the transfer of funds between a primary campaign depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

Section 50. For the purpose of incorporating the amendment to section 106.08, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 106.19, Florida Statutes, is reenacted to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(1) Any candidate; campaign manager, campaign treasurer, or deputy treasurer of any candidate; committee chair, vice chair, campaign treasurer, deputy treasurer, or other officer of any political committee; agent or person acting on behalf of any candidate or political committee; or other person who knowingly and willfully:

(a) Accepts a contribution in excess of the limits prescribed by s. 106.08;

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 51. Section 106.087, Florida Statutes, is amended to read:

106.087 Independent expenditures; contribution limits; restrictions on political parties, ~~political committees, and committees of continuous existence.~~—

(1)(a) As a condition of receiving a rebate of filing fees and party assessment funds pursuant to s. 99.061(2), s. 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or treasurer of a state or county executive committee shall take and subscribe to an oath or affirmation in writing. During the qualifying period for state candidates and prior to distribution of such funds, a printed copy of the oath or affirmation shall be filed with the Secretary of State and shall be substantially in the following form:

State of Florida  
County of . . .

Before me, an officer authorized to administer oaths, personally appeared . . .(name). . ., to me well known, who, being sworn, says that he or she is the . . .(title). . . of the . . .(name of party). . . .(state or specified county). . . executive committee; that the executive committee has not made, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official in the prior 6 months; that the executive committee will not make, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official, through and including the upcoming general election; and that the executive committee will not violate the contribution limits applicable to candidates under s. 106.08(3)(2), Florida Statutes.

. . .(Signature of committee officer). . .  
. . .(Address). . .

Sworn to and subscribed before me this . . . day of . . ., . . .(year). . ., at . . . County, Florida.

. . .(Signature and title of officer administering oath). . .

(2)(b) Any executive committee found to have violated the provisions of the oath or affirmation in this section prior to receiving funds shall be ineligible to receive the rebate for that general election year.

(3)(c) Any executive committee found to have violated the provisions of the oath or affirmation in this section after receiving funds shall be ineligible to receive the rebate from candidates qualifying for the following general election cycle.

(4)(d) Any funds not distributed to the state or county executive committee pursuant to this section shall be deposited into the General Revenue Fund of the state.

~~(2)(a) Any political committee or committee of continuous existence that accepts the use of public funds, equipment, personnel, or other resources to collect dues from its members agrees not to make independent expenditures in support of or opposition to a candidate or elected public official. However, expenditures may be made for the sole purpose of jointly endorsing three or more candidates.~~

~~(b) Any political committee or committee of continuous existence that violates this subsection is liable for a civil fine of up to \$5,000 to be determined by the Florida Elections Commission or the entire amount of the expenditures, whichever is greater.~~

Section 52. Subsection (6) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.—

(6)(a) The national, state, and county executive committees of a political party, *including any subordinate committee of a national, state, or county executive committee of a political party*, may not contribute to any candidate any amount in excess of the limits contained in s. 106.08(3)(2), ~~and all contributions required to be reported under s. 106.08(2) by the national executive committee of a political party shall be reported by the state executive committee of that political party.~~

(b) A violation of the contribution limits contained in s. 106.08(3)(2) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A civil penalty equal to three times the amount in excess of the limits contained in s. 106.08(3)(2) shall be assessed against any executive committee found in violation thereof.

And the title is amended as follows:

On page 56, line 15,

after the semicolon, insert: amending s. 106.021, F.S.; eliminating a provision that authorizes the unrestricted expenditure of funds for the purpose of jointly endorsing three or more candidates; amending s. 106.08, F.S.; providing limits on contributions to a political party; revising a provision relating to restrictions on contributions to a candidate by a political party; providing penalties; reenacting s. 106.19(1)(a), F.S., relating to penalties applicable to acceptance of contributions in excess of the limits provided by law, to incorporate the amendment to s. 106.08, F.S., in a reference thereto; amending s. 106.087, F.S.; eliminating a provision that prohibits certain political committees and committees of continuous existence from making independent expenditures in support of or opposition to a candidate or elected public official; amending s. 106.29, F.S.; requiring subordinate and executive committees of a political party to adhere to contribution limits for political parties; providing penalties;

Rep. Wiles moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 153

Yeas—46

Ausley	Gottlieb	Lerner	Seiler
Bendross-Mindingall	Greenstein	Machek	Siplin
Betancourt	Harper	McGriff	Slosberg
Brutus	Henriquez	Meadows	Smith
Bucher	Heyman	Miller	Sobel
Bullard	Holloway	Murman	Stansel
Carassas	Jennings	Peterman	Weissman
Cusack	Joyner	Rich	Wiles
Fields	Justice	Richardson	Wilson
Frankel	Kendrick	Ritter	Wishner
Gannon	Kosmas	Romeo	
Gelber	Lee	Ryan	

Nays—65

The Chair	Brown	Green	Maygarden
Allen	Brummer	Haridopolos	Mealor
Andrews	Byrd	Harrington	Melvin
Arza	Cantens	Hart	Needelman
Attkisson	Clarke	Hogan	Negron
Atwater	Davis	Johnson	Paul
Baker	Detert	Jordan	Prieguez
Ball	Diaz-Balart	Kallinger	Ross
Barreiro	Dockery	Kilmer	Rubio
Baxley	Farkas	Kottkamp	Russell
Bean	Fasano	Kravitz	Simmons
Bennett	Fiorentino	Kyle	Spratt
Bense	Flanagan	Littlefield	Wallace
Benson	Garcia	Lynn	Waters
Berfield	Gardiner	Mack	
Bilirakis	Gibson	Mahon	
Bowen	Goodlette	Mayfield	

Votes after roll call:

Yeas to Nays—Miller

On motion by Rep. Smith, further consideration of **CS/HB 1925**, with pending amendment, was temporarily postponed under Rule 11.10.

**Motion**

On motion by Rep. Byrd, the rules were waived, and the privilege of the floor was granted to Dr. Frederick S. Humphries, President of Florida A&M University.

On motion by Rep. Byrd, the rules were waived and—

**Resolutions**

**HR 9069**—A resolution honoring Dr. Frederick S. Humphries, President of Florida Agricultural and Mechanical University.

WHEREAS, Frederick Stephen Humphries was born in Apalachicola, Florida, in 1935 to parents who inspired in him and his three siblings a diligence in carrying out their responsibilities and a drive to achieve excellence in education, and

WHEREAS, one of nine graduates of his high school class of 1953, Dr. Humphries credits the example of his high school mathematics and science teacher with instilling in him the importance of “excellence with caring,” a concept that has exemplified his leadership style during his tenure as the eighth president of Florida A & M University (FAMU) and indeed throughout his career, and

WHEREAS, after earning a bachelor of science degree, magna cum laude, in chemistry from FAMU and a doctoral degree in physical chemistry from the University of Pittsburgh, Dr. Humphries demonstrated early in his career that his efficient and highly astute management skills destined that he become an outstanding leader in higher education, and

WHEREAS, in addition to his commitment to teaching, research, and the demanding administrative responsibilities of his distinguished career, Dr. Humphries has become totally involved in the life of the communities in which he has served and has made significant contributions to both education and society in general through his membership and leadership roles in numerous local, state, and national boards, committees, and commissions, and limited space precludes a listing of the honors and awards which have recognized the invaluable contributions of this outstanding leader, and

WHEREAS, throughout his career, Dr. Frederick S. Humphries has amassed a list of incredible achievements, though certainly none more appreciated than the remarkable work he has done at Florida Agricultural and Mechanical University, which he has established as one of America’s premier institutions of higher learning, the nation’s leading producer of African Americans with baccalaureate degrees, the leader in the recruitment of National Achievement Scholars, and one of

the fastest growing universities in the country, and to which has been added, through his tenacity and determination, the new College of Law with an anticipated opening in the fall of 2002, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to honor Dr. Frederick S. Humphries, President of Florida Agricultural and Mechanical University, upon his impending retirement on June 30, 2001, and to acknowledge and express its sincerest gratitude for the remarkable accomplishments of his impressive career.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Dr. Frederick S. Humphries as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Richardson, the resolution was adopted.

On motion by Rep. Richardson, the board was opened [Session Vote Sequence: 154] and the following Members were recorded as cosponsors of the resolution, along with Reps. Richardson, Kendrick, Meadows, Ausley, Bendross-Mindingall, Cusack, Joyner, Smith, Peterman, Siplin, Holloway, Bullard, Lee, Brutus, and Jennings: Reps. Alexander, Allen, Andrews, Argenziano, Arza, Attkisson, Atwater, Baker, Ball, Barreiro, Baxley, Bean, Bennett, Bense, Benson, Berfield, Betancourt, Bilirakis, Bowen, Brown, Brummer, Bucher, Byrd, Cantens, Carassas, Clarke, Crow, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Dockery, Farkas, Fasano, Feeney, Fields, Fiorentino, Flanagan, Frankel, Gannon, Garcia, Gardiner, Gelber, Gibson, Goodlette, Gottlieb, Green, Greenstein, Haridopolos, Harper, Harrington, Hart, Henriquez, Heyman, Hogan, Johnson, Jordan, Justice, Kallinger, Kilmer, Kosmas, Kottkamp, Kravitz, Kyle, Lacasa, Lerner, Littlefield, Lynn, Macheck, Mack, Mahon, Mayfield, Maygarden, McGriff, Mealor, Melvin, Miller, Murman, Needelman, Negron, Paul, Prieguez, Rich, Ritter, Romeo, Ross, Rubio, Russell, Ryan, Seiler, Simmons, Slosberg, Sobel, Sorensen, Spratt, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, Wilson, and Wishner.

**Continuation of Bill Subject to Special Rule**

On motion by Rep. Goodlette—

**CS/HB 1925**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms “error in the vote tabulation” and “provisional ballot”; revising the definition of “primary election”; amending s. 100.061, F.S.; providing for a single primary election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; increasing campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for an appropriation; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s.

101.045, F.S.; requiring verification of an elector’s eligibility if the elector’s name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; providing a penalty for releasing the results of an election prior to the closing of the polls; amending s. 101.68, F.S.; allowing the processing of absentee ballots through electronic tabulating equipment prior to election day; prohibiting the release of the results of a canvassing or processing of absentee ballots prior to the closing of the polls; providing a penalty; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is the proper party to bring an election contest for certain elections; providing that any elector is the proper party to bring an election contest for elections involving a referendum; clarifying the circumstances under which a person may bring an election contest; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; amending s. 106.31, F.S.; providing legislative intent with respect to public campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; prohibiting participants from accepting contributions from political committees and committees of continuous existence; amending s. 106.35, F.S.; providing that certain contributions may not be used as qualifying matching contributions; providing a limit on the total funds available for distribution for election campaign financing purposes; amending s. 106.355, F.S.; revising limits on the funding provided to participating candidates when nonparticipating candidates exceed the expenditure limits; repealing s. 98.0975, F.S., relating to list maintenance of the central voter file; providing severability; providing effective dates.

—was taken up, having been read the second time, and amended, earlier today; now pending on motion by Rep. Ryan to adopt Amendment 4.

The question recurred on the adoption of **Amendment 4**, which failed of adoption. The vote was:

Session Vote Sequence: 155

Yeas—42

Ausley	Greenstein	Lerner	Siplin
Bendross-Mindingall	Harper	Macheck	Slosberg
Betancourt	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wilson
Gannon	Kendrick	Romeo	Wishner
Gelber	Kosmas	Ryan	
Gottlieb	Lee	Seiler	

Nays—75

The Chair	Brown	Goodlette	Maygarden
Alexander	Brummer	Green	Mealor
Allen	Byrd	Haridopolos	Melvin
Andrews	Cantens	Harrington	Miller
Argenziano	Carassas	Hart	Murman
Arza	Clarke	Hogan	Needelman
Attkisson	Crow	Johnson	Negron
Atwater	Davis	Jordan	Paul
Baker	Detert	Kallinger	Prieguez
Ball	Diaz de la Portilla	Kilmer	Ross
Barreiro	Diaz-Balart	Kottkamp	Rubio
Baxley	Dockery	Kravitz	Russell
Bean	Farkas	Kyle	Simmons
Bennett	Fasano	Lacasa	Sorensen
Bense	Fiorentino	Littlefield	Spratt
Benson	Flanagan	Lynn	Trovillion
Berfield	Garcia	Mack	Wallace
Bilirakis	Gardiner	Mahon	Waters
Bowen	Gibson	Mayfield	

Votes after roll call:

Yeas—Brutus

The question recurred on the adoption of **Amendment 2**.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 245775)

**Substitute Amendment 2 (with title amendment)**—On page 61, between lines 6 and 7

and insert in lieu thereof:

Section 51. Section 98.255, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 98.255, F.S., for present text.)*

98.255 *Voter-education programs.*—

*(1) By March 1, 2002, the Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. In developing the rules, the department shall review current voter-education programs within each county of the state. The standards shall address, but are not limited to, the following subjects:*

- (a) Voter registration;*
- (b) Balloting procedures, absentee and polling place;*
- (c) Voter rights and responsibilities;*
- (d) Distribution of sample ballots; and*
- (e) Public service announcements.*

*(2) Each supervisor of elections shall implement the minimum voter-education standards and shall conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.*

*(3)(a) By December 15 of each general election year, each supervisor of elections shall report to the Department of State a detailed description of the voter-education programs implemented and any other information that may be useful in evaluating the effectiveness of voter-education efforts.*

*(b) The Department of State, upon receipt of such information, shall prepare a public report on the effectiveness of voter-education programs and shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.*

*(c) The Department of State shall reexamine the rules adopted pursuant to subsection (1) and consider the findings in the report as a*

*basis for adopting modified rules that incorporate successful voter-education programs and techniques, as necessary.*

Section 52. Section 102.014, Florida Statutes, is created to read:

102.014 *Pollworker recruitment and training.*—

*(1) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.*

*(2) A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.*

*(3) In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in section 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.*

*(4) Each supervisor of elections shall be responsible for training inspectors and clerks, subject to the following minimum requirements:*

*(a) Each clerk shall receive four hours of training biannually when not in a general election year, and two hours of training quarterly in each general election year;*

*(b) Each inspector shall receive at least two hours of training biannually when not in a general election year, and one hour of training quarterly in each general election year.*

*(c) No clerk shall be entitled to work at the polls unless he or she has had a minimum of six hours of training.*

*(d) No inspector shall work at the polls unless he or she has had a minimum of three hours of training.*

*(5) The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall insure that the manual is available in hard copy or electronic form in every precinct in the supervisor's jurisdiction on election day. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems. The manual shall include, without limitation:*

*(a) Regulations governing solicitation by individuals and groups at the polling place;*

*(b) Procedures to be followed with respect to voters whose names are not on the precinct register;*

*(c) Proper operation of the voting system;*

*(d) Ballot handling procedures;*

*(e) Procedures governing spoiled ballots;*

*(f) Procedures to be followed after the polls close;*

*(g) Rights of voters at the polls;*

*(h) Procedures for handling emergency situations;*



- (i) Procedures for dealing with irate voters;
- (j) The handling and processing of provisional ballots; and
- (k) Security procedures.

The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and pollworkers at the precincts.

(6) Supervisors of elections shall work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks.

Section 53. Subsections (8) and (9) of section 102.012, Florida Statutes, are repealed.

Section 54. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the pollworker training required by s. 102.014 ~~102.012(8)~~.

And the title is amended as follows:

On page 5, line 2

insert: amending s. 98.255, F.S.; providing for nonpartisan voter education; requiring the supervisors of elections to report to the Division of Elections on voter-education programs; requiring the division to report to the Legislature on the effectiveness of voter-education programs; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012 (8) and (9), F.S., relating to pollworker training;

Rep. Goodlette moved the adoption of the substitute amendment, which was adopted.

The question recurred on the adoption of **Amendment 3**, which was adopted.

On motion by Rep. Goodlette, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 144173)

**Amendment 5 (with title amendment)**—On page 57, line 9 through Page 61, line 4 remove from the bill: all of said lines

and insert in lieu thereof: *candidates more responsive to the voters of the State of Florida and as insulated as possible from special interest groups.* The Legislature intends ss. 106.30-106.36 to alleviate these factors, dispel the misperception, and encourage qualified persons to seek statewide elective office who would not, or could not otherwise do so *and to protect the effective competition by a candidate who uses public funding.*

Section 47. Section 106.33, Florida Statutes, is amended to read:

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, candidates for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate *may* ~~shall~~ not be an unopposed candidate as defined in s. 106.011(15) and *must* ~~shall~~:

- (1) Agree to abide by the expenditure limits provided in s. 106.34.
- (2)(a) Raise contributions as follows:
  - 1.(a) One hundred fifty thousand dollars for a candidate for Governor.
  - 2.(b) One hundred thousand dollars for a candidate for Cabinet office.

(b) The following may not be used to meet the threshold amounts in paragraph (a):

- 1. Loans or contributions from the candidate's personal funds;
- 2. Contributions from national, state, and county executive committees of a political party; or
- 3. Contributions from individuals who at the time of contributing are not state residents. For purposes of this subparagraph, any person validly registered to vote in this state shall be considered a state resident.

(3) Limit loans or contributions from the candidate's personal funds to \$25,000 and contributions from national, state, and county executive committees of a political party to \$25,000 in the aggregate, ~~which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).~~

(4) Submit to a postelection audit of the campaign account by the division.

Section 48. Subsection (2) of section 106.35, Florida Statutes, is amended to read:

106.35 Distribution of funds.—

(2)(a) Each candidate who has been certified to receive contributions from the Election Campaign Financing Trust Fund shall be entitled to distribution of funds as follows:

- 1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in s. 106.33(2), distribution shall be on a two-to-one basis.
- 2. For all other qualifying matching contributions, distribution shall be on a one-to-one basis.

(b) Qualifying matching contributions are those of \$250 or less from an individual, made after September 1 of the calendar year prior to the election. *Any contribution that is a loan, is an in-kind contribution, is received from a political committee or committee of continuous existence, or is received from an individual who is not a state resident at the time the contribution is made shall not be considered a qualifying matching contribution. For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident.* Aggregate contributions from an individual in excess of \$250 will be matched only up to \$250. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.

And the title is amended as follows:

On page 4, lines 20-31 remove from the title of the bill: all of said lines

and insert in lieu thereof: election campaign financing; amending s. 106.35, F.S.; providing that certain contributions may not be used as qualifying matching contributions;

Rep. Goodlette moved the adoption of the amendment, which was adopted.

Rep. Smith moved that, under Rule 12.2(c), a late-filed amendment be allowed for consideration, which was not agreed to. The vote was:

Session Vote Sequence: 156

Yeas—45

Ausley	Gottlieb	Lerner	Siplin
Bendross-Mindingall	Greenstein	Machek	Slosberg
Betancourt	Harper	McGriff	Smith
Brown	Henriquez	Meadows	Sobel
Brutus	Heyman	Peterman	Stansel
Bucher	Holloway	Rich	Weissman
Bullard	Jennings	Richardson	Wiles
Cusack	Joyner	Ritter	Wilson
Fields	Justice	Romeo	Wishner
Frankel	Kendrick	Ross	
Gannon	Kosmas	Ryan	
Gelber	Lee	Seiler	

Nays—71

The Chair	Brummer	Green	Maygarden
Alexander	Byrd	Haridopolos	Mealor
Allen	Cantens	Harrington	Melvin
Andrews	Carassas	Hart	Miller
Argenziano	Clarke	Hogan	Murman
Arza	Crow	Johnson	Needelman
Attkisson	Davis	Jordan	Negron
Baker	Detert	Kallinger	Paul
Ball	Diaz de la Portilla	Kilmer	Prieguez
Barreiro	Diaz-Balart	Kottkamp	Rubio
Baxley	Farkas	Kravitz	Russell
Bean	Fasano	Kyle	Simmons
Bennett	Florentino	Lacasa	Sorensen
Bense	Flanagan	Littlefield	Spratt
Benson	Garcia	Lynn	Trovillion
Berfield	Gardiner	Mack	Wallace
Bilirakis	Gibson	Mahon	Waters
Bowen	Goodlette	Mayfield	

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

### Bill Subject to Special Rule

**CS/HB 1921**—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; revising certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems; amending s. 101.151, F.S.; providing general specifications for ballots; deleting provisions specific to certain elections and voting systems; requiring the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system; amending s. 101.5603, F.S.; revising definitions relating to the Electronic Voting Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines; amending s. 101.5604, F.S.; requiring any electronic or electromechanical voting system used by a county to be a precinct tabulation system; amending s. 101.5606, F.S.; providing additional requirements for electronic or electromechanical voting systems; creating s. 101.56062, F.S.; establishing a loan program for counties to purchase voting equipment; providing the term of such loans; providing for a priority system based on county need; providing penalties for default or delinquent payments; providing for suspension of payment of principal and penalties under certain financial emergency conditions; providing rulemaking authority; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of “voting equipment,”

applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

—was read the second time by title.

### REPRESENTATIVE BALL IN THE CHAIR

Representative(s) Lacasa offered the following:

(Amendment Bar Code: 130935)

**Amendment 1 (with title amendment)**—On page 18, lines 18-22 remove from the bill: all of said lines

and insert in lieu thereof:

(4) *The department is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. Such rules shall set forth, a median price range which the cost of voting systems shall not exceed for the purpose of procuring loans under this section, and a priority system for loans based on need. The department shall consider the cost of similar voting systems within the state in determining the median price range. The priority system shall give special consideration to the following:*

And the title is amended as follows:

On page 1, line 29  
remove from the title of the bill: all of said line

and insert in lieu thereof: providing the terms and conditions of such loans; providing for

Rep. Murman moved the adoption of the amendment, which was adopted.

Representative(s) Smith offered the following:

(Amendment Bar Code: 781917)

**Amendment 2 (with title amendment)**—On page 18, line 5 through page 40, line 31,  
remove from the bill: all of said lines

and insert in lieu thereof:

Section 16. Effective July 1, 2001, paragraph (b) of subsection (1) of section 101.5607, Florida Statutes, is amended to read:

101.5607 Department of State to maintain voting system information; prepare software.—

(1)

(b) Within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612(4), the supervisor of elections shall send by certified mail to the Department of State a copy of the tabulation program which was used in the logic and accuracy testing.

Section 17. Effective July 1, 2001, paragraph (b) of subsection (2) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(2) When an electronic or electromechanical voting system utilizes a ballot card or paper ballot, the following procedures shall be followed:

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. *If the vote tabulation device has rejected a ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter. The election official, without examining the original ballot, shall state the possible reasons for the rejection and direct the voter to the instruction model provided at the precinct pursuant to s. 101.5611.* A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.

Section 18. Effective July 1, 2001, section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(1) *All electronic or electromechanical voting systems shall be thoroughly tested at the conclusion of maintenance and programming. Tests shall be sufficient to determine that the voting system is properly programmed, the election is correctly defined on the voting system, and all of the voting system input, output, and communication devices are working properly.*

(2)(4) On any day not more than 10 days prior to the election day, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of *such public* the preelection test to each candidate qualifying with that office and obtain a signed receipt that such notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each such candidate to contact the county supervisor of elections as to the time and location of the *public preelection test* ~~pretest~~. The supervisor or the municipal elections official shall, at least 15 days prior to an election, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the *public* preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. Such designee shall not interfere with the normal operation of the canvassing board.

(3) *For electronic or electromechanical voting systems configured to tabulate absentee ballots at a central or regional site, the public testing shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and to include one or more ballots for each office which have activated voting positions in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor*

*shall be corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated and errorless results achieved immediately before the start of the official count of the ballots and again after the completion of the official count. The programs and ballots used for testing shall be sealed and retained under the custody of the county canvassing board.*

(4)(a)1. *For electronic or electromechanical voting systems configured to include electronic or electromechanical tabulation devices which are distributed to the precincts, all or a sample of the devices to be used in the election shall be publicly tested. If a sample is to be tested, the sample shall consist of a random selection of at least 5 percent or 10 of the devices, whichever is greater. The test shall be conducted by processing a group of ballots, causing the device to output results for the ballots processed, and comparing the output of results to the results expected for the ballots processed. The group of ballots shall be produced so as to record a predetermined number of valid votes for each candidate and on each measure and to include for each office one or more ballots which have activated voting positions in excess of the number allowed by law in order to test the ability of the tabulating device to reject such votes.*

2. *If any tested tabulating device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device deemed unsatisfactory, the canvassing board shall take steps to determine the cause of the error, shall attempt to identify and test other devices that could reasonably be expected to have the same error, and shall test a number of additional devices sufficient to determine that all devices are satisfactory. Upon deeming any device unsatisfactory, the canvassing board may require all devices to be tested or may declare that all devices are unsatisfactory.*

3. *If the operation or output of any tested tabulation device, such as spelling or the order of candidates on a report, is in error, such problem shall be reported to the canvassing board. The canvassing board shall then determine if the reported problem warrants its deeming the device unsatisfactory.*

(b) *At the completion of testing under this subsection, the canvassing board or its representative, the representatives of the political parties, and the candidates or their representatives who attended the test shall witness the resetting of each device that passed to a preelection state of readiness and the sealing of each device that passed in such a manner as to secure its state of readiness until the opening of the polls.*

(c) *The canvassing board or its representative shall execute a written statement setting forth the tabulation devices tested, the results of the testing, the protective counter numbers, if applicable, of each tabulation device, the number of the seal securing each tabulation device at the conclusion of testing, any problems reported to the board as a result of the testing, and whether each machine tested is satisfactory or unsatisfactory.*

(d) *Any tabulating device deemed unsatisfactory shall be reprogrammed, repaired, or replaced and shall be made available for retesting. Such device must be determined by the canvassing board or its representative to be satisfactory before it may be used in any election. The canvassing board or its representative shall announce at the close of the first testing the date, place, and time that any unsatisfactory device will be retested or may, at the option of the board, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.*

(e) *Records must be kept of all preelection testing of electronic or electromechanical tabulation devices used in any election. Such records are to be present and available for inspection and reference during public preelection testing by any person in attendance during such testing. The need of the canvassing board for access to such records during the testing shall take precedence over the need of other attendees to access such records so that the work of the canvassing board will not be delayed or hindered. Records of testing must include, for each device, the name of each person who tested the device and the date, place, time, and results of each test. Records of testing shall be retained as part of the official records of the election in which any device was used.*

~~(2) The test shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the county canvassing board.~~

Section 19. Subsections (1), (2), (3), and (7) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

~~(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.~~

~~(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.~~

~~(2)(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by The Department of State, which rules shall, in accordance with s. 101.015, adopt rules that provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a precinct and at a central or regional location.~~

~~(3)(a) All proceedings at the central or regional counting location or other designated location shall be under the direction of the county canvassing board and shall be open to the public, but no person except a person employed and authorized for the purpose shall touch any ballot or ballot container, any item of automatic tabulating equipment, or any return prior to its release. If the ballots are tabulated at regional locations, one member of the canvassing board or a person designated by the board to represent it shall be present at each location during the testing of the counting equipment and the tabulation of the ballots.~~

~~(3)(b) The results of If ballots are tabulated at precinct regional locations, the results of such election may be transmitted via dedicated teleprocessing lines to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns by dedicated teleprocessing lines shall conform to rules adopted by the Department of State pursuant to s. 101.015.~~

(7) Absentee ballots may be counted by automatic tabulating equipment if they have been punched or marked in a manner which will enable them to be properly counted by such equipment.

Section 20. Section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.—The Department of State may, at any time it deems fit, upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chair, state committeeman or committeewoman, or state executive committee chair, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of the voting system and equipment machines in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy may supervise preparation of the election machines and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty. The deputy shall file with the Department of State a report of his or her findings and observations of the registration and election processes in the county or municipality, and a copy of the report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

Section 21. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before  
Marking Ballot and Completing Voter's Certificate.

#### VOTER'S CERTIFICATE

I, . . . , am a qualified and registered voter of . . . County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting system machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.

6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.

7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

... (Voter's Signature) ...  
... (Last four digits of voter's social security number) ...  
Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

Sworn to (or affirmed) and subscribed before me this ... day of ....., ... (year) .., by ... (name of person making statement) ... My commission expires this ... day of ....., ... (year) ...

... (Signature of Official) ...  
... (Print, Type, or Stamp Name) ...  
... (State or Country of Commission) ...

Personally Known ..... OR Produced Identification .....

Type of Identification Produced .....  
OR

b. One Witness, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

... (Signature of Witness) ...  
... (Printed Name of Witness) ...  
... (Voter I.D. Number of Witness and County of Registration) ...  
... (Address) ...  
... (City/State) ...

Section 22. Subsection (2) of section 101.71, Florida Statutes, is amended to read:

101.71 Polling place.—

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable or are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, ~~including voting machines where used~~, the supervisor may provide, not less than 30 days prior to the holding of an election, that the voting place for such precinct shall be moved to another site which shall be accessible to the public on election day in said precinct or, if such is not available, to another site which shall be accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the several precincts involved shall be established and maintained separate from each other in said building. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in said county. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.

Section 23. Subsection (1) of section 101.75, Florida Statutes, is amended to read:

101.75 Municipal elections; change of dates for cause.—

(1) In any municipality, when the date of the municipal election falls on the same date as any statewide or county election and *the voting devices of the voting system used in the county machines* are not available for both elections, the municipality may provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.

Section 24. Subsections (4), (7), (8), and (9) of section 102.012, Florida Statutes, are amended to read:

102.012 Inspectors and clerks to conduct elections.—

(4)(a) *The election board of each precinct shall attend the polling place by 6 a.m. of the day of the election and shall arrange the furniture, stationery, and voting equipment.*

(b) An election board shall conduct the voting, beginning and closing at the time set forth in s. 100.011. If more than one board has been appointed, the second board shall, upon the closing of the polls, come on duty and count the votes cast. In such case, the first board shall turn over to the second board all closed ballot boxes, registration books, and other records of the election at the time the boards change. The second board shall continue counting until the count is complete or until 7 a.m. the next morning, and, if the count is not completed at that time, the first board that conducted the election shall again report for duty and complete the count. The second board shall turn over to the first board all ballots counted, all ballots not counted, and all registration books and other records and shall advise the first board as to what has transpired in tabulating the results of the election.

~~(7) For any precinct using voting machines, there shall be one election board appointed, plus an additional inspector for each machine in excess of one; however, the supervisor of elections may appoint a greater number of additional inspectors than required by this subsection.~~

(7)(8) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each first primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A person who has attended previous training conducted within 2 years of the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (8) (9) from among persons who have not received the training required by this section.

(8)(9) In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in subsection (2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

Section 25. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the poll worker training required by s. 102.012(8).

Section 26. Subsections (3) and (4) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.—

(3) The canvass, except the canvass of absentee electors' returns, shall be made from the returns and certificates of the inspectors as signed and filed by them with the county court judge and supervisor, respectively, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before noon of the day following any primary, general, special, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the

canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(4) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. Each canvassing board responsible for conducting a recount shall examine the counters on the machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

Section 27. Subsection (3) of section 102.166, Florida Statutes, is amended to read:

102.166 Protest of election returns; procedure.—

(3) Before canvassing the returns of the election, the canvassing board shall:

(a) ~~When paper ballots are used, examine the tabulation of the paper ballots cast.~~

(b) ~~When voting machines are used, examine the counters on the machines of nonprinter machines or the printer pae on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer pae, the counters of such machines or the printer pae shall be presumed correct.~~

(c) ~~When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy which could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.~~

Section 28. Effective July 1, 2001, subsections (8) and (9) of section 103.101, Florida Statutes, are amended to read:

103.101 Presidential preference primary.—

(8) All names of candidates or delegates shall be listed as directed by the Department of State. ~~The ballot as prescribed in this section shall be used.~~

(9) ~~The presidential preference primary ballot shall be in substantially the following form:~~

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT

No. .... Party  
.... COUNTY, FLORIDA  
Precinct No. ....  
....(Date)....  
....(Signature of Voter).... . . .(Initials of Issuing Official). . .

Stub No. 1

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT

No. .... Party  
.... COUNTY, FLORIDA  
Precinct No. ....  
....(Date)....  
... (Initials of Issuing Official) . . .

Stub No. 2

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT

.... Party  
.... COUNTY, FLORIDA  
Precinct No. ....  
....(Date)....

Place a cross (X) in the blank space to the right of the name of the presidential candidate for whom you wish to vote;  
For President

....(Name of Candidate)....  
....(Name of Candidate)....  
or place a cross (X) in the blank space to the right of the name of the delegate(s) for whom you wish to vote.  
....(Name of Delegate).... . . .(Name of Candidate). . .

Section 29. Section 104.30, Florida Statutes, is amended to read:

104.30 Voting systems ~~machine~~; unlawful possession; tampering.—

(1) Any unauthorized person who unlawfully has possession of any voting system or component ~~machine or key~~ thereof ~~commits is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting system or equipment ~~machine~~ with the intention of interfering with the election process or the results thereof ~~commits is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 30. Section 138.05, Florida Statutes, is amended to read:

138.05 Form of ballot.—The clerk of the circuit court of any county in this state, when the names of the towns, villages, and cities required in s. 138.04 have been furnished him or her, shall have printed, at the expense of the county, a suitable ballot to be used in said election, said ballot to contain, in alphabetical order, the names of all such towns, villages, and cities, and no other places shall be printed on the said ballots; ~~provided, that in counties where the use of voting machines is now or may hereafter be authorized by law, the requirements of this section shall, insofar as practicable, be adapted to the use of said voting machines.~~

Section 31. *Effective July 1, 2001, sections 101.141, 101.181, 101.191, and 101.5609, Florida Statutes, are repealed.*

Section 32. *Sections 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes, are repealed.*

Section 33. *The Division of Elections of the Department of State shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 15, 2001, detailing the progress that each county required by this act to upgrade a voting system has made toward the implementation of such system. This section shall take effect July 1, 2001.*

Section 34. (1) *There is appropriated from the General Revenue Fund to the Division of Elections, Department of State, for fiscal year 2001-2002, the amount of \$29,895,000 to carry out the provisions of this act. The Division shall provide to the supervisor of elections office in each county required to acquire a new voting system by this act, funds to*

implement the provisions of this act. Each county shall receive \$7500 per precinct, based on the number of precincts in the county certified by the Department of State for the 2000 general election. It is the intent of the Legislature to fully fund the acquisition of the voting systems, including voting systems for additional precincts created because of reapportionment. To that end, the Division of Elections, Department of State, shall monitor the acquisition of voting systems by the counties, and if the amount appropriated proves insufficient to fully fund the acquisition, the Division shall recommend a supplemental appropriation in an amount sufficient to fully fund such acquisition.

(2) There is appropriated from the General Revenue Fund to the Division of Elections, Department of State, for fiscal year 2002-2003, the amount of \$14,212,500, to carry out the provisions of this subsection. The Division shall distribute to each county that already had a voting system in compliance with the requirements of this act on the date it became a law, the amount of \$7500 per precinct, based on the number of precincts in the county certified by the Department of State for the 2000 general election.

(3) This section shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 26, through page 3, line 20, remove from the title of the bill: all of said lines

and insert in lieu thereof: electromechanical voting systems; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of "voting equipment," applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing for funding for implementation of the act; providing effective dates.

Rep. Smith moved the adoption of the amendment.

On motion by Rep. Smith, further consideration of **Amendment 2** was temporarily postponed under Rule 11.10.

#### THE SPEAKER IN THE CHAIR

Representative(s) Smith offered the following:

(Amendment Bar Code: 173025)

**Amendment 3 (with title amendment)**—On page 18, line 5 through page 40, line 31, remove from the bill: all of said lines

and insert in lieu thereof:

Section 16. Effective July 1, 2001, paragraph (b) of subsection (1) of section 101.5607, Florida Statutes, is amended to read:

101.5607 Department of State to maintain voting system information; prepare software.—

(1)

(b) Within 24 hours after the completion of any logic and accuracy test conducted pursuant to s. 101.5612(4), the supervisor of elections shall send by certified mail to the Department of State a copy of the tabulation program which was used in the logic and accuracy testing.

Section 17. Effective July 1, 2001, paragraph (b) of subsection (2) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(2) When an electronic or electromechanical voting system utilizes a ballot card or paper ballot, the following procedures shall be followed:

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. *If the vote tabulation device has rejected a ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter. The election official, without examining the original ballot, shall state the possible reasons for the rejection and direct the voter to the instruction model provided at the precinct pursuant to s. 101.5611.* A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.

Section 18. Effective July 1, 2001, section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(1) *All electronic or electromechanical voting systems shall be thoroughly tested at the conclusion of maintenance and programming. Tests shall be sufficient to determine that the voting system is properly programmed, the election is correctly defined on the voting system, and all of the voting system input, output, and communication devices are working properly.*

(2)(4) On any day not more than 10 days prior to the election day, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of such public ~~the~~ preelection test to each candidate qualifying with that office and obtain a signed receipt that such notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each such candidate to contact the county supervisor of elections as to the time and location of the public preelection test ~~pretest~~. The supervisor or the municipal elections official shall, at least 15 days prior to an election, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be

allowed in the central counting room when all tests are being conducted and when the official votes are being counted. Such designee shall not interfere with the normal operation of the canvassing board.

(3) For electronic or electromechanical voting systems configured to tabulate absentee ballots at a central or regional site, the public testing shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and to include one or more ballots for each office which have activated voting positions in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated and errorless results achieved immediately before the start of the official count of the ballots and again after the completion of the official count. The programs and ballots used for testing shall be sealed and retained under the custody of the county canvassing board.

(4)(a)1. For electronic or electromechanical voting systems configured to include electronic or electromechanical tabulation devices which are distributed to the precincts, all or a sample of the devices to be used in the election shall be publicly tested. If a sample is to be tested, the sample shall consist of a random selection of at least 5 percent or 10 of the devices, whichever is greater. The test shall be conducted by processing a group of ballots, causing the device to output results for the ballots processed, and comparing the output of results to the results expected for the ballots processed. The group of ballots shall be produced so as to record a predetermined number of valid votes for each candidate and on each measure and to include for each office one or more ballots which have activated voting positions in excess of the number allowed by law in order to test the ability of the tabulating device to reject such votes.

2. If any tested tabulating device is found to have an error in tabulation, it shall be deemed unsatisfactory. For each device deemed unsatisfactory, the canvassing board shall take steps to determine the cause of the error, shall attempt to identify and test other devices that could reasonably be expected to have the same error, and shall test a number of additional devices sufficient to determine that all devices are satisfactory. Upon deeming any device unsatisfactory, the canvassing board may require all devices to be tested or may declare that all devices are unsatisfactory.

3. If the operation or output of any tested tabulation device, such as spelling or the order of candidates on a report, is in error, such problem shall be reported to the canvassing board. The canvassing board shall then determine if the reported problem warrants its deeming the device unsatisfactory.

(b) At the completion of testing under this subsection, the canvassing board or its representative, the representatives of the political parties, and the candidates or their representatives who attended the test shall witness the resetting of each device that passed to a preelection state of readiness and the sealing of each device that passed in such a manner as to secure its state of readiness until the opening of the polls.

(c) The canvassing board or its representative shall execute a written statement setting forth the tabulation devices tested, the results of the testing, the protective counter numbers, if applicable, of each tabulation device, the number of the seal securing each tabulation device at the conclusion of testing, any problems reported to the board as a result of the testing, and whether each machine tested is satisfactory or unsatisfactory.

(d) Any tabulating device deemed unsatisfactory shall be reprogrammed, repaired, or replaced and shall be made available for retesting. Such device must be determined by the canvassing board or its representative to be satisfactory before it may be used in any election. The canvassing board or its representative shall announce at the close of the first testing the date, place, and time that any unsatisfactory device will be retested or may, at the option of the board, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.

(e) Records must be kept of all preelection testing of electronic or electromechanical tabulation devices used in any election. Such records are to be present and available for inspection and reference during public preelection testing by any person in attendance during such testing. The need of the canvassing board for access to such records during the testing shall take precedence over the need of other attendees to access such records so that the work of the canvassing board will not be delayed or hindered. Records of testing must include, for each device, the name of each person who tested the device and the date, place, time, and results of each test. Records of testing shall be retained as part of the official records of the election in which any device was used.

~~(2) The test shall be conducted by processing a preaudited group of ballots so produced as to record a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the county canvassing board.~~

Section 19. Subsections (1), (2), (3), and (7) of section 101.5614, Florida Statutes, are amended to read:

101.5614 Canvass of returns.—

(1)(a) In precincts in which an electronic or electromechanical voting system is used, as soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter open the ballot box in the presence of members of the public desiring to witness the proceedings and count the number of voted ballots, unused ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

~~(b) In lieu of opening the ballot box at the precinct, the supervisor may direct the election board to keep the ballot box sealed and deliver it to a central or regional counting location. In this case, the election board shall count the stubs removed from the ballots to determine the number of voted ballots.~~

~~(2)(a) If the ballots are to be tallied at a central location or at no more than three regional locations, the election board shall place all ballots that have been cast and the unused, void, and defective ballots in the container or containers provided for this purpose, which shall be sealed and delivered forthwith to the central or regional counting location or other designated location by two inspectors who shall not, whenever possible, be of the same political party. The election board shall certify that the ballots were placed in such container or containers and each container was sealed in its presence and under its supervision, and it shall further certify to the number of ballots of each type placed in the container or containers.~~

~~(2)(b) If ballots are to be counted at the precincts, such ballots shall be counted pursuant to rules adopted by The Department of State, which rules shall, in accordance with s. 101.015, adopt rules that provide safeguards which conform as nearly as practicable to the safeguards provided in the procedures for the counting of votes at a precinct and at a central or regional location.~~

~~(3)(a) All proceedings at the central or regional counting location or other designated location shall be under the direction of the county canvassing board and shall be open to the public, but no person except a person employed and authorized for the purpose shall touch any ballot~~



or ballot container, any item of automatic tabulating equipment, or any return prior to its release. If the ballots are tabulated at regional locations, one member of the canvassing board or a person designated by the board to represent it shall be present at each location during the testing of the counting equipment and the tabulation of the ballots.

(3)(b) The results of ~~if~~ ballots are tabulated at ~~precinct~~ regional locations, the results of such election may be transmitted via dedicated teleprocessing lines to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns by dedicated teleprocessing lines shall conform to rules adopted by the Department of State pursuant to s. 101.015.

(7) Absentee ballots may be counted by automatic tabulating equipment if they have been punched or marked in a manner which will enable them to be properly counted by such equipment.

Section 20. Section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.—The Department of State may, at any time it deems fit,; upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chair, state committeeman or committeewoman, or state executive committee chair, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of the voting system and equipment machines in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy may supervise preparation of the election machines and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty. The deputy shall file with the Department of State a report of his or her findings and observations of the registration and election processes in the county or municipality, and a copy of the report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

Section 21. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, . . . , am a qualified and registered voter of . . . County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

- 1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting system machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.

4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.

5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.

6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.

7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

. . . (Voter's Signature) . . .
. . . (Last four digits of voter's social security number) . . .

Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

Sworn to (or affirmed) and subscribed before me this . . . day of . . . , . . . (year) . . . , by . . . (name of person making statement) . . . My commission expires this . . . day of . . . , . . . (year) . . .
. . . (Signature of Official) . . .
. . . (Print, Type, or Stamp Name) . . .
. . . (State or Country of Commission) . . .

Personally Known . . . . . OR Produced Identification . . . . .

Type of Identification Produced . . . . .
OR

b. One Witness, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

. . . (Signature of Witness) . . .
. . . (Printed Name of Witness) . . .
. . . (Voter I.D. Number of Witness and County of Registration) . . .
. . . (Address) . . .
. . . (City/State) . . .

Section 22. Subsection (2) of section 101.71, Florida Statutes, is amended to read:

101.71 Polling place.—

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable or are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, including voting machines where used, the supervisor may provide, not less than 30 days prior to the holding of an election, that the voting place for such precinct shall be moved to another site which shall be accessible to the public on election day in said precinct or, if such is not available, to another site which shall be accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the several precincts involved shall be established and maintained separate from each other in said building. When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in said county. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.

Section 23. Subsection (1) of section 101.75, Florida Statutes, is amended to read:

101.75 Municipal elections; change of dates for cause.—

(1) In any municipality, when the date of the municipal election falls on the same date as any statewide or county election and *the voting devices of the voting system used in the county machines* are not available for both elections, the municipality may provide that the municipal election may be held within 30 days prior to or subsequent to the statewide or county election.

Section 24. Subsections (4), (7), (8), and (9) of section 102.012, Florida Statutes, are amended to read:

102.012 Inspectors and clerks to conduct elections.—

(4)(a) *The election board of each precinct shall attend the polling place by 6 a.m. of the day of the election and shall arrange the furniture, stationery, and voting equipment.*

(b) An election board shall conduct the voting, beginning and closing at the time set forth in s. 100.011. If more than one board has been appointed, the second board shall, upon the closing of the polls, come on duty and count the votes cast. In such case, the first board shall turn over to the second board all closed ballot boxes, registration books, and other records of the election at the time the boards change. The second board shall continue counting until the count is complete or until 7 a.m. the next morning, and, if the count is not completed at that time, the first board that conducted the election shall again report for duty and complete the count. The second board shall turn over to the first board all ballots counted, all ballots not counted, and all registration books and other records and shall advise the first board as to what has transpired in tabulating the results of the election.

~~(7) For any precinct using voting machines, there shall be one election board appointed, plus an additional inspector for each machine in excess of one; however, the supervisor of elections may appoint a greater number of additional inspectors than required by this subsection.~~

~~(7)(8)~~ The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each first primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A person who has attended previous training conducted within 2 years of the election may be appointed by the supervisor to fill a vacancy on election day. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (8) (9) from among persons who have not received the training required by this section.

~~(8)(9)~~ In the case of absence or refusal to act on the part of any inspector or clerk at any precinct on the day of an election, the supervisor shall appoint a replacement who meets the qualifications prescribed in subsection (2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

Section 25. Subsection (2) of section 102.021, Florida Statutes, is amended to read:

102.021 Compensation of inspectors, clerks, and deputy sheriffs.—

(2) Inspectors and clerks of election and deputy sheriffs serving at the precincts may receive compensation and travel expenses, as provided in s. 112.061, for attending the poll worker training required by s. 102.012(8).

Section 26. Subsections (3) and (4) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.—

(3) The canvass, except the canvass of absentee electors' returns, shall be made from the returns and certificates of the inspectors as signed and filed by them with the county court judge and supervisor, respectively, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before noon of the day following any primary, general, special, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the ~~counters on the machines or the~~ tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the ~~counters of the machines or the~~ tabulation of the ballots cast, the ~~counters of such machines or the~~ tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(4) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. Each canvassing board responsible for conducting a recount shall examine the ~~counters on the machines or the~~ tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the ~~counters of the machines or the~~ tabulation of the ballots cast, the ~~counters of such machines or the~~ tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

Section 27. Subsection (3) of section 102.166, Florida Statutes, is amended to read:

102.166 Protest of election returns; procedure.—

(3) Before canvassing the returns of the election, the canvassing board shall:

~~(a) When paper ballots are used, examine the tabulation of the paper ballots cast.~~

~~(b) When voting machines are used, examine the counters on the machines of nonprinter machines or the printer pae on printer machines. If there is a discrepancy between the returns and the counters of the machines or the printer pae, the counters of such machines or the printer pae shall be presumed correct.~~

~~(c) When electronic or electromechanical equipment is used, the canvassing board shall examine precinct records and election returns. If there is a clerical error, such error shall be corrected by the county canvassing board. If there is a discrepancy which could affect the outcome of an election, the canvassing board may recount the ballots on the automatic tabulating equipment.~~

Section 28. Effective July 1, 2001, subsections (8) and (9) of section 103.101, Florida Statutes, are amended to read:

103.101 Presidential preference primary.—

(8) All names of candidates or delegates shall be listed as directed by the Department of State. ~~The ballot as prescribed in this section shall be used.~~

~~(9) The presidential preference primary ballot shall be in substantially the following form:~~

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT

No. .... Party  
... COUNTY, FLORIDA  
Precinct No. ....  
... (Date) ...  
... (Signature of Voter) ... . . (Initials of Issuing Official) . .  
Stub No. 1

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT

No. .... Party  
... COUNTY, FLORIDA  
Precinct No. ....  
... (Date) ...  
... (Initials of Issuing Official) . .  
Stub No. 2

OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT

... Party  
... COUNTY, FLORIDA  
Precinct No. ....  
... (Date) ...

Place a cross (X) in the blank space to the right of the name of the presidential candidate for whom you wish to vote;

For President  
... (Name of Candidate) ...  
... (Name of Candidate) ...

or place a cross (X) in the blank space to the right of the name of the delegate(s) for whom you wish to vote.

... (Name of Delegate) ... . . (Name of Candidate) . .

Section 29. Section 104.30, Florida Statutes, is amended to read:

104.30 Voting systems machine; unlawful possession; tampering.—

(1) Any unauthorized person who unlawfully has possession of any voting system or component machine or key thereof commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who tampers or attempts to tamper with or destroy any voting system or equipment machine with the intention of interfering with the election process or the results thereof commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 30. Section 138.05, Florida Statutes, is amended to read:

138.05 Form of ballot.—The clerk of the circuit court of any county in this state, when the names of the towns, villages, and cities required in s. 138.04 have been furnished him or her, shall have printed, at the expense of the county, a suitable ballot to be used in said election, said ballot to contain, in alphabetical order, the names of all such towns, villages, and cities, and no other places shall be printed on the said ballots; provided, that in counties where the use of voting machines is now or may hereafter be authorized by law, the requirements of this section shall, insofar as practicable, be adapted to the use of said voting machines.

Section 31. Effective July 1, 2001, sections 101.141, 101.181, 101.191, and 101.5609, Florida Statutes, are repealed.

Section 32. Sections 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes, are repealed.

Section 33. The Division of Elections of the Department of State shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 15, 2001, detailing the progress that each county required by this act to upgrade a voting

system has made toward the implementation of such system. This section shall take effect July 1, 2001.

Section 34. (1) There is appropriated from the General Revenue Fund to the Division of Elections, Department of State, for fiscal year 2001-2002, the amount of \$29,895,000 to carry out the provisions of this act. The Division shall provide to the supervisor of elections office in each county required to acquire a new voting system by this act, funds to implement the provisions of this act. Each county shall receive \$7500 per precinct, based on the number of precincts in the county certified by the Department of State for the 2000 general election. This section shall take effect July 1, 2001. It is the intent of the Legislature to fully fund the acquisition of the voting systems, including voting systems for additional precincts created because of reapportionment. To that end, the Division of Elections, Department of State, shall monitor the acquisition of voting systems by the counties, and if the amount appropriated proves insufficient to fully fund the acquisition, the Division shall recommend a supplemental appropriation in an amount sufficient to fully fund such acquisition.

And the title is amended as follows:

On page 1, line 26, through page 3, line 20, remove from the title of the bill: all of said lines

and insert in lieu thereof: electromechanical voting systems; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of "voting equipment," applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing for funding for implementation of the act; providing effective dates.

Rep. Smith moved the adoption of the amendment. Subsequently, Amendment 3 was withdrawn.

The question recurred on the adoption of Amendment 2.

On motion by Rep. Frankel, further consideration of CS/HB 1921, with pending amendment, was temporarily postponed under Rule 11.10.

On motion by Rep. Frankel, the rules were waived and the House moved to—

Local Bills at a Time Certain

On motion by Rep. Goodlette, the rules were waived and the Local Bill procedure was adopted.

Rep. Byrd suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 157].

**HB 115**—A bill to be entitled An act relating to the City of Marathon, Monroe County; authorizing the city to exercise its police powers and jurisdiction extending 1,200 feet into the tidal waters adjacent to its established corporate limits; providing an effective date.

—was read the second time by title. On motion by Rep. Sorensen, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**CS/HB 479**—A bill to be entitled An act relating to the Rainbow Lakes Estates Municipal Service District, an independent special district of the State of Florida in Marion and Levy Counties; codifying the district's charter, chapter 69-1298, Laws of Florida, as amended, pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Rainbow Lakes Estates Municipal Service District as a single act; repealing all prior special acts related to the Rainbow Lakes Estates Municipal Service District; providing an effective date.

—was read the second time by title. On motion by Rep. Kendrick, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Baker	Berfield	Byrd
Alexander	Ball	Betancourt	Cantens
Allen	Barreiro	Bilirakis	Carassas
Andrews	Baxley	Bowen	Clarke
Argenziano	Bean	Brown	Cusack
Arza	Bendross-Mindingall	Brummer	Davis
Attkisson	Bennett	Brutus	Detert
Atwater	Bense	Bucher	Diaz de la Portilla
Ausley	Benson	Bullard	Diaz-Balart

Dockery	Henriquez	Machek	Ross
Farkas	Heyman	Mack	Rubio
Fasano	Hogan	Mahon	Russell
Fields	Holloway	Mayfield	Ryan
Fiorentino	Jennings	Maygarden	Seiler
Flanagan	Johnson	McGriff	Simmons
Frankel	Jordan	Meadows	Siplin
Gannon	Joyner	Mealor	Slosberg
Garcia	Justice	Melvin	Smith
Gardiner	Kallinger	Miller	Sobel
Gelber	Kendrick	Murman	Sorensen
Gibson	Kilmer	Needelman	Spratt
Goodlette	Kosmas	Negron	Stansel
Gottlieb	Kottkamp	Paul	Trovillion
Green	Kravitz	Peterman	Wallace
Greenstein	Kyle	Prieguez	Waters
Haridopolos	Lee	Rich	Weissman
Harper	Lerner	Richardson	Wiles
Harrington	Littlefield	Ritter	Wilson
Hart	Lynn	Romeo	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 585**—A bill to be entitled An act relating to Martin County; amending sections 1, 2, 3, and 4 of chapter 65-1906, Laws of Florida, as amended; revising authority of the Board of County Commissioners to levy a tax for indigent health care; revising the name of the fund into which the tax is paid; revising the uses of the fund; revising requirements relating to disbursements from the fund and unexpended balances in the fund; revising the name of the review board and the hospital board; providing an effective date.

—was read the second time by title. On motion by Rep. Byrd, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Byrd	Harrington	McGriff
Alexander	Cantens	Hart	Meadows
Allen	Carassas	Henriquez	Mealor
Andrews	Clarke	Heyman	Melvin
Argenziano	Cusack	Hogan	Miller
Arza	Davis	Holloway	Murman
Attkisson	Detert	Jennings	Needelman
Atwater	Diaz de la Portilla	Johnson	Negron
Ausley	Diaz-Balart	Jordan	Paul
Baker	Dockery	Joyner	Peterman
Ball	Farkas	Justice	Prieguez
Barreiro	Fasano	Kallinger	Rich
Baxley	Fields	Kendrick	Richardson
Bean	Fiorentino	Kilmer	Ritter
Bendross-Mindingall	Flanagan	Kosmas	Romeo
Bennett	Frankel	Kottkamp	Ross
Bense	Gannon	Kravitz	Rubio
Benson	Garcia	Kyle	Russell
Berfield	Gardiner	Lee	Ryan
Betancourt	Gelber	Lerner	Seiler
Bilirakis	Gibson	Littlefield	Simmons
Bowen	Goodlette	Lynn	Siplin
Brown	Gottlieb	Machek	Slosberg
Brummer	Green	Mack	Smith
Brutus	Greenstein	Mahon	Sobel
Bucher	Haridopolos	Mayfield	Sorensen
Bullard	Harper	Maygarden	Spratt

Stansel           Wallace           Weissman       Wilson  
Trovillion       Waters           Wiles           Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 629**—A bill to be entitled An act relating to Citrus County; specifying rights of certain employees and appointees of the Citrus County Sheriff; providing definitions; providing proceedings and provisions with respect to dismissal; providing for transition between administrations; providing for career appeals boards; providing for appeals procedures; providing an effective date.

—was read the second time by title. On motion by Rep. Argenziano, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 763**—A bill to be entitled An act relating to Monroe County; amending chapter 69-1191, Laws of Florida, as amended; revising provisions relating to the Utility Board of the City of Key West; authorizing the board to sell tangible personal property related to its utility services under certain circumstances; providing for salaries of board members to be set by resolution; authorizing the board to extend beyond the limits of Monroe County any public utilities under its jurisdiction under certain circumstances; providing for issuance of refunding revenue bonds by the board; authorizing the board to issue commercial paper notes and variable rate bonds and enter into interest rate swap transactions; revising notice provisions relating to sale of bonds; providing for sale of bonds at competitive or negotiated sale rather than public sale; revising eligibility requirements for a special utility rate; authorizing the board to make expenditures for advertising the utility system; authorizing the board to expend funds for emergency purchases; changing a time period for delivery of annual audits to the City Commission of the City of Key West; providing an effective date.

—was read the second time by title. On motion by Rep. Sorensen, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 775**—A bill to be entitled An act relating to Collier Mosquito Control District, an independent special tax district in Collier County, Florida; ratifying and confirming the creation of Collier Mosquito Control District pursuant to chapter 390, F.S. (1949), as an independent mosquito control district; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S.; providing legislative intent; providing for applicability of chapters 388 and 189, F.S., and other general laws; providing a district charter; providing for amended district boundaries on October 1, 2001; providing for liability and group insurance; providing for repeal of prior special acts related to Collier Mosquito Control District; providing an effective date.

—was read the second time by title. On motion by Rep. Goodlette, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Barreiro	Brown	Detert
Alexander	Baxley	Brummer	Diaz de la Portilla
Allen	Bean	Brutus	Diaz-Balart
Andrews	Bendross-Mindingall	Bucher	Dockery
Argenziano	Bennett	Bullard	Farkas
Arza	Bense	Byrd	Fasano
Attkisson	Benson	Cantens	Fields
Atwater	Berfield	Carassas	Fiorentino
Ausley	Betancourt	Clarke	Flanagan
Baker	Bilirakis	Cusack	Frankel
Ball	Bowen	Davis	Gannon

Garcia	Jordan	Maygarden	Russell
Gardiner	Joyner	McGriff	Ryan
Gelber	Justice	Meadows	Seiler
Gibson	Kallinger	Mealor	Simmons
Goodlette	Kendrick	Melvin	Siplin
Gottlieb	Kilmer	Miller	Slosberg
Green	Kosmas	Murman	Smith
Greenstein	Kottkamp	Needelman	Sobel
Haridopolos	Kravitz	Negron	Sorensen
Harper	Kyle	Paul	Spratt
Harrington	Lee	Peterman	Stansel
Hart	Lerner	Prieguez	Trovillion
Henriquez	Littlefield	Rich	Wallace
Heyman	Lynn	Richardson	Waters
Hogan	Machek	Ritter	Weissman
Holloway	Mack	Romeo	Wiles
Jennings	Mahon	Ross	Wilson
Johnson	Mayfield	Rubio	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 777**—A bill to be entitled An act relating to Hillsborough County; compiling, codifying, and revising chapter 83-423, Laws of Florida, as amended, relating to the Public Transportation Commission; removing gender-specific references; providing legislative intent; protecting the rights of commission employees; creating the commission; providing the commission is an independent special district; prohibiting discriminatory practices; providing for, amending, and adding definitions; providing for the composition of the commission and its procedures; providing for, amending, and adding mandatory and discretionary powers, including the addition of civil penalties and an automatic lien under certain circumstances; providing for commission staff; providing for and amending an application for certificate process, including establishing public convenience and necessity and procedures for resubmission upon denial; providing for a public vehicle driver's license and adding that a person convicted of being a sexual offender or sexual predator may be denied such licensure and that any such licensure must be revoked upon conviction as a sexual offender or sexual predator; providing penalties; adding provisions relating to citations, administrative hearings in connection with citations, and appeals procedures; adding procedures relating to variances and waivers and an appeals procedure; providing for county responsibility in funding the commission; adding a provision relating to recodification; adding a limited savings clause for rules of the commission; providing for dissolution; providing a severance clause; repealing chapters 83-423, 87-496, 88-493, 95-490, and 2000-441, Laws of Florida, relating to the public transportation commission; providing a savings clause; providing an effective date.

—was read the second time by title. On motion by Rep. Hart, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Bendross-Mindingall	Cantens	Frankel
Alexander	Bennett	Carassas	Gannon
Allen	Bense	Clarke	Garcia
Andrews	Benson	Cusack	Gardiner
Argenziano	Berfield	Davis	Gelber
Arza	Betancourt	Detert	Gibson
Attkisson	Bilirakis	Diaz de la Portilla	Goodlette
Atwater	Bowen	Diaz-Balart	Gottlieb
Ausley	Brown	Dockery	Green
Baker	Brummer	Farkas	Greenstein
Ball	Brutus	Fasano	Haridopolos
Barreiro	Bucher	Fields	Harper
Baxley	Bullard	Fiorentino	Harrington
Bean	Byrd	Flanagan	Hart

Henriquez	Kyle	Murman	Simmons
Heyman	Lee	Needelman	Siplin
Hogan	Lerner	Negron	Slosberg
Holloway	Littlefield	Paul	Smith
Jennings	Lynn	Peterman	Sobel
Johnson	Machek	Prieguez	Sorensen
Jordan	Mack	Rich	Spratt
Joyner	Mahon	Richardson	Stansel
Justice	Mayfield	Ritter	Trovillion
Kallinger	Maygarden	Romeo	Wallace
Kendrick	McGriff	Ross	Waters
Kilmer	Meadows	Rubio	Weissman
Kosmas	Mealor	Russell	Wiles
Kottkamp	Melvin	Ryan	Wilson
Kravitz	Miller	Seiler	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 799**—A bill to be entitled An act relating to the Barron Water Control District, an independent special district in Glades County and Hendry County, codifying the District's charter pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, and reenacting the special laws relating to the Barron Water Control District as a single act; declaring the status of the District; providing for the corporate life of the District and the term of office of the supervisors of the District; repealing chapters 84-436 and 2000-416, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Rep. Spratt, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 845**—A bill to be entitled An act relating to the West Lauderdale Water Control District; repealing section 9.02 of chapter 96-472, Laws

of Florida; providing for the dissolution of the West Lauderdale Water Control District on a specified date; providing for the assumption of its assets and liabilities by the Bonaventure Development District; providing for continuance of certain contracts; providing for limitations and restrictions on the use of the assets and revenues of the West Lauderdale Water Control District; providing an effective date.

—was read the second time by title. On motion by Rep. Ritter, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 847**—A bill to be entitled An act relating to the Dog Island Conservation District, Franklin County; providing for codification of special laws relating to the Dog Island Conservation District; providing legislative intent; codifying and reenacting chapters 75-374, 79-461, and 84-430, Laws of Florida; providing for the repeal of all prior special acts related to the Dog Island Conservation District; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 510633)

**Amendment 1**—On page 9, lines 1 - 5, remove from the bill: all of said lines

and insert in lieu thereof: *accounts, and for an annual financial audit by an independent certified public accountant licensed pursuant to chapter 473, Florida Statutes. A copy of the audit report shall be filed with the Franklin County Commission within 120 days after the end of each fiscal year.*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Kendrick, the rules were waived and HB 847, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 849**—A bill to be entitled An act relating to Pinellas County; amending chapter 80-585, Laws of Florida, as amended; increasing the number of members of the Emergency Medical Services Authority required for a quorum from three to four; correcting terminology; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 151811)

**Amendment 1**—On page 1, between lines 23 and 24, of the bill insert:

Section 2. Subsection (9) of section 2 of chapter 80-585, Laws of Florida, as amended by 89-424, Laws of Florida, is amended to read:

(9) To establish uniform standards which shall be equal to or stricter than those provided in Chapter 401, Florida Statutes, insofar as it relates to Emergency Medical Services and the Department of Health and Rehabilitative Services EMS Rules, Chapter 10D-66, as they exist and may hereafter be amended and to provide for the enforcement of same. The authority has the power to establish levels of service for all emergency medical services that must be met by EMS providers; provided that levels of service on or after the effective date of this act may not be lower than levels of service as of January 1, 1989, without the consent of the affected EMS providers; and provided further that an EMS provider may not be required to increase its level of service to a level of service established by the authority that results in the authority reducing the payment of reimbursable costs to EMS providers because

the total reimbursable costs would exceed the 1.5 millage authorized by this act.

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Crow, the rules were waived and HB 849, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 851**—A bill to be entitled An act relating to the Hillsborough County Hospital Authority; amending subsection (10) of section 5, relating to facilitating an employee advisory committee, subsection (2) of section 6, relating to an employee advisory committee, subsection (3) of section 7, relating to reimbursement for services to indigents, and section 9, relating to parking and office facilities of chapter 96-449, Laws of Florida; providing that those subsections and section are applicable only when a hospital is operated by the hospital authority; providing an effective date.

—was read the second time by title. On motion by Rep. Murman, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Ausley	Bense	Brutus
Alexander	Baker	Benson	Bucher
Allen	Ball	Berfield	Bullard
Andrews	Barreiro	Betancourt	Byrd
Argenziano	Baxley	Bilirakis	Cantens
Arza	Bean	Bowen	Carassas
Attkisson	Bendross-Mindingall	Brown	Clarke
Atwater	Bennett	Brummer	Cusack

Davis	Harper	Littlefield	Romeo
Detert	Harrington	Lynn	Ross
Diaz de la Portilla	Hart	Machek	Rubio
Diaz-Balart	Henriquez	Mack	Russell
Dockery	Heyman	Mahon	Ryan
Farkas	Hogan	Mayfield	Seiler
Fasano	Holloway	Maygarden	Simmons
Fields	Jennings	McGriff	Siplin
Fiorentino	Johnson	Meadows	Slosberg
Flanagan	Jordan	Mealor	Smith
Frankel	Joyner	Melvin	Sobel
Gannon	Justice	Miller	Sorensen
Garcia	Kallinger	Murman	Spratt
Gardiner	Kendrick	Needelman	Stansel
Gelber	Kilmer	Negron	Trovillion
Gibson	Kosmas	Paul	Wallace
Goodlette	Kottkamp	Peterman	Waters
Gottlieb	Kravitz	Prieguez	Weissman
Green	Kyle	Rich	Wiles
Greenstein	Lee	Richardson	Wilson
Haridopolos	Lerner	Ritter	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 855**—A bill to be entitled An act relating to Citrus County; amending chapter 99-442, Laws of Florida, the charter of the Citrus County Hospital Board; reducing the time a member may hold office on the board; revising borrowing authority of the board; revising provisions relating to indebtedness of the board; revising a provision relating to outstanding bonds payable from ad valorem taxes; repealing an obsolete provision; providing an effective date.

—was read the second time by title. On motion by Rep. Argenziano, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Byrd	Harrington	McGriff
Alexander	Cantens	Hart	Meadows
Allen	Carassas	Henriquez	Mealor
Andrews	Clarke	Heyman	Melvin
Argenziano	Cusack	Hogan	Miller
Arza	Davis	Holloway	Murman
Attkisson	Detert	Jennings	Needelman
Atwater	Diaz de la Portilla	Johnson	Negron
Ausley	Diaz-Balart	Jordan	Paul
Baker	Dockery	Joyner	Peterman
Ball	Farkas	Justice	Prieguez
Barreiro	Fasano	Kallinger	Rich
Baxley	Fields	Kendrick	Richardson
Bean	Fiorentino	Kilmer	Ritter
Bendross-Mindingall	Flanagan	Kosmas	Romeo
Bennett	Frankel	Kottkamp	Ross
Bense	Gannon	Kravitz	Rubio
Benson	Garcia	Kyle	Russell
Berfield	Gardiner	Lee	Ryan
Betancourt	Gelber	Lerner	Seiler
Bilirakis	Gibson	Littlefield	Simmons
Bowen	Goodlette	Lynn	Siplin
Brown	Gottlieb	Machek	Slosberg
Brummer	Green	Mack	Smith
Brutus	Greenstein	Mahon	Sobel
Bucher	Haridopolos	Mayfield	Sorensen
Bullard	Harper	Maygarden	Spratt



Stansel Wallace Weissman Wilson  
 Trovillion Waters Wiles Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 857**—A bill to be entitled An act relating to Palm Beach County; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to Highland Glades Water Control District, a special tax district in Palm Beach County; providing legislative intent; codifying and reenacting special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 8885 (1921) and 89-466, Laws of Florida; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 545131)

**Amendment 1**—On page 9, lines 11 - 14, remove from the bill: all of said lines

and insert in lieu thereof:

Section 6. *Chapter 8885, Laws of Florida (1921), chapter 9564, Laws of Florida (1923), chapter 10615, Laws of Florida (1925), chapter 30199, Laws of Florida (1955), and chapter 89-466, Laws of Florida, are repealed 10 days after the effective date of this act.*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

The Committee on Natural Resources & Environmental Protection offered the following:

(Amendment Bar Code: 390009)

**Amendment 2**—On page 4, Line 21 after the period

insert:

*This section does not exempt the district from complying with applicable provisions of Chapters 373 or 403, Florida Statutes.*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Harper, the rules were waived and HB 857, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Bense	Davis	Goodlette
Alexander	Benson	Detert	Gottlieb
Allen	Berfield	Diaz de la Portilla	Green
Andrews	Betancourt	Diaz-Balart	Greenstein
Argenziano	Bilirakis	Dockery	Haridopolos
Arza	Bowen	Farkas	Harper
Attkisson	Brown	Fasano	Harrington
Atwater	Brummer	Fields	Hart
Ausley	Brutus	Fiorentino	Henriquez
Baker	Bucher	Flanagan	Heyman
Ball	Bullard	Frankel	Hogan
Barreiro	Byrd	Gannon	Holloway
Baxley	Cantens	Garcia	Jennings
Bean	Carassas	Gardiner	Johnson
Bendross-Mindingall	Clarke	Gelber	Jordan
Bennett	Cusack	Gibson	Joyner

Justice	Mack	Peterman	Slosberg
Kallinger	Mahon	Prieguez	Smith
Kendrick	Mayfield	Rich	Sobel
Kilmer	Maygarden	Richardson	Sorensen
Kosmas	McGriff	Ritter	Spratt
Kottkamp	Meadows	Romeo	Stansel
Kravitz	Mealor	Ross	Trovillion
Kyle	Melvin	Rubio	Wallace
Lee	Miller	Russell	Waters
Lerner	Murman	Ryan	Weissman
Littlefield	Needelman	Seiler	Wiles
Lynn	Negron	Simmons	Wilson
Machek	Paul	Siplin	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 859**—A bill to be entitled An act relating to Gladeview Water Control District, an independent special tax district in Palm Beach County; providing legislative intent; codifying, reenacting, amending, and repealing special acts relating to the district; providing district status and boundaries; providing for applicability of chapters 298 and 189, Florida Statutes, and other general laws; providing a district charter; providing for ratification of prior acts; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; providing an effective date.

—was read the second time by title. On motion by Rep. Harper, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 879**—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; providing for codification of special laws relating to the South Indian River Water

Control District; amending, codifying, reenacting, and repealing all prior special acts; providing for creation, status, charter amendments, and boundaries; providing for a board of supervisors and powers and duties; providing minimum charter requirements in accordance with s. 189.404, F.S.; providing for construction and effect; providing an effective date.

—was read the second time by title. On motion by Rep. Atwater, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 885**—A bill to be entitled An act relating to Hillsborough County; amending chapter 98-499, Laws of Florida, relating to liens authorized by ordinance in favor of hospitals providing medical care, treatment, or maintenance to a patient, and in favor of the County when it pays for medical care, treatment, or maintenance of a patient; providing definitions; providing optional and mandatory components, both substantive and procedural, of any such implementing ordinance including establishing limitations on lien amounts, and providing for the treatment of other claims, noneconomic damages, and attorney's fees; requiring the ordinance to provide identical procedural remedies to hospitals and the County; providing for an offset for the cost of an insurance policy resulting in payment of any part of the lien amount; barring a lienholder or the lienholder's legal representative from additional compensation from the patient and others in relation to the charges covered by a lien; providing penalties; providing an effective date.

—was read the second time by title. On motion by Rep. Murman, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 887**—A bill to be entitled An act relating to Okaloosa County; amending chapter 99-478, Laws of Florida, relating to the Ocean City-Wright Fire Control District; providing for the annexation of certain unincorporated areas of Okaloosa County into the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Rep. Melvin, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Bowen	Frankel	Joyner
Alexander	Brown	Gannon	Justice
Allen	Brummer	Garcia	Kallinger
Andrews	Brutus	Gardiner	Kendrick
Argenziano	Bucher	Gelber	Kilmer
Arza	Bullard	Gibson	Kosmas
Attkisson	Byrd	Goodlette	Kottkamp
Atwater	Cantens	Gottlieb	Kravitz
Ausley	Carassas	Green	Kyle
Baker	Clarke	Greenstein	Lee
Ball	Cusack	Haridopolos	Lerner
Barreiro	Davis	Harper	Littlefield
Baxley	Detert	Harrington	Lynn
Bean	Diaz de la Portilla	Hart	Machek
Bendross-Mindingall	Diaz-Balart	Henriquez	Mack
Bennett	Dockery	Heyman	Mahon
Bense	Farkas	Hogan	Mayfield
Benson	Fasano	Holloway	Maygarden
Berfield	Fields	Jennings	McGriff
Betancourt	Fiorentino	Johnson	Meadows
Bilirakis	Flanagan	Jordan	Mealor

Melvin	Rich	Seiler	Stansel
Miller	Richardson	Simmons	Trovillion
Murman	Ritter	Siplin	Wallace
Needelman	Romeo	Slosberg	Waters
Negron	Ross	Smith	Weissman
Paul	Rubio	Sobel	Wiles
Peterman	Russell	Sorensen	Wilson
Prieguez	Ryan	Spratt	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 897**—A bill to be entitled An act relating to Clay County; providing for codification of special acts pursuant to s. 189.429, F.S., relating to the Clay County Development Authority, an independent special district; providing legislative intent; codifying, reenacting, and amending chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida; providing for minimum charter requirements; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida, 10 days after effective date of act; providing an effective date.

—was read the second time by title. On motion by Rep. Wiles, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 901**—A bill to be entitled An act relating to the City of Jacksonville; extending the operation of chapters 89-439 and 91-362, Laws of Florida, relating to the Council of the City of Jacksonville and the City of Jacksonville Environmental Protection Board, notwithstanding the board's scheduled expiration on October 1, 2001; providing for the use of procedures under chapter 120, Florida Statutes, including the hiring of administrative law judges, for proceedings

involving air or water pollution in which the board seeks to impose a penalty; providing an effective date.

—was read the second time by title. On motion by Rep. Davis, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 903**—A bill to be entitled An act relating to the Consolidated City of Jacksonville; creating and establishing separate airport and seaport authorities; providing for governing bodies, appointment of members, terms, staggered terms, rules of procedure; providing for employment of a managing director and other employees, providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees; establishing the separate authorities as county authorities; providing for participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; providing for transfer of assets and liabilities from the Jacksonville Port Authority to the separate seaport and airport authorities and for assumption of responsibilities; making the Port Facilities Financing Act applicable to seaport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; repealing certain existing local laws relative to the creation and operation of the Jacksonville Port Authority; providing for conforming amendments to sections 18.07 and 24.04, of chapter 92-341, Laws of Florida, being the Charter of the City of Jacksonville, to replace references to the Jacksonville Port Authority with references to the Jacksonville Seaport Authority and the Jacksonville Airport Authority; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 154679)

**Amendment 1—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *Section 1. Creation of Jacksonville Seaport Authority and Jacksonville Airport Authority.—*

(1) *There are hereby created and established two separate bodies politic and corporate to be known as the Jacksonville Seaport Authority and the Jacksonville Airport Authority respectively (hereinafter referred to singly as an “authority” and collectively as “authorities”), which are created as agencies and political subdivisions of the State of Florida in the nature of counties and not municipalities. These authorities are authorized to exercise their respective jurisdictions, powers, and duties within the territorial limits of the former Duval County, which territorial limits now exist within the City of Jacksonville. The Jacksonville Seaport Authority shall operate, manage, and control the seaport and ancillary facilities located within Duval County. The Jacksonville Airport Authority shall operate, manage, and control all publicly owned airports and ancillary facilities located within Duval County. This authorization for a port authority split shall be reviewed for performance and efficiency after a period of 4 years.*

(2) *The governing body for the Seaport Authority shall consist of seven members, four of whom shall be appointed by the Mayor of the City of Jacksonville with the confirmation of the council of the City of Jacksonville, and three of whom shall be appointed by the Governor of Florida with the confirmation of the Senate. The governing body for the Airport Authority shall consist of seven members, four of whom shall be appointed by the Governor of Florida with the confirmation of the Senate, and three of whom shall be appointed by the Mayor of the City of Jacksonville with the confirmation of the council of the City of Jacksonville. Members shall serve for terms of 4 years commencing on October 1st of the year of the appointment or for the unexpired portion of a term deemed to have commenced on October 1st. Members of either authority, during their terms, shall serve at the pleasure of the Mayor or Governor, whoever appointed the member. Members shall continue to serve on either authority until their respective successors are appointed. A vacancy occurring during a term of an appointed member, on either authority, shall be filled only for the balance of the unexpired term. Any member appointed to an authority for two consecutive full terms shall not be eligible for appointment to that same authority for the next succeeding term. Provided, however, notwithstanding the above, members initially appointed to the authority shall serve in staggered terms to provide continuity of experience to each authority with two gubernatorial appointments and two mayoral appointments being for initial 2-year terms, which shall count as a full term for purposes of term limits herein.*

(3) *Each authority shall elect a chair, vice chair, secretary, and treasurer from its members, and such other officers it deems proper, not necessarily from its members, to perform such duties as each authority may direct. Four members of each authority shall constitute a quorum for such authority, but at least four members of such authority must approve any action to be taken by such authority. Resolutions adopted by the vote of at least four members of an authority shall become effective without further action by such authority. Each member of each authority shall have one vote. The yeas and nays shall be called and entered upon the minutes of each meeting upon the passage of every resolution or other action of each authority. Each authority may meet at such times and places designated by it but shall hold regular meetings as necessary, and generally once a month. Special meetings of an authority may be called upon the call of its chair or any three members of such authority. The members of each authority shall not be entitled to compensation but members and employees of each authority shall be entitled to payment of reasonable expenses as provided by the council of the City of Jacksonville.*

(4) *Each authority shall employ and fix the compensation of a managing director who shall manage the affairs of each respective*

*authority under the supervision and control of the authority employing such managing director. Such managing director may be given any title suitable to either such authority. Each authority may employ such engineers, certified public accountants, consultants, and employees as either said authority may require, and fix and pay their compensation. Each authority may use any of the services available to governmental units through the Administration and Finance Department of the City of Jacksonville, but is not required by law to do so. However, the authority shall be required to use the legal services of the City of Jacksonville, except in those cases when the chief legal officer of the city determines that the city legal staff cannot provide legal services in the required legal area. Such use of city services, including, but not limited to, legal services, shall be on contractual basis and the authorities are authorized to pay the city reasonable and fair compensation for such services so furnished by the city and used by the authorities. The use by each authority of any such services furnished by the city shall not obligate either authority except to the extent it contracts with the city, or otherwise subject either authority to any rules, regulations, or ordinances of said city not otherwise applicable to the authorities under this act and the charter of said city. Each authority may delegate to one or more of its agents or employees such of its powers as it may deem necessary to carry out the purposes of this act, subject always to the supervision and control of each authority, and may do any and all things necessary to accomplish the purposes of this act.*

(5) *The provisions of section 286.012, Florida Statutes, requiring any member of each authority present at a meeting to vote unless there is a possible conflict of interest, and the provisions of sections 112.311-112.3175, Florida Statutes, and as the same may be amended in the future, relating to financial disclosure and conflicts of interest, shall apply to each member of each authority.*

*Section 2. Definitions.—In the interpretation hereof the following words and terms shall be taken to include the following meanings when the context shall require or permit:*

(1) *The term “bonds” means and embraces bonds, notes, certificates, and other financial obligations issued by either authority for financing or refinancing purposes, and except where otherwise required by the context, notes, and other instruments executed to evidence obligations of either authority for the repayment of borrowed funds.*

(2) *The term “County” means the County of Duval.*

(3) *The term “city” or “City of Jacksonville” means the consolidated government of the City of Jacksonville created pursuant to section 9, Article VIII of the State Constitution.*

(4) *The term “federal agency” means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality thereof, heretofore or hereafter created, designated, or established by the United States.*

(5) *Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.*

(6) *The term “project” embraces any one or any combination of 2 or more of the following, to-wit: facilities for the construction, manufacture, repair, or maintenance of boats, ships, and watercraft of all kinds and airplanes, helicopters, and aircraft of all kinds, and other facilities, directly or indirectly related to the promotion and development, of waterborne and airborne commerce, travel, exploration, and researching, and other harbor, port, shipping, and airport facilities of all kinds, including, but not limited to, harbors, channels, turning basins, anchorage areas, jetties, breakwaters, waterways, canals, locks, tidal basins, wharves, docks, piers, slips, bulkheads, landings, ramps, runways, taxiways, warehouses, terminals, refrigerating, and cold storage plants and facilities, tiedown and parking areas and facilities, railroads and air and motor terminals for passengers, freight, exploration, and research, rolling stock, ferries, boats, airplanes, helicopters, conveyors, and appliances of all kinds for the handling, storage, inspection, and transportation of freight and the handling of passenger traffic, mail, express, and freight, administration and service*

buildings, toll highways, tunnels, causeways, and bridges connected therewith or incident or auxiliary thereto, and may include all property, structures, facilities, rights, easements, and franchises relating to any such project deemed necessary or convenient for the acquisition, construction, purchase, or operation thereof. Each authority is authorized to use such of its real property as it deems fit for facilities for recreational programs and activities, provided, however, that such programs and activities are approved by a simple majority vote of the Jacksonville City Council.

(7) The term "cost," as applied to improvements, means the cost of constructing or acquiring improvements as hereinabove defined and shall embrace the cost of all labor and materials, the cost of all machinery and equipment, financing charges, the cost of engineering and legal expenses, plans, specifications, and such other expenses as may be necessary or incident to such construction or acquisition.

(8) The term "cost," as applied to a project acquired, constructed, extended, or enlarged, includes the purchase price of any project acquired, the cost of improvements, the cost of such construction, extension, or enlargement, the cost of all lands, properties, rights, easements, and franchises acquired, the cost of all machinery and equipment, financing charges, interest during construction, and if deemed advisable, for up to 1 year after completion of construction, cost of investigations and audits, and of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expense, and such other expenses as may be necessary or incident to the financing herein authorized and to the acquisition or construction of a project and the placing of the same in operation. Any obligation or expense incurred by either authority prior to the issuance of revenue bonds under the provisions of this act for engineering studies and for estimates of cost and of revenue and for other technical, financial, or legal services in connection with the acquisition or construction of any project may be regarded as a part of the cost of such project.

**Section 3. Powers.**—Each authority shall have the below specified powers, in addition to other powers otherwise conferred by law; however, those powers that relate to maritime issues are vested in the Jacksonville Seaport Authority; those powers that relate to aviation issues are vested in the Jacksonville Airport Authority; those powers that are neutral in nature are vested in both authorities:

(1) To adopt, use, and alter at will a corporate seal; to sue and be sued, implead and be impleaded, complain, and defend in all courts; to exercise the power of eminent domain to acquire property for any authorized purposes, including the taking of such property ancillary to said power in the manner from time to time provided by the laws of the State of Florida; to accept grants, gifts, and donations; and to enter into contracts, leases, or other transactions with any federal agency, the state, any agency of the state, the County of Duval, the City of Jacksonville, or with any other public body of the state.

(2) To adopt rules and regulations with reference to all projects and matters under their respective control. All rules and regulations promulgated and all impositions and exactions made by each authority hereof shall be just and reasonable and consistent with public interest and their application shall be subject to review by certiorari in any court of proper and competent jurisdiction. All rules and regulations shall be a matter of public record and copies thereof shall be dispensed at cost to all applicants therefor.

(3) To construct, acquire, establish, improve, extend, enlarge, reconstruct, re-equip, maintain, repair, and operate any project as herein defined.

(4) Subject to the jurisdiction of the United States and the State of Florida, to construct, establish, and improve harbors within the county, to improve navigable waters within the county, and to construct and maintain canals, slips, turning basins, and channels, all upon such terms and conditions as may be required by the United States and the State of Florida.

(5) To acquire for any project authorized by this act by grant, purchase, gift, devise, condemnation by eminent domain proceedings,

exchange, or in any other manner, all property, real or personal, or any estate or interest therein, upon such terms and conditions as each authority shall by resolution fix and determine. The right of eminent domain herein conferred shall be exercised by each authority in the manner provided by law.

(6) To issue revenue bonds, payable solely from revenues, to pay all or a part of the cost of acquisition, construction, extension, enlargement, improvement, or modernization of any project and to pledge the revenues to secure the payment of bonds.

(7) To enter into joint arrangements with airlines, steamship lines, railroads, any common carrier, or any other commercial enterprise, related to either authority's basic mission, if either authority shall deem it advantageous so to do.

(8) To make and enter into all contracts and agreements and to do and perform all acts and deeds necessary and incidental to the performance of their respective duties and the exercise of their respective powers; to make and execute leases or agreements for the use and occupation of the property and projects under their respective control on such terms, conditions, and period of time as each authority may determine, except as noted in subsection (3) of section 1; and to sell and dispose of such property and projects as shall no longer be needed for the uses and purposes of either authority on such terms and conditions as shall be prescribed by resolution of either authority; however, before disposing of any real property which was acquired from either the city or county under the provisions of this act, each authority shall give written notice to the governmental unit from which such real property was acquired. If said governmental unit desires to accept a reconveyance of said real property, it shall give such authority written notice of such intention within 30 days from the date of mailing of such authority's notice regarding the disposal of such property, and such authority shall make the reconveyance of such property to said governmental unit forthwith. If within such 30 days, said governmental unit does not notify such authority in writing of a desire to accept a reconveyance of said property or refuses to accept a reconveyance of same such authority may sell and dispose of same on such terms and conditions as shall be prescribed by resolution of such authority. Neither authority shall sell real property for less than the appraised value.

(9) To the extent permitted by law to fix, regulate, and collect rates and charges for the services and facilities furnished by any project under the respective control of either authority, and to establish, limit, and control the use of any project as may be deemed necessary to ensure the proper operation of the project; and to impose sanctions to promote and enforce compliance with any rule or regulation which either authority may adopt in the regulation of the ports, harbors, wharves, docks, and other projects under its control.

(10) To fix the rates for wharfage, dockage, warehousing, storage, landing, and port and terminal charges for the use of the facilities owned or operated by such respective authority.

(11) To solicit air carriers, shipping lines, and other businesses and to do all things necessary or advisable to promote commerce and increase passenger traffic and freight tonnage through the seaport and airports operated by the respective authorities; to publicize, advertise, and promote the activities and projects authorized by this act and to promote the objects of either authority in the manner set forth by resolution of said authority; to make known to the users, potential users, and public in general the advantages, facilities, resources, products, attractions, and attributes of the activities and projects authorized by this act; to further create a favorable climate of opinion concerning the activities and projects authorized and indicated by this act; to cooperate, including expenditure of funds, to and with other agencies, both public and private, in accomplishing the purposes enumerated and indicated by this act; and in furtherance thereof, to authorize expenditures for any and all of the purposes herein enumerated, including, but not limited to, meals, hospitality, and entertainment of persons in the interest of promoting and engendering good will toward the activities and projects herein authorized, provided, however, that funds obtained under chapters 159 and 315 may not be used for such purposes. Whenever an expenditure of funds for any of the foregoing purposes is made by a member or employee

of either authority, such authority may reimburse such member or employee therefor, but only after such expenditures have been duly authorized by such authority.

(12) To receive and accept from any federal or state agency grants for or in aid of the construction, improvement, or operation of any project and to receive and accept contributions from any source of money, property, labor, or other things of value.

(13) To make any and all applications required by the Treasury Department and other departments or agencies of the Federal Government as a condition precedent to the establishment within the county of a free port, foreign trade zone, or area for the reception from foreign countries of articles or commerce and to expedite and encourage foreign commerce, and the handling, processing, and delivery thereof into foreign commerce free from the payment of custom duties and to enter into any agreements required by such departments or agencies in connection therewith and to make like applications and agreements with respect to the establishment within said county of one or more bonded warehouses.

(14) To enter into any contract with the State of Florida, the Federal Government, or any agency of said governments, which may be necessary for development of any project related to the authority's basic mission.

(15) To make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings, and estimates of cost and revenues as either authority may deem necessary and may prepare and adopt a comprehensive plan or plans, for the location, construction, improvement, and development of any project.

(16) To grant exclusive or non-exclusive franchises to persons, firms, or corporations for the operation of restaurants, cafeterias, bars, cigar and cigarette stands, newsstands, buses, taxicabs, vending machines, hotels, motels, service stations, and other concessions in, on, and in connection with any project owned and operated by such authority. In granting such franchises it shall be the duty of the authority to investigate and consider the qualifications and ability of the lessee or concessionaires to provide or perform the contemplated services for the public using the facilities and the revenues which will be derived therefrom by such authority and to exercise sound prudent business judgment on behalf of such authority with respect thereto, calling for bids when practicable and when the interests of the public will best be served by such action.

(17) To enter into contracts with utility companies or others for the supplying by said utility companies or others of water, electricity, or telephone service to or in connection with any project.

(18) To pledge by resolution or contract the revenues arising from the operation of any project or projects owned and operated by such authority, or under its control, to the payment of the cost of operation, maintenance, repair, improvement, extension, or enlargement of the project or projects from the operation of which such revenues are received and for the payment of principal and interest on bonds issued in connection with any such project or projects and to combine for financing purposes any two or more projects constructed or acquired by such authority under the provisions of this act. In any such case the authorities may adopt separate budgets for the operation of such project or projects. In every such case such revenues shall be expended exclusively for the payment of the costs of operation, maintenance, repair, improvement, extension, and enlargement of the project or projects from the operation of which such revenues arise, for the performance of either authority's contracts in connection with such project or projects, and for the payment of principal of premium, if any, and interest requirements of any bonds issued in connection with the project or projects. Any surplus of such funds remaining on hand at the end of any year shall be carried forward and may be expended in the succeeding year for the payment of the costs of operation of such project or projects or for the repair, improvement, or extension thereof as the authorities may determine, unless such surplus has been pledged for the payment of principal of premium, if any, and interest on bonds, as authorized in subsections (1)-(6) of section 4, in which event any such surplus shall be applied in accordance with the resolution pledging the same.

(19) To do all other acts and things necessary or proper in the exercise of the powers herein granted.

(20) To do all acts or things necessary or proper to be and serve as a local governmental body within the meaning of Article VII, Section 10(c)(2) of the State Constitution, or as an Industrial Development Authority under part III, chapter 159, Florida Statutes, with respect to any project as defined therein.

(21) To appoint officers for the administration of criminal justice, as defined by Title 28, Chapter 1, Part 20, Code of Federal Regulations, and required by Part 107 of the Federal Aviation Regulations, at Jacksonville International Airport, Herlong Airport, Craig Airport, and Cecil Field. The Airport Authority shall assume all civil responsibility for the actions of such officers and shall provide for the necessary bond to cover any and all actions at law which might arise from the conduct of such officers within the scope of their employment.

#### Section 4. Issuance of bonds.—

(1) Each authority is authorized to issue general obligation bonds or revenue bonds of either said authority for the purpose of paying all or a part of the cost of any one or more projects as herein defined, including the cost of enlargement, expansion, or development of such project whether the property used therefor has previously been acquired or not, and the cost of removing therefrom or relocating or reconstructing at another location any buildings, structures, or facilities, which in the opinion of either such authority constitute obstructions or hazards to the safe or efficient operation of any such project and for the purpose of paying off and retiring any bonds issued or assumed under the provisions of this act.

(2) The bonds of each issue shall be authorized by resolution of the issuing authority and shall be dated, shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the issuing authority, and may be made redeemable before maturity, at the option of the issuing authority, at such price or prices and under such terms and conditions as may be fixed by the issuing authority prior to the issuance of the bonds. The issuing authority shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The resolution authorizing the issuance of the bonds shall contain such provisions relating to the use of the proceeds from the sale of the bonds and for the protection and security of holders of the bonds, including their rights and remedies, and the rights, powers, privileges, duties, and obligations of the issuing authority with respect to the same, as shall be determined by the issuing authority. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes to the same extent as if such officer had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon registered or book entry form, as the issuing authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law.

(3) Prior to any public sale of bonds, either authority shall, in addition to any other publication and notice to the financial community, cause notice to be given by publication in a daily newspaper published and having a general circulation in the city that the issuing authority will receive bids for the purchase of the bonds at the office of the issuing authority in the city. Said notice shall be published once not less than 15 days prior to the date set for receiving the bids. Said notice shall specify the amount of the bonds offered for sale, shall state that the bids shall be sealed bids, and shall give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the

resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be invited to name the rate or rates of interest which the bonds are to bear or the issuing authority may name rates of interest and invite bids thereon. In addition to publication of notice of the proposed sale, a copy of such advertisement shall be given to the Florida Division of Bond Finance and to at least three recognized bond dealers in the state, not less than 10 days prior to the date set for receiving the bids.

(4) Except as otherwise provided in this subsection, bonds and refunding bonds issued pursuant to this act shall be sold at public sale and shall be awarded to the bidder whose bid produces the lowest true interest cost to the issuing authority. The issuing authority shall reserve the right to reject any or all bids. Notwithstanding the foregoing, bonds and refunding bonds issued pursuant to this act may be sold at private sale at such price or prices as the issuing authority shall determine to be in its best interest. However, any price less than 100 percent of par value shall be subject to section 215.84, Florida Statutes, as it may be amended from time to time. In no event shall said bonds be sold at a net interest cost to the issuing authority in excess of the legal limit, as established by section 215.84, Florida Statutes, or according to said section as it may be amended from time to time. The net interest cost of bonds shall be determined by taking the aggregate amount of interest at the rate or rates specified in the bonds, computed from the date of the bonds to the date of the various stated maturities thereof, and deducting therefrom the amount of any premium offered in excess of the par value of the bonds or adding thereto the amount of any discount offered below the par value of the bonds with interest computed on a 360-day basis. Pending the preparation of definitive bonds, interim bonds may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(5) The issuing authority shall require all bidders for said bonds to enclose a certified or bank cashier's check, in the amount of 2 percent of the total par value of the bonds offered for sale, drawn on an incorporated bank or trust company payable unconditionally to the order of the issuing authority, as a guarantee of good faith in the performance of each bid. The checks of the unsuccessful bidders shall be returned immediately upon the award of the bonds and the check of the successful bidder shall be retained by the authority and credited against the full purchase price of the bonds at the time of delivery or retained as and for liquidated damages in case of the failure of such bidder to fulfill the terms of his or her bid.

(6) No general obligation bonds shall be issued by either authority hereunder unless the issuance of such bonds shall have been approved by a majority of the votes cast by qualified voters in an election held for such purpose. Whenever an authority, by resolution, requests the council of the City of Jacksonville to hold such an election, said council shall, on behalf of such authority, hold, conduct, canvass, and announce the results of such election in accordance with the procedure prescribed by law for the issuance of county bonds. The expenses of such election shall be paid by the issuing authority that has requested the election. In no event shall such general obligation bonds be construed or considered to be bonds of the City of Jacksonville or any other municipality but shall be solely bonds of said authority that issues the bonds.

(7) Each authority is authorized to borrow money and to issue notes for any purpose or purposes for which bonds may be issued under the provisions of this act and to refund the same and to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds.

(8) Subject to the restrictions contained in subsections (2), (3), and (4) of section 4., each authority shall have the power to provide for the issuance of refunding bonds of such authority for the purpose of refunding any revenue bonds or general obligation bonds, or any combination of general obligation or revenue bonds then outstanding which have been assumed by such authority or issued for the purpose of financing the cost of making enlargements, extensions, and improvements to any project acquired, constructed, or operated under the provisions of this act. Said authority is further authorized to provide for the issuance of revenue bonds or general obligation bonds, or any combination thereof, of such authority for the combined purpose of:

(a) Paying the cost of enlargement, extension, reconstruction, or improvement of any project or combination of projects.

(b) Refunding revenue bonds or general obligation bonds, or any combination thereof, which have been assumed by such authority under the provisions of this act which shall then be outstanding and which shall then have matured or be subject to redemption or can be acquired for retirement.

The issuance of such bonds, the maturities or other details thereof, the rights or remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the respective authorities with respect to the same shall be set forth in the resolution of the authorities authorizing the issuance of such bonds.

Section 5. Budget and finance.—The fiscal year of each authority shall commence on October 1 of each year and end on the following September 30. Each authority shall prepare and submit its budget to the council of the City of Jacksonville on or before July 1 for the ensuing fiscal year. The council, consistent with the provisions of the Charter of the City of Jacksonville, may increase or decrease the appropriation [budget] requested by each authority on a total basis or a line-by-line basis; however, the appropriation for construction, reconstruction, enlargement, expansion, improvement, or development of any project or projects authorized to be undertaken by the Jacksonville Seaport Authority shall not be reduced below \$800,000 for each year that the bonds to which the \$800,000 is pledged remain outstanding.

Section 6. Rights of bondholders.—All bonds issued by the City of Jacksonville or the Jacksonville Port Authority related to properties transferred to the authorities and bonds issued under authority of chapter 63-1447, Laws of Florida, remain the liability, responsibility, and obligation of the issuer and the rights of the holders of existing outstanding bonds shall be unimpaired. Rights, duties, and obligations of the authorities with respect to the property transferred to it by the Jacksonville Port Authority are ratified and remain unchanged.

Section 7. Rights of employees.—

(a) Except as provided in paragraph (b), all employment rights and employee benefits authorized under section 11, chapter 63-1447, Laws of Florida, as amended, are hereby confirmed, ratified, and continued, notwithstanding the repeal of said chapter 63-1447, Laws of Florida, as amended. In order to preserve the rights of employees of the former Jacksonville Port Authority to continue participation in the Florida Retirement System pursuant to chapter 121, Florida Statutes, each separate authority created by this act shall be a county agency and employees of each such authority shall participate in the Florida Retirement System, notwithstanding any law to the contrary. Those employees of the Jacksonville Port Authority who were assigned to any activity related to the operation of the marine facilities shall become employees of the Jacksonville Seaport Authority. Those employees of the Jacksonville Port Authority who were assigned to any activities related to the operation of any aviation facilities operated by the Jacksonville Port Authority shall be employees of the Jacksonville Airport Authority. Central administrative employees shall be employed by either the Jacksonville Seaport Authority or the Jacksonville Airport Authority. It is expressly provided that none of those employees of the former Jacksonville Port Authority who remain with either the Jacksonville Seaport Authority or the Jacksonville Airport Authority shall lose any rights or benefits of whatsoever kind or nature afforded to them by any law, ordinance, collective bargaining agreement, or existing policy or plan, including, but not limited to, pension benefits by virtue of the change in corporate structure. In order to effectively implement the foregoing, each authority shall perform all functions with regard to its own employees that prior to the operation of the two authorities created by this act were performed by the Jacksonville Port Authority. In order to specifically preserve the rights of employees of the former Jacksonville Port Authority to continue participation in the Florida Retirement System, pursuant to chapter 121, Florida Statutes, each separate authority created by this act shall be a county authority and employees of each such authority who are currently participating in the Florida Retirement System and all employees of each authority after the effective date of this act shall participate in the Florida Retirement System.

(b) *The Jacksonville Port Authority firefighters shall become merged into the City of Jacksonville's Fire and Rescue Department and shall become employees of the City of Jacksonville; however, with respect to pension benefits such Jacksonville Port Authority Fire Department employees shall have a one-time option to continue participation in the Florida Retirement System or to participate in the City of Jacksonville Police and Fire Pension Fund. Such option must be exercised no later than November 1, 2001. Upon such merger, firefighting services for the airports owned and operated by the Jacksonville Airport Authority shall be provided by the Fire and Rescue Department of the City of Jacksonville pursuant to a written contract to be entered into by and between the City of Jacksonville and the Jacksonville Airport Authority. Notwithstanding any provision in this act to the contrary, such merger and contract shall become effective October 1, 2001. If any firefighter who has vested in the Florida Retirement System exercises the option to become a member of the City of Jacksonville Police and Fire Pension Fund, such vested time shall not be included in the City of Jacksonville Police and Fire Pension Fund.*

*Section 8. Cooperation with other units, boards, agencies, and individuals.—Express authority and power is hereby given and granted any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, commission, or individual in, or of, the state to make and enter into with the authorities, contracts, leases, conveyances, or other agreements within the provisions and purposes of this act. The authorities are hereby expressly authorized to make and enter into contracts, leases, conveyances, and other agreements with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, corporations, and individuals for the purpose of carrying out the provisions of this act.*

*Section 9. Audits; bonds.—The authorities shall issue quarterly and annually financial reports of their respective operations and shall also cause annual audits to be made of their respective operations and affairs by an independent certified public accountant, in such detail as may be necessary to show the financial operation and status of the authorities, and the same shall be preserved as public records of the authorities. The authorities' records may be audited at any time by the Council Auditor of the City of Jacksonville. Members of said authorities shall be required to give a good and sufficient surety bond in the sum of \$50,000, payable to the City of Jacksonville, conditioned upon the faithful performance of their duties as members of the authorities. Such bonds shall be approved by and filed with the clerk of the circuit court of Duval County, and the premium or premiums thereon shall be paid by the respective authorities as a necessary expense of said authorities. Each authority shall have power to require their respective managing directors and such others of its employees as they may deem necessary to furnish good and sufficient surety bond in such sum as such authority shall require, conditioned upon the faithful performance of duties, and to pay the premium or premiums thereon as a necessary expense of each said authority.*

*Section 10. Award of contracts.—*

(1) *All construction, reconstruction, repairs, or work of any nature made by the authorities, where the entire costs, value, or amount of such construction, reconstruction, repairs, or work, including the labor and materials, exceeds \$12,000, except construction, reconstruction, repairs, or work done by employees of such authorities or by labor supplied under agreement with Federal Government or state government, with supplies and materials purchased as hereinafter provided, shall be done only under contract or contracts to be entered into by the authorities with the lowest responsible bidder upon proper terms, after due public notice has been given asking for competitive bids as hereinafter provided. Each authority shall keep a current list of responsible bidders and, whenever the authorities shall award a contract, the bidder shall come from such list. No contract shall be entered into for construction, improvement, or repair of any project, or any part thereof, unless the contractor shall have given an undertaking with a sufficient surety or sureties, approved by either authority, and in an amount fixed by either authority, for the faithful performance of the contract. All such contracts shall provide, among other things, that the person or corporation entering into such contract with each authority will pay for all materials furnished and services rendered for the performance of the contract and that any person*

*or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation were named therein, provided the action is brought within 1 year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of either authority to construct any project, or any part thereof, or any addition, betterment, or extension thereto, directly by the officers, agents, and employees of such authority, or otherwise, other than by contract.*

(2) *All supplies, equipment, machinery, and materials, costing \$12,000 or more, shall be purchased by the authorities only after due advertisement as provided hereinafter. The authorities shall accept the lowest bid or bids, kind, quality, and material being equal but the authorities shall have the right to reject any or all bids or select a single item from any bid. The provision as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer.*

(3) *The term "advertisement" or "due public notice" wherever used in this section means a notice published at least once a week for 2 consecutive weeks before the award of any contract, in a daily newspaper published and having a general circulation in the county, and in such other newspapers or publications as each authority shall deem advisable.*

(4) *Subject to the aforesaid provisions, the authorities may, but without intending by this provision to limit any powers of either authority, enter into and carry out such contract or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project, or portion thereof, as the authorities may deem desirable or as may be requested by the Federal Government or state government assisting in the financing of its projects, seaport facilities, airport facilities, and facilities related thereto, or any part thereof, provided the provisions of this subsection shall not apply to any case in which an authority has taken over by transfer or assignment any contract assigned to it or assumed by it in connection with the transfer of city and county properties authorized under the provisions of sections 11 and 12, or to any contract in connection with projects which an authority may have had transferred to it by any persons or private corporations, and further provided the provisions of this section shall not apply to any contract or agreement between an authority and any engineers, architects, attorneys, or other professional services or to any contract or agreement relating to fiscal advisors, fiscal agents, or investment bankers, relating to the financing of projects herein authorized.*

*Section 11. Execution of instruments; examination of claims.—All instruments in writing necessary to be signed by either authority shall be executed by its chair and secretary. Either authority may, by resolution, designate one or more officers, members, employees, or agents of such authority to execute instruments in writing where it is necessary that such instruments be signed by either authority. No expenditure of funds of either authority shall be made except by voucher approved by the spending authority and signed by its chair and secretary, or by one or more officers, members, or employees of such authority as such authority may designate by resolution. The foregoing authority of the chair may be exercised by the vice chair in the absence of the chair and the foregoing authority of the secretary may be exercised by an assistant secretary designated by each authority in the absence of the secretary. Each authority shall provide for the examination of all payrolls, bills, and other claims and demands against either authority to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the authority has funds on hand to make payment.*

*Section 12. Transfer of assets and liabilities.—The Jacksonville Port Authority shall take all actions necessary to convey, assign, transfer, and set over:*

(1) *All of the right, title, and interests of the Jacksonville Port Authority in and to its marine port facilities and its airport facilities, including, without limitation, its real and personal property and any interests therein, books, records, contracts, leases, and all other property of any kind or nature related to the operation of the marine port activities*



and airport activities, by operation of this act and without further act, to the Jacksonville Seaport Authority or Jacksonville Airport Authority, respectively, depending upon the operation or jurisdiction of each such authority.

(2) All contracts and leases relating to Jacksonville Port Authority's marine port operations and airport operations, respectively, shall, by operation of this act and without further act, become contracts and leases of the Jacksonville Seaport Authority or the Jacksonville Airport Authority, respectively, depending upon the operating jurisdiction of each successor authority.

(3) All accounts receivable, accounts payable, and cash on hand relating to the Jacksonville Port Authority's marine port operations and airport operations shall, by operation of this act, and without further act, be transferred or delivered to the Jacksonville Seaport Authority or the Jacksonville Airport Authority, respectively, depending upon the operating jurisdiction of each such authority.

(4) All operating expenses, including taxes of all kinds and all revenue and expense accruals of Jacksonville Port Authority's marine operations and airport operations shall be transferred to the Jacksonville Seaport Authority or to the Jacksonville Airport Authority, respectively, depending upon the operating jurisdiction of each such authority, on the effective date at transfer.

The conveyances specified in this section shall be effective as of October 1, 2001.

Section 13. Chapter 315, Florida Statutes, relating to port facilities financing, also applicable.—The provisions of chapter 315, Florida Statutes, relating to port facilities financing, shall also be applicable to the Jacksonville Seaport Authority.

Section 14. Declaration of purposes.—The authorities created by this act and the purposes which they are intended to serve are hereby found to be for a county and public purpose. Such authorities are political subdivisions of the State of Florida, local governmental bodies within the meaning of Article VII, Section 10(c)(2) of the State Constitution, and, subject to proper resolution and establishment by the council of the City of Jacksonville pursuant to section 159.45, Florida Statutes, an Industrial Development Authority under part III, chapter 159, Florida Statutes, with respect to any project as defined therein. Nothing in this act is intended to create entities which are exempt from ad valorem taxation.

Section 2. Section 1. Construction.—The powers of each authority created by this act shall be construed liberally in favor of each such authority. No listing of powers included in this act is intended to be exclusive or restrictive and the specific mention of, or failure to mention, particular powers in this act shall not be construed as limiting in any way the general powers of either respective authority as stated in section 3. It is the intent of this act to grant each authority full power and right to exercise all authority necessary for the effective operation and conduct of each such authority. It is further intended that each authority should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which each such authority is created. The fact that this article specifically states that either authority possesses a certain power does not mean that either such authority must exercise such power unless this article specifically so requires.

Section 2. Severability clause.—The provisions of this act are severable and it is the intention to confer the whole or any part of the powers provided for herein and if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 3. Repealer; abolition of Jacksonville Port Authority; assumption of responsibility.—

(1) Effective October 1, 2001, chapters 63-1447, 65-1459, 65-1467, 65-1471, 65-1472, 65-1726, 67-1301, 67-1302, 67-1303, 67-1304, 67-1305, 67-1533, 67-1536, 67-1542, 67-2227, 70-663, 70-666, 70-667, 70-674, 70-677, 70-1002, 71-698(5), 72-532, 73-452, 74-472, 77-546, 79-451, 80-517,

81-371, 83-399, 85-429, 86-401, 86-412, 91-373, 92-338, and 94-422, Laws of Florida, which create, establish, revise, amend, or otherwise relate to the Jacksonville Port Authority, are hereby repealed.

(2) Effective October 1, 2001, the Jacksonville Port Authority, created, established, revised, or amended by the above-referenced laws, is hereby abolished, and all its functions, plans, projects, and programs in effect or undertaken by the Jacksonville Port Authority relative to seaport operations and airport operations shall be assumed by the Jacksonville Seaport Authority and the Jacksonville Airport Authority, respectively, on that date.

Section 3. Section 18.07 of chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville, is amended in part to read:

Section 18.07. Definitions.

For purposes of this Charter, the following terms shall have the following meanings:

(d) "Independent agencies" means the Duval County School Board, the Jacksonville Airport Authority, the Jacksonville Seaport Authority, ~~the Jacksonville Port Authority~~, the Jacksonville Transportation Authority, the Jacksonville Electric Authority, the Jacksonville Downtown Development Authority, and the Jacksonville Police and Fire Pension Board of Trustees.

Section 4. Subsection (4) of section 24.04 of Article 24 of chapter 92-341, Laws of Florida, as amended by chapter 97-339, Laws of Florida, is amended, and subsection (12) is added to said section, to read:

Section 24.04. Individual ex officio advisors to the commission.

The following individual ex officio advisors are named to assist the commission in an advisory or fact-finding role as may be requested individually or collectively of them by the commission so as to effectuate the centralized economic development goals of the commission. No ex officio advisor shall serve simultaneously as both an ex officio advisor and as an appointed member of the commission. These individual ex officio advisors shall be:

(4) The President/Chief Executive Officer of the Jacksonville Airport Port Authority.

(12) The President/Chief Executive Officer of the Jacksonville Seaport Authority.

Section 5. Sections 1 and 12 of section 1 of this act shall take effect upon this act becoming a law and the remaining sections of this act shall take effect on October 1, 2001.

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Davis, the rules were waived and HB 903, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Bendross-Mindingall	Cantens	Frankel
Alexander	Bennett	Carassas	Gannon
Allen	Bense	Clarke	Garcia
Andrews	Benson	Cusack	Gardiner
Argenziano	Berfield	Davis	Gelber
Arza	Betancourt	Detert	Gibson
Attkisson	Bilirakis	Diaz de la Portilla	Goodlette
Atwater	Bowen	Diaz-Balart	Gottlieb
Ausley	Brown	Dockery	Green
Baker	Brummer	Farkas	Greenstein
Ball	Brutus	Fasano	Haridopolos
Barreiro	Bucher	Fields	Harper
Baxley	Bullard	Florentino	Harrington
Bean	Byrd	Flanagan	Hart

Henriquez	Kyle	Murman	Simmons
Heyman	Lee	Needelman	Siplin
Hogan	Lerner	Negron	Slosberg
Holloway	Littlefield	Paul	Smith
Jennings	Lynn	Peterman	Sobel
Johnson	Machek	Prieguez	Sorensen
Jordan	Mack	Rich	Spratt
Joyner	Mahon	Richardson	Stansel
Justice	Mayfield	Ritter	Trovillion
Kallinger	Maygarden	Romeo	Wallace
Kendrick	McGriff	Ross	Waters
Kilmer	Meadows	Rubio	Weissman
Kosmas	Mealor	Russell	Wiles
Kottkamp	Melvin	Ryan	Wilson
Kravitz	Miller	Seiler	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 905**—A bill to be entitled An act relating to the Pine Tree Water Control District, Broward County; codifying, repealing, amending, and reenacting special acts relating to the district; providing legislative intent; deleting gender specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

—was read the second time by title. On motion by Rep. Ritter, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 911**—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945,

as amended; revising certain death benefits; repealing all laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Rep. Murman, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 919**—A bill to be entitled An act relating to Escambia County; codifying, repealing, amending, and reenacting special laws relating to the Escambia County Utilities Authority; providing legislative intent; declaring the authority to be an independent special district; restoring words inadvertently omitted in the preparation of House Bill 1517, which was enacted as chapter 97-364, Laws of Florida; repealing obsolete provisions; deleting gender-specific references; providing a district charter; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 580173)

**Amendment 1—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Escambia County Utilities Authority. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the authority, including all current legislative powers granted to the authority by its several legislative enactments, to repeal certain obsolete provisions, to restore words inadvertently omitted in the preparation of Chapter 97-364, Laws of Florida, and to delete gender-specific references.

Section 2. *Chapters 92-248, 93-365, 95-497, and 97-364, Laws of Florida, relating to the Escambia County Utilities Authority, are codified, reenacted, amended, and repealed as herein provided.*

Section 3. The charter for the Escambia County Utilities Authority is re-created and reenacted to read:

*Section 1. Authority created.—There is hereby created and established a local governmental body, corporate and politic, to be known as the “Escambia County Utilities Authority,” hereinafter referred to as the “authority.” The authority is hereby declared to be an independent special district.*

*Section 2. Legislative findings.—The Legislature finds and declares that the health, welfare, and safety of the inhabitants of Escambia County and of the City of Pensacola would be enhanced by the consolidation of certain utility systems and the creation of an independent authority for the purposes hereinafter enumerated: that the consolidation of said utility systems will serve a public purpose; that the consolidated systems will be able to utilize economies of scale and thereby achieve cost savings to the public; that the increased size of the combined utility systems will enhance the likelihood of more favorable financing for the city and county; that the present sewer system of the county is near maximum capacity, while the sewer system of the city presently has excess capacity and is underutilized; and that the consolidation of utility systems may eliminate duplicative staff functions and positions.*

*Section 3. Purposes.—The authority is created for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with respect to certain utility systems within the territorial limits of Escambia County, Florida, and areas adjacent thereto. It is further the purpose of this act to repose in the authority all powers with respect to water, sewer, and such other additional utilities as may be hereafter designated as provided in sections 5(c) and 7(c) herein, which are now, in the future could be, or could have been, but for this act, exercised by the City of Pensacola or Escambia County, Florida.*

*Section 4. Governing body.—*

*(a) The governing body of the authority shall consist of five members. Members shall be elected by a majority of their electors in partisan elections utilizing the primary and general election system provided for in chapter 100, Florida Statutes. Candidates shall qualify for nomination to such offices in the manner provided in chapter 99, Florida Statutes, for the qualification of candidates for the office of county commissioner, and shall qualify with the Supervisor of Elections of Escambia County.*

*(b) Members shall be elected, in the primary and general elections held in 1984, by districts under the district plan of the Board of County Commissioners of Escambia County (hereinafter referred to as the “Board”). Each member shall be an elector of the district from which he or she is elected and shall be elected by the qualified electors of that respective district. Members elected for Districts Two and Four at the general election held in 1984 shall be elected to a 2-year term. Members elected for Districts One, Three, and Five at the general election held in 1984 shall serve for a 4-year term. Thereafter each member shall be elected for a term of 4 years. Beginning in 1996, the term of office of each member shall commence on the second Tuesday following the general election in which such member is elected. Upon the expiration of a term of office, a successor to the office shall be elected as designated in this paragraph; however, upon the occasion of a vacancy for any elected office which vacancy occurs prior to the expiration of the then present term of that office, a successor shall be appointed by the Governor and the successor shall be a resident of the district in which the vacancy occurred. Any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and until a successor is duly elected.*

*(c) Members shall be eligible for reelection.*

*(d) Before entering upon his or her duties, each member shall take an oath to administer the duties of office faithfully and impartially, and a record of such oath shall be filed in the office of the Secretary of State.*

*(e) As compensation for performance of duties and responsibilities set forth herein, members of the authority and their successors shall receive from the authority monthly an amount to be determined by majority vote of the members of the authority, not to exceed the amount of compensation received monthly by members of the District School Board of Escambia County, and shall also receive from the authority \$200 per month to be used in defraying regular expenses incurred in the performance of the duties of office. Members may receive reimbursement from the authority for additional, unusual, or extraordinary expenses upon approval by the authority.*

*(f) The authority shall elect a chair and a vice chair from the members of the authority, each of whom shall serve for 1 year or until his or her successor is chosen. The chair, or the vice chair in the chair's absence, shall preside at all meetings of the authority and shall perform such additional duties prescribed by the members or in the bylaws of the authority. The authority shall hold regular meetings at least monthly at such times and places as it may designate and may hold more frequent special meetings. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the authority shall have one vote. The authority may adopt bylaws and may make all policies, procedures, rules, and regulations not inconsistent with this act which it may deem necessary respecting the conduct of its affairs, including, but not limited to, the operation of its utility systems. Such policies, procedures, rules, and regulations shall provide for notice of all public meetings and shall provide that an agenda shall be prepared by the authority in time to ensure that a copy of the agenda will be available at least 3 days before any regular meeting of the authority. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside at the meeting, and stated in the record. Special or emergency meetings may be called by the chair upon no less than 24 hours' notice. The authority shall publish and thereafter codify and index all rules, regulations, and resolutions formulated, adopted, or used by the authority in the discharge of its functions. Such rules, regulations, and resolutions shall be made available for public inspection and copying, at no more than cost. The authority shall not be deemed an “agency” within the meaning of chapter 120, Florida Statutes. The authority shall be deemed to be an “agency” within the meaning of chapter 119, Florida Statutes, and all records of the authority shall be open to the public. The authority shall be deemed an “agency” or “authority of the county” for purposes of section 286.011, Florida Statutes, the “Government in the Sunshine Law.” In addition to the provisions of the Code of Ethics for Public Officers and Employees, part III of chapter 112, Florida Statutes, no consultant to the authority shall have or hold any employment or contractual relationship with a business entity other than the authority in connection with any contract in which the consultant personally participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while the consultant. However, this provision shall not preclude the award of any contract to a consultant if such contract is awarded after open competitive bidding, and if the consultant submits the low bid.*

*Section 5. Powers.—*

*(a) The authority shall have all powers and authorities necessary, convenient, or desirable to accomplish the purposes of this act. In furtherance thereof, the authority shall have:*

*(1)a. The power to borrow and expend money to pay for any of the purposes of the authority, and to issue its bonds, notes in anticipation of the issuance of bonds, revenue certificates, or other evidences of indebtedness, including obligations issued to refund or refinance same, and to pledge for the repayment of same any revenues of the authority, including any revenues provided to the authority by governmental or other entities for pledge by the authority as security for payment of such obligations, all in the manner and subject to such limitations as may be prescribed by resolution of the authority, including, but not limited to, the powers granted under chapter 125, part I of chapter 153, part I of chapter 159, part II of chapter 166, and chapter 170, Florida Statutes, and chapter 57-1313, Laws of Florida. The bonds, notes, certificates, or other evidences of indebtedness authorized to be issued by this act may be validated in the manner prescribed in chapter 75, Florida Statutes.*

Any complaint for validation permitted by the preceding sentence shall be filed in the Circuit Court of Escambia County. The authority may enter into trust agreements with banks or other corporate entities possessing trust powers within or without the State of Florida. The authority may create liens upon or security interests in its assets, properties, funds, or revenues, of whatever kind or nature, and may specify the priority or order of such liens or security interests. Such creation and specification of priority or ordering may be made by resolution of the authority or in a trust agreement to which the authority is a party. The passage of such resolution or the execution of such trust agreement is sufficient to the creation and specification of priority and order of such liens and security interests, and it shall not be necessary to comply with the requirements of the Uniform Commercial Code respecting the filing of a financing statement to perfect a security interest granted by the authority.

b. In the exercise of the powers granted by this paragraph, the authority shall comply in all respects with the requirements of chapter 218, Florida Statutes, as the same may be amended from time to time.

(2) All power and authority heretofore possessed pursuant to law, ordinance, franchise, or otherwise by Escambia County, the Board, the City of Pensacola, or the City Council of the City of Pensacola (hereinafter referred to as the "Council"), or hereafter granted by law, ordinance, franchise, or otherwise to any county, municipality, special district, or other unit of local government insofar as such powers and authority are related to sewage collection and disposal, and water supply, including, but not limited to, the powers granted under chapter 125, chapter 127, part I of chapter 153, part I of chapter 159, part I of chapter 163, part II of chapter 166, chapter 170, and chapter 180, Florida Statutes, and chapter 57-1313, Laws of Florida.

(3) All powers granted to municipalities with regard to sewage collection and disposal and water supply granted to municipalities pursuant to chapters 170 and 180, Florida Statutes, including the issuance of bonds or notes in anticipation thereof payable from special assessments under chapter 170, Florida Statutes.

(4) The power to establish service districts and reasonable rate classifications for purposes of providing utilities services. The authority shall endeavor to provide that the costs of any improvements to or expansions of the systems are borne by those users of the systems who benefit from such improvements or expansions.

(5) The power to set, fix, pledge to establish, or establish, levy, or impose assessments, rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's systems, and to alter and amend same from time to time, which assessments, rates, fees, and charges, together with other revenues and receipts, shall result in the authority's receiving or possessing an amount not less than is required to operate and maintain a self-liquidating or self-sustaining utility system.

(6) The power of eminent domain, as provided by general law, to carry out the purposes described in this act. As a condition precedent to instituting eminent domain proceedings, the authority shall first receive the approval of the governing body (either the Board or the Council) of the jurisdiction in which the subject property is located.

(7) The power to apply for and accept grants, loans, and subsidies from any governmental entity for the construction, operation, and maintenance of the systems, facilities, or functions under jurisdiction of the authority, and to comply with all requirements and conditions imposed in connection therewith.

(8) The power and authority to perform any of its functions by lease or contract with any other public or private entity.

(9) All other powers, not expressly prohibited by the United States or Florida Constitutions or by general law, necessary to effectuate and carry out the purposes and intent of this act.

(10) All privileges, immunities, and exemptions accorded political subdivisions of this state under the provisions of the constitution and laws of the state. Neither the members of the authority nor any person

executing any contract or obligation on its behalf shall be personally liable or accountable thereon or by reason thereof.

(11) Only those powers granted by general law to counties or municipalities with respect to mandatory sewer taps or sewer utilization or with respect to the acquisition of privately owned water systems.

(12) The power to purchase, own, convey, sell, lease, rent, or encumber air space, development rights, tower space, or any other interests in property above the surface of any land pursuant to such terms and conditions as the authority in its discretion may determine.

(13) The power to provide any and all utilities services authorized by this act to areas outside the territorial limits of Escambia County, but adjacent thereto, if capacity is available.

(14) The power to establish civil penalties, including the imposition of fines, for the violation of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services. The authority may enforce the rules and regulations adopted pursuant to this section, by suit for injunction or other appropriate action in the courts of the state.

(15) All powers granted to municipalities and to counties with respect to membership and participation in and ownership of any separate legal entity created for the purposes of any financing program or loan pool as set forth in section 163.01(7)(d), Florida Statutes, as the same may be amended from time to time.

(b) Any power granted herein may be exercised by resolution of the authority duly adopted, and any such resolution shall be recorded in the minutes of the authority.

(c)(1) If the authority determines that it is necessary or appropriate for the authority to provide, operate, or maintain resource recovery systems or solid waste collection, distribution, or disposal systems, the authority may specify such additional utility systems by resolution. Upon approval of such resolution by the governmental body of the jurisdiction which such other additional utility system or systems shall serve, the authority, with respect to these specified utility systems, shall be vested with all power set forth herein or in general law that would, but for the provisions of this act, apply to such specified utility systems. All powers granted to the authority by this act regarding such specified utilities systems shall only apply to areas outside the corporate limits of the city unless the Council, by resolution, irrevocably relinquishes its powers to provide, operate, or maintain such specified utilities systems or any one of them within the corporate limits of the city.

(2) In providing, operating, or maintaining resource recovery systems or solid waste collection, distribution, or disposal systems, the authority shall use the most cost-effective means of providing such systems and is encouraged to contract with private persons on a competitive basis for any and all such systems in order to ensure that such services are provided on the most cost-effective basis. In accordance with section 403.7063, Florida Statutes, the authority shall not discriminate against private persons who provide resource recovery systems or solid waste collection, distribution, or disposal systems.

(3) The authority shall seek competitive bids for all construction-related activities pertaining to resource recovery systems or solid waste collection, distribution, or disposal systems when the estimated total cost of construction will exceed \$5,000.

(d) No listing of powers included in this act is intended to be exclusive or restrictive. On the contrary, it is intended that the authority should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which the authority is created. These implied powers include, but are not limited to, the authority to employ personnel, to borrow and expend money, to enter into contractual obligations, to employ legal counsel, and to purchase, lease, sell, or exchange real or personal property. The fact that this act specifically states that the authority possesses a certain power does not mean that the authority must exercise such power unless the act specifically so requires. The authority's power to levy special assessments shall not be deemed to be the power to levy taxes.

(e) Except as is hereinafter provided, nothing herein shall be construed to affect any privately owned water or sewer utility operating within Escambia County on August 1, 1981, under any franchise, permit, or other authorization from the Board. The Board shall continue to exercise such powers, duties, and functions with regard to such privately owned utilities to the same extent as exercised or allowed prior to August 1, 1981. Any rates set or approved for any privately owned utility by the Board between August 1, 1981, and the effective date of chapter 83-404, Laws of Florida, shall remain in full force and effect and shall not be subject to challenge because of any provisions of chapter 81-376, Laws of Florida. The Board and the authority are authorized to utilize the provisions of section 367.081(4)(b), Florida Statutes, as it may be amended, and the rules of the Florida Public Service Commission adopted pursuant thereto, for the purpose of automatically increasing or decreasing the rates of any privately owned utility over which the Board exercises ratemaking authority or approval, subject to the limitations of such statutes and rules. Any publicly owned or privately owned water utility operating within Escambia County on or after August 1, 1981, under any franchise, permit, or other authorization from the authority, the Board, or the state shall:

(1) Promptly provide to the authority as soon as it is available a copy of its complete water service consumption information with regard to water service customers of such utility who are also sewer service or solid waste service customers of the authority or of an entity with which the authority has an agreement under subsection (i); and

(2) Upon certification by the authority that any such customer has failed to pay charges for sewer service or solid waste service furnished by the authority or by an entity with which the authority has an agreement under subsection (i) and has been given notice and a reasonable opportunity to pay such charges, discontinue furnishing water to such customer and disconnect the water supply system of such customer until all such charges and other charges, including interest and charges for the shutting off and discontinuance and the restoration of water service, are paid in full.

For purposes of interpreting Florida Administrative Code Rule 25-30.320, the authority shall be considered an "affiliated utility" of any such water utility. The authority shall promptly reimburse to such cooperating water utility the reasonable cost of providing a copy of its water service billing information and of disconnecting its water service.

(f) The authority shall enter into an agreement with each entity furnishing solid waste collection service to customers who are required by the Board to subscribe for such service. Upon certification to the authority by such entity that a customer has failed to pay charges for solid waste service furnished by it and has been given notice and a reasonable opportunity to pay such charges, the authority:

(1) Shall, if the customer is a customer of water from the authority, discontinue furnishing water to such customer and disconnect the water supply of such customer until all such charges, including interest and charges for the shutting off and discontinuance and the restoration of water service, are paid in full; or

(2) Shall certify the information provided by such entity to any utility providing water service to the customer, if the customer is also a customer of water from the water utility. The entity shall promptly reimburse the authority for amounts paid to a water utility under subsection (e) on its behalf.

**Section 6. Public purpose.**—The Legislature finds and declares that the creation of the authority and the carrying out of its purposes are in all respects for the benefit of the people of this state, Escambia County, and the City of Pensacola; that the authority is performing an essential governmental function; that all property of such authority is and shall in all respects be considered to be public property, and title to such property shall be held by the authority for the benefit of the public; that the use of such property, until disposed of upon such terms as the authority may deem just, shall be for essential public and governmental purposes; and that all bonds, notes, revenue certificates, or other evidences of indebtedness and interest or income thereon and all of the property, facilities, services, and activities of the authority are declared to be

nontaxable for any and all purposes by the state or any unit of government herein to the same extent as if owned or issued by or on behalf of a county or municipality of the state.

**Section 7. Transfer of assets and liabilities.**—

(a) The City of Pensacola and Escambia County are hereby specifically authorized and directed to convey to the authority the water and sewer systems of each, and the authority is authorized and directed to accept such systems, upon payment to the City of Pensacola of \$10 million as fair compensation for the loss of revenues from its water systems, plus the amount necessary to defease all outstanding obligations of the city with respect to its water and sewer systems and upon payment to the county of the amount necessary to defease all outstanding obligations of the county with respect to its water and sewer systems. However, if adequate provisions can be made to protect the rights of the county and the holders of the obligations relating to the county's Water and Sewer District Number One, then such obligations shall be transferred to the authority; otherwise, the authority shall pay to the county such amount as is necessary to defease the outstanding obligations of Water and Sewer District Number One. Furthermore, the rights of the holders of outstanding obligations issued by the City of Pensacola and Escambia County to finance their respective water and sewer systems shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized. Upon the transfer of any such systems to the authority, adequate provision shall be made for the payment of such obligations; whereupon, all rights of the holder in the property of the city or county or authority shall terminate. Upon payment of the compensation mentioned above, the city and county shall transfer to the authority all properties, both real and personal, improvements, facilities, and assets of the city's and county's water and sewer systems. To consummate the sale as aforementioned, revenue bonds shall be issued and sold by the authority as soon as practicable after the authority organizes and commences its activities.

(b) When such transfers have been completed, the authority shall assume all rights and obligations of ownership and management of the water and sewer systems of the City of Pensacola and Escambia County. Any and all legal commitments, contracts, or other obligations heretofore entered into or assumed by the City of Pensacola or Escambia County in connection with the programs, activities, or functions transferred are hereby charged to and shall be performed by the authority. However, accounts receivable and debts of the city and the county that are due and payable prior to the date of such transfer shall remain the property or the obligation of the city or the county.

(c) Upon majority vote of the authority and of the governmental body affected, and upon payment of fair compensation by the authority, such governmental body shall be authorized to transfer to the authority, and the authority shall be authorized to accept, any resource recovery system or solid waste collection, distribution, or disposal system of such governmental body. The amount of such compensation shall be agreed upon by the governmental body and the authority. However, the rights of the holders of any outstanding bonds, notes, revenue certificates, or other evidence of indebtedness issued to finance such system shall be protected and shall not be deemed to be abridged or denied by the transfer herein authorized. Nothing herein contained shall preclude the limitation or alteration of any and all such rights of such holders if and when adequate provision shall be made for the retirement of such bonds, notes, revenue certificates, or other evidence of indebtedness.

(d) The City of Pensacola, Escambia County, or any other governmental entity shall be authorized in its discretion to cooperate with or contract with the authority, on any matter necessary, incidental, or convenient, for such funding as will effectuate the purposes of this act, including, but not limited to, agreements authorizing the pledge of any legally available revenues as security for and for payment of any bonds, notes, revenue certificates, or other evidence of indebtedness of the authority, interest or redemption premium thereon, and other necessary expenses or costs in connection with such bonds, notes, revenue certificates, or other evidence of indebtedness. Such legally available revenues may be so provided, used, or pledged, notwithstanding the provisions of any other law; provided, however, that ad valorem taxes

may be so provided and used only after full compliance with the Constitution of the State of Florida, and provided further that nothing herein shall be deemed or operate to impair the rights of the holders of any outstanding obligations secured by such revenues, until such time as provision for payment of such obligations shall have been made.

**Section 8. Franchise fees.**—The Council is hereby authorized to impose a franchise fee upon the authority system; provided, however, that the authority is authorized to pass on said fee only to in-city users of the system, which shall be reflected on the city bills.

**Section 9. Rate setting procedure.**—

(a) The authority shall fix the initial schedule of assessments, rates, fees, and other charges for the use of and for the services furnished or to be furnished by the authority's facilities, to be paid by the owner, tenant, or occupant of each lot or parcel of property which may be connected with and use any such facility by or through any part of the water, or other additional utility systems of the authority.

(b) After the system or systems shall have been in operation, the authority may revise such schedule of assessments, rates, fees, and charges from time to time. Such assessments, rates, fees, and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times to pay the cost of maintaining, repairing, and operating the system or systems, including the reserves for such purposes and for replacements and depreciation and necessary extensions, to pay the principal of and the interest on any bonds as the same shall become due and the reserves therefor, and to provide a margin of safety for making such payments, all in accordance with section 5(a)(5). The authority shall charge and collect the assessments, rates, fees, and charges so fixed or revised.

(c) Such assessments, rates, fees, and charges shall be just and equitable and may be based or computed upon the quantity of water consumed, upon the number and size of sewer connections, upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system, upon the number or average number of persons residing or working in or otherwise connected with such premises, upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors. Prior to fixing or revising such schedule of rates, fees, and charges, the authority shall cause to be prepared a statement of financial impact. Such statement shall be made available to the public during the rate-making procedure.

(d) In cases where the amount of water furnished to any building or premises is such that it imposes an unreasonable burden upon the water system, an additional charge may be made therefor, or the authority may, if it deems it advisable, require the owners or occupants of such building or premises to reduce the amount of water consumed thereon in a manner to be specified by the authority, or the authority may refuse to furnish water to such building or premises.

(e) In cases where the character of the sewage from any manufacturing or industrial plant or any building or premises is such that it imposes an unreasonable burden upon any sewage disposal system, an additional charge may be made therefor, or the authority may, if it deems it advisable, require such manufacturing or industrial plant or such building or premises to treat such sewage in such manner as shall be specified by the authority before discharging such sewage into any sewer lines owned or maintained by the authority.

(f) The authority may charge any owner or occupant of any building or premises receiving the services of the facilities herein provided such initial installation or connection charge or fee as the authority may determine to be just and reasonable.

(g)(1) Except as hereinafter provided in paragraph (2), no assessments, rates, fees, or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the authority's facilities and owners, tenants, and occupants of property served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed assessments, rates, fees, and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing such

assessments, rates, fees, and charges, notice of such public hearing setting forth the schedule or schedules of assessments, rates, fees, and charges shall be given:

a. By publication in a newspaper of general circulation in the affected area;

b. By mail to all persons and organizations that have made requests for advance notice of the authority's proceedings; and

c. By posting in appropriate places so that affected persons may be duly notified.

Such publication, mailing, and posting of notice shall occur at least 14 days prior to the public hearing. Such hearing may be adjourned from time to time. After such hearing, such preliminary schedule or schedules, either as originally adopted or as modified or amended, shall be adopted and put into effect. The assessments, rates, fees, or charges so fixed for any users or property served shall be extended to cover any additional users or property thereafter served that fall within the same class or classes without the necessity of any hearing or notice.

(2) The authority may fix the assessments, rates, fees, and charges to be paid by any such user, owner, tenant, or occupant as the authority reasonably finds to be unique with respect to its use of the authority's systems or facilities. Such assessments, rates, fees, and charges may be fixed by resolution adopted at any regular meeting, or any special meeting of the authority called for that purpose, and such resolution shall state the basis for such finding.

(3) A copy of the schedule or schedules of such assessments, rates, fees, and charges as finally fixed in such resolution shall be kept on file in the headquarters of the authority and shall be open to inspection by all parties interested.

(4) Any change or revision of any assessments, rates, fees, or charges may be made in the same manner as such assessments, rates, fees, or charges were originally established as hereinabove provided.

**Section 10. Personnel.**—

(a) The authority is empowered to appoint, remove, and suspend employees or agents of the authority and fix their compensation within the guidelines established by the Escambia County Civil Service Rules.

(b) The authority may provide social security for its employees pursuant to the provisions of chapter 650, Florida Statutes, and may bring its employees under the Florida Retirement System, the State and County Officers and Employees Retirement System, or any other qualified retirement program.

(c) On the effective date of the transfer of assets set forth in section 7, all employees of the Escambia County Department of Utilities and of the City of Pensacola Department of Utilities that theretofore had been assigned to the Escambia Water and Sewer Utilities Authority created by virtue of that certain interlocal agreement dated November 25, 1980, and any other such employee who may be designated by the city or the county prior to the effective date of the transfer of assets referred to above, shall be transferred to the authority and shall continue without loss of benefits as employees of the authority.

(d) Employees who are transferred to the authority and who are members of the retirement systems available to employees of the City of Pensacola or Escambia County shall not lose those pension or retirement rights or any reserves accrued to their benefit during the period of their employment by the city or the county. Such employees may elect to retain the pension and retirement rights accrued during the period of their employment by the city or the county. Any employee so electing shall give written notice of his or her election, within 30 days or such longer period of time determined by the authority after the effective date of the transfer, to the City Manager of the City of Pensacola or to the County Administrator of Escambia County, as appropriate, who shall then process the notice. In the event any employees elect to retain their pension and retirement rights accrued during the period of their employment with the city or the county, or prior to such election, the authority shall pay into the appropriate retirement system during the period that such

employees remain as authority employees, such sums of money as are paid by the city or the county for the benefit of such employees in order to guarantee their continuing participation in such retirement program. The authority may make appropriate deductions from the employees' salaries to preserve their retirement benefits.

(e) Employees who, prior to being transferred to the authority, were members of the general pension system of the City of Pensacola and who do not elect to continue to accrue additional rights to benefits thereunder shall be entitled to the same rights under such system as would be afforded to persons who had voluntarily left the employ of the City of Pensacola as of September 30, 1981. Such rights shall be determined in accordance with the special laws governing such system, and shall include, but shall not be limited to, the right to receive a pension effective as of September 30, 1981, or such later date as the employee attains the age or length of service as an employee of the City of Pensacola as is required for eligibility to receive a pension, to retain vested rights, or to withdraw contributions, depending on the employee's length of service as of September 30, 1981. The enjoyment of such rights shall not be deemed to be a change of benefits within the meaning of section 112.63(3), Florida Statutes. The payment of such benefits as may be payable on account of service as an employee of the City of Pensacola shall be the obligation of the City of Pensacola, through its general pension and retirement fund.

(f) Employees of the authority are subject to the civil service system of Escambia County and to the policies and rules of the Civil Service Board.

#### Section 11. Personnel appeals board.—

(a) There shall be appointed a personnel appeals board comprised of two members appointed by the authority, two members chosen by employees of the authority classified below the level of department head, and one member appointed by the other four members. The members of the board shall serve a term of 1 year. An appointment to a vacant position on the board shall be filled in the manner of the original appointment to that position. The board shall hear appeals from suspensions, demotions, or dismissals or of employees of the authority classified below the level of department head and not designated as other key staff personnel by the authority as provided in section 13. The decisions of the board on such appeals shall be final, subject to review by the Circuit Court of Escambia County. The board may investigate and make recommendations to the executive director of the authority on major policy and procedural questions relating to personnel management and on individual grievances by employees. However, the recommendations of the board on such matters shall be advisory only. The board may employ legal counsel, and a reasonable budget for such purpose shall be provided by the authority. The executive director of the authority shall provide the administrative services required by the board.

(b) Notwithstanding anything provided herein or in any special or general act to the contrary, the rights and benefits herein granted shall be in lieu of and substitution for any rights and benefits such employees may have had under any civil service or personnel system of the City of Pensacola or Escambia County.

#### Section 12. Process and procedure.—

(a) Any person wishing to appeal an action of the authority that directly affects his or her substantial interests may file a petition for review within 10 days of the date the complained of action is taken. The authority shall consider such petitions for review and shall take action at a public meeting to grant or deny such petitions within 40 days of receipt.

(b) If the petition is granted, the petitioner, or his or her counsel, shall be afforded an opportunity, at a mutually convenient time and place and after reasonable written notice, to present to the authority or its designee written or oral evidence in opposition to the authority's action. If a material issue of disputed fact is involved, the authority shall appoint a hearing officer to preside. The hearing officer shall hear the evidence and shall prepare recommended findings of fact and conclusions of law for approval of the authority.

(c) Decisions of the authority shall be in writing and shall contain findings of fact and conclusions of law. A person aggrieved by a decision

of the authority shall have the same rights and remedies that would have been available to him or her under general law if the action complained of had been taken by Escambia County or the City of Pensacola.

Section 13. Executive director.—The authority shall employ and fix the compensation of an executive director, who shall manage the affairs of the utilities systems under the supervision of the authority and direct the activities of the employees of the authority. The executive director shall devote his or her entire working time to the performance of his or her duties and not have outside employment or business. The executive director shall be a college graduate. The executive director must either possess a degree in science, engineering, business management, or public administration or, alternatively, must be a licensed and registered engineer. The executive director shall have at least 6 years of experience in the field of engineering, operations, or management of a utility system of size comparable to or larger than the water and sewer system of the City of Pensacola in 1981. The authority may allow the substitution of additional years of administrative or management experience in lieu of the specific educational or professional requirements set forth above. The executive director, the assistant executive director, the department heads, and such other key staff personnel so designated by the authority shall not be included within any civil service system or be under the jurisdiction of the personnel appeals board.

Section 14. Fiscal year and budget.—The fiscal year of the authority shall begin on the first day of October and end on the last day of September of the following year. Prior to the beginning of each fiscal year, the authority shall adopt an annual budget that shall be balanced and that shall detail the anticipated expenses and revenues of the authority for the forthcoming fiscal year.

Section 15. Execution of documents; payment of bills.—All instruments in writing necessary to be executed by the authority shall be executed by the executive director upon authorization by the authority or by such other officer, agent, or employee of the authority as it may by resolution designate. The authority shall provide for the examination of all payrolls, bills, and other claims and demands against the authority to determine, before the same are paid, that they are duly authorized, in proper form, correctly computed, and legally due and payable and that the authority has funds on hand to make payment.

Section 16. Management efficiency audit.—The authority shall contract for a management efficiency audit by a private firm within 1 year of the effective date of the act, and at intervals of at least 3 years thereafter, to review program results and make recommendations for the proper, efficient, and economical operation and maintenance of the utilities systems, facilities, and functions under supervision of the authority.

Section 17. Citizens' advisory committee.—The authority shall make provision for and appoint a citizens' advisory committee or committees. The appointees to such committees shall have no personal or business ties with the authority that could be construed as a conflict of interest.

Section 18. Enforcement and penalties.—Any violation of rules or regulations of the authority pertaining to the disposal of waste or the use of the authority's systems, facilities, or services is declared to be a noncriminal violation and shall be punishable by fine, forfeiture, or penalty. Such fine, forfeiture, or penalty shall be established by resolution of the authority, and shall not exceed \$500 for each violation. However, the authority may specify, by resolution, that violation of a rule or regulation of the authority is punishable by fine, forfeiture, or penalty in an amount exceeding \$500 but not exceeding \$2,000 per day, if the authority must have authority to punish a violation of such rule or regulation by a fine, forfeiture, or penalty in an amount greater than \$500 in order for the authority to carry out a federally mandated program. Any resolution of the authority establishing such fine, forfeiture, or penalty may provide that each day of a continuing violation shall constitute a separate violation. Violations of such authority rules and regulations may be prosecuted in the same manner as misdemeanors, or pursuant to section 5(a)(14) of this act. If such violations are prosecuted in the same manner as misdemeanors, they may be enforced by local law enforcement agencies and prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the

prosecuting attorney thereof. All fines, forfeitures, and penalties imposed for violations of authority rules and regulations shall be paid to the authority, provided that the local law enforcement agency be reimbursed from such fines, forfeitures, and penalties for its cost of enforcement.

Section 19. The provisions of this act shall be liberally construed to effectuate the purposes set forth herein.

Section 20. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application and to this end the provisions of this act are declared severable.

Section 4. Chapters 81-376, 82-390, 83-403, 83-404, 84-427, 84-428, 85-410, 86-451, 89-473, 91-349, 91-403, 92-248, 93-365, 95-497, and 97-364, Laws of Florida, and section 3 of chapter 91-335, Laws of Florida, are repealed.

Section 5. This act shall take effect upon becoming a law.

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Miller, the rules were waived and HB 919, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

Table with 4 columns listing names of representatives who voted 'Yeas'.

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 927—A bill to be entitled An act relating to Pinellas Park Water Management District, Pinellas County; providing for codification of special laws relating to Pinellas Park Water Management District pursuant to s. 189.429, F.S.; providing legislative intent; amending, repealing, codifying, and reenacting special acts relating to the district; providing a title; providing definitions; providing for creation of the Pinellas Park Water Management District Authority and amendment of its charter; providing for a governing body for the authority; providing for reimbursement of expenses pursuant to s. 112.061, F.S.; providing

duties and powers; providing for a budget; providing boundaries of the authority; providing for elections and referenda; providing for amendment of authority boundaries; providing tax exemptions; providing construction and effect; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 025235)

Amendment 1—On page 2, line 19, after the word "Authority"

insert: or "District"

Rep. Sorensen moved the adoption of the amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 040321)

Amendment 2—On page 3, line 31, through page 4 lines 1 and 2, remove from the bill: all of said lines

and insert in lieu thereof: members as chair of the authority and one as a vice chair. At the same time, a secretary and treasurer shall

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Waters, the rules were waived and HB 927, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

Table with 4 columns listing names of representatives who voted 'Yeas'.

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 929—A bill to be entitled An act relating to the Rupert J. Smith Law Library of Saint Lucie County; providing for codification of special



laws regarding special districts pursuant to s. 189.429, F.S., relating to the Rupert J. Smith Law Library of Saint Lucie County; providing legislative intent; codifying, amending, and reenacting chapter 57-1790, Laws of Florida, as amended; declaring the district to be an independent special district; providing a district charter; repealing chapters 57-1790, 71-895, 83-512, and 88-516, Laws of Florida; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 872691)

**Amendment 1**—On page 4, lines 30 and 31, through page 5, line 1 remove from the bill: all of said lines

and insert in lieu thereof:

*Section 5. All donations to the Rupert J. Smith Law Library of Saint Lucie County and all property in any wise acquired by*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Mayfield, the rules were waived and HB 929, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 931**—A bill to be entitled An act relating to the Coral Springs Improvement District, Broward County; providing for codification of special laws regarding special districts pursuant to s. 189.429, Florida Statutes, relating to the Coral Springs Improvement District; codifying, reenacting, amending, and repealing special acts relating to the Coral Springs Improvement District; providing legislative intent; deleting gender-specific references; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 174543)

**Amendment 1**—On page 9, lines 11-19, remove from the bill: all of said lines

and insert in lieu thereof: *chosen and shall qualify. Five members shall be elected by a majority vote of registered electors residing in the district and voting in an election. Elected members of the board shall be residents of the district.*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 884135)

**Amendment 2**—On page 9, line 28, remove from the bill: said line

and insert in lieu thereof: *terms expire. In November, 2002, the two new board members*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Ritter, the rules were waived and HB 931, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 937**—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 4 of chapter 15425, Laws of

Florida, 1931, as amended; providing for clarification of the qualifications for a candidate for election to or appointment to fill a vacancy on the city council; providing an effective date.

—was read the second time by title. On motion by Rep. Miller, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 939**—A bill to be entitled An act relating to Escambia County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the Pensacola-Escambia Governmental Center Authority, a special district in Escambia County; providing legislative intent; amending, repealing, codifying, and reenacting special acts related to the district; declaring the Authority to be a dependent special district; providing a district charter; providing an effective date.

—was read the second time by title. On motion by Rep. Miller, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Barreiro	Brown	Detert
Alexander	Baxley	Brummer	Diaz de la Portilla
Allen	Bean	Brutus	Diaz-Balart
Andrews	Bendross-Mindingall	Bucher	Dockery
Argenziano	Bennett	Bullard	Farkas
Arza	Bense	Byrd	Fasano
Attkisson	Benson	Cantens	Fields
Atwater	Berfield	Carassas	Fiorentino
Ausley	Betancourt	Clarke	Flanagan
Baker	Bilirakis	Cusack	Frankel
Ball	Bowen	Davis	Gannon

Garcia	Jordan	Maygarden	Russell
Gardiner	Joyner	McGriff	Ryan
Gelber	Justice	Meadows	Seiler
Gibson	Kallinger	Mealor	Simmons
Goodlette	Kendrick	Melvin	Siplin
Gottlieb	Kilmer	Miller	Slosberg
Green	Kosmas	Murman	Smith
Greenstein	Kottkamp	Needelman	Sobel
Haridopolos	Kravitz	Negron	Sorensen
Harper	Kyle	Paul	Spratt
Harrington	Lee	Peterman	Stansel
Hart	Lerner	Prieguez	Trovillion
Henriquez	Littlefield	Rich	Wallace
Heyman	Lynn	Richardson	Waters
Hogan	Machek	Ritter	Weissman
Holloway	Mack	Romeo	Wiles
Jennings	Mahon	Ross	Wilson
Johnson	Mayfield	Rubio	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 943**—A bill to be entitled An act relating to the Immokalee Fire Control District, Collier County; amending chapter 2000-393, Laws of Florida, to include specific authorization of the imposition, collection, and use of impact fees as provided in chapter 191, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Rep. Spratt, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 945**—A bill to be entitled An act relating to the Solid Waste Authority of Palm Beach County, a dependent special district in Palm

Beach County; codifying the Authority's charter, chapter 75-473, Laws of Florida, as amended, pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, and reenacting all special acts relating to the Solid Waste Authority of Palm Beach County as a single act; providing a short title; providing declaration of legislative intent; providing for application to incorporated and unincorporated areas; providing definitions; providing purposes and powers; providing exemption from taxation; providing prohibition, permits, and penalty; providing enforcement; providing injunctive relief; providing judicial review; providing severability; repealing all prior special acts related to the Authority; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 481971)

**Amendment 1—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Solid Waste Authority of Palm Beach County. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the Solid Waste Authority of Palm Beach County, including all current legislative authority granted to the Authority by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 75-473, 77-626, 79-536, 79-539, 79-542, 84-501, 84-502, 86-433, 88-544, 91-334, 93-345, and 94-462, Laws of Florida, relating to the Solid Waste Authority of Palm Beach County, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Solid Waste Authority of Palm Beach County is re-created and reenacted to read:

Section 1. Short title.—This act may be known and cited as the "Palm Beach County Solid Waste Act."

Section 2. Declaration of legislative intent.—In order to enhance the beauty and quality of our environment, conserve our natural resources, prevent the spread of disease and creation of nuisances, protect the public health, safety, and welfare, and provide a coordinated resource recovery and waste management program for Palm Beach County, it is necessary to form a countywide authority for the management of solid waste to meet the expanding problems related to the processing and disposal of solid waste within Palm Beach County and to:

(1) Provide for the safe and sanitary processing and disposal of solid waste.

(2) Provide a coordinated countywide program for the management of hazardous waste and control of solid waste processing and disposal in cooperation with federal, state, and local agencies responsible for the prevention, control, or abatement of air, water, and land pollution.

(3) Require the municipalities and the county to plan for and develop an adequate solid waste collection system.

Section 3. Creation of countywide solid waste authority.—In order to effectuate the intent and purpose of this act as set forth in section 2, the Solid Waste Authority of Palm Beach County is created as a dependent special district. Its board shall consist of the seven members of the Board of County Commissioners of Palm Beach County. A quorum of the board shall be four members.

Section 4. Application to incorporated and unincorporated areas.—This act shall apply to both the incorporated and unincorporated areas of Palm Beach County.

Section 5. Definitions.—As used in this act, unless some other meaning is plainly intended:

(1) "Act" means this act and all amendments thereto.

(2) "Authority" means the Solid Waste Authority of Palm Beach County.

(3) "Clerk" means Clerk of the Circuit Court of Palm Beach County, Florida.

(4) "Cost of acquisition and/or construction" means the cost of acquiring, constructing, reconstructing, improving, extending, equipping, and furnishing any resource recovery and solid waste management facilities, including the cost of demolishing, removing, or relocating any buildings, structures, or utilities on lands acquired or to be acquired, including the cost of acquiring lands to which such buildings, structures, or utilities may be moved or relocated, the cost of all labor and materials, the cost of financing charges, discount on the purchase price of bonds otherwise permitted hereunder, and interest on the bonds of the Authority prior to, during, and for a period not exceeding 2 years after completion thereof, payments under and fees and expenses in connection with any derivative agreements, the cost of establishing and funding initial reserves, the cost of engineering, financial, and legal services plans, specifications, studies, surveys, estimates of cost and of revenues, and other expenses necessary or incidental to determining the feasibility or practicability of any such construction or acquisition, administrative expenses, and such other costs and expenses as may be necessary or incidental to such acquisition, construction, reconstruction, improvement, extension, equipping, or furnishing, the financing thereof, placing such resource recovery and solid waste management facilities in operation, and the issuance of bonds under this act.

(5) "County" means Palm Beach County, Florida.

(6) "Department" means the Department of Environmental Protection or any successor agency performing a like function.

(7) "Derivative agreements" means contracts commonly known as investment contracts, interest rate swap agreements, or contracts providing for payments based on levels of or changes in interest rates, or contracts to exchange cash flows or a series of payments, to hedge payment, rate, spread, or similar exposure, which the governing body of the Authority determines to be necessary, desirable, or appropriate to achieve a desirable effective interest rate in connection with bonds, notes, or bond anticipation notes issued by the Authority.

(8) "Director" means the Executive Director of the Solid Waste Authority of Palm Beach County or his or her duly authorized representative.

(9) "Disposal" means the disposition of solid waste by resource recovery, processing, recycling, or the placing of solid waste materials on the land for final disposition, or any combination thereof.

(10) "Fiscal year" means the year beginning October 1 of each year and ending September 30 of the following year.

(11) "General obligation bonds" means bonds or other obligations secured by the full faith and credit and taxing power of the Authority and payable from ad valorem taxes levied and collected on all taxable property in Palm Beach County, without limitation of rate or amount, and may be additionally secured by the pledge of either or both the proceeds of special assessments levied against benefited property or revenues derived from solid waste disposal systems.

(12) "Hazardous waste" has the same meaning as the term is defined in section 403.703(21), Florida Statutes, or any successor law or regulation.

(13) "Municipality" means all incorporated municipalities or special taxing districts exercising municipal powers in relation to collection and disposal of solid waste, lying and being in Palm Beach County, Florida.

(14) "Person" or "persons" means any and all persons, natural or artificial, including any individual, firm, or association, any facility, or any municipal or private corporation organized or existing under the laws of the State of Florida or any other state and any county or governmental agency of this state or the Federal Government.

(15) "Processing" means the act of modifying or altering the nature of solid waste materials to facilitate reuse, transfer, transport, and disposal, including, but not limited to, systems employing physical, thermal, organic, or chemical techniques.

(16) "Property appraiser" means the Property Appraiser of Palm Beach County, Florida.

(17) "Recycling" means any process by which solid waste materials are recovered and reused in manufacturing, agricultural, power production, and other processes.

(18) "Resource recovery" means the process by which materials in solid waste retaining useful physical or chemical properties are reused or recycled for the same or other purposes, including use as an energy source.

(19) "Revenue bonds" means bonds or other obligations of the Authority secured by and payable from the rates, fees, charges, and other income collected by the Authority from the users of its resource recovery and solid waste management facilities, or by pledge of the full faith and credit of the Authority, or by a combination thereof.

(20) "Solid waste" means garbage, sewage, sludge, septage, rubbish, refuse, and other discarded solid or liquid materials resulting from domestic, industrial, commercial, agricultural, and governmental operations, but does not include solid or dissolved materials in domestic sewage, storm drainage, or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants.

(21) "Solid waste system" or "resource recovery and solid waste management facilities" or "project" means any plant, facility, or property and additions, extensions, and improvements thereto, at any time constructed or acquired as part thereof, useful or necessary or having the capacity for future use for resource recovery or solid waste management and, without limiting the generality of the foregoing, shall include vehicles used for transport from transfer stations to treatment sites and incinerators for the purposes of reducing the volume of or disposing of solid waste by burial, as well as proper disposal of residue from incineration, and shall include all real and personal property and any interest therein, rights, easements, and franchises of any nature whatsoever, and equipment, machinery, furnishings, fixtures, and replacements, relating to any such solid waste system and necessary or convenient for the operation thereof.

(22) "Tax collector" means the Tax Collector of Palm Beach County, Florida.

(23) "Transport" means the act of movement of solid waste materials to facilitate processing, reuse, and disposal.

(24) "Waste management" means the systematic control of the generation, storage, collection, transport, treatment, processing, recycling, recovery, and disposal of solid waste.

**Section 6. Purposes and powers.**—For the purposes of this act, all of Palm Beach County is deemed to be a special district. In addition to other powers, duties, and responsibilities necessary to carry out the provisions of this act, the Authority shall have the power to:

(1) Adopt and from time to time thereafter alter, rescind, modify, or amend rules, guidelines, and orders necessary for its operation in accordance with chapter 403, Florida Statutes, and all successor laws. No such rules or amendments thereto shall be adopted or become effective until after a public hearing has been held by the Authority pursuant to notice published in a newspaper of general circulation in the county at least 21 days prior to the hearing. When approved by the Authority, such rules shall have the force and effect of law. Nothing in this act shall be construed so as to prevent the Authority from adopting rules which are more strict and extensive than those imposed by the department.

(2) Adopt a resource recovery and waste management program for Palm Beach County that shall provide for the transportation, storage, separation, processing, recovery, recycling, or disposal of solid waste

generated or existing within the county and modify and update such program or plan as necessary or as may be required by law.

(3) Acquire, at its discretion, personal or real property or any interest therein by gifts, lease, eminent domain, or purchase. The Authority may enter upon any land or water for the purpose of making surveys and may exercise the right of eminent domain whenever public necessity or convenience requires in accordance with chapters 73 and 74, Florida Statutes, and other applicable law.

(4) Appoint an executive director to be responsible to the Authority and who shall serve at its pleasure. There shall be such other officers and employees as may be provided by the Authority. The officers shall be appointed or removed by the executive director subject to confirmation by the Authority. The employees shall be appointed and removed by the executive director. The Authority shall fix the salary of the executive director and shall have, but may delegate to the executive director, the power to fix the salaries of all other officers and employees of the Authority. The Authority shall also have the power to employ or appoint engineers, accountants, attorneys, and such other personnel as may be required for the operation and management of the Authority and to fix their compensation.

(5) Require surety bonds for any of the officers and employees in such amounts as the Authority deems necessary. The premiums for the bonds shall be paid in the same manner as any other operating expense.

(6) Sue and be sued, implead and be impleaded, and complain and defend in all courts.

(7) Adopt, use, and alter a corporate seal.

(8) Acquire, construct, reconstruct, improve, maintain, equip, furnish, and operate at its discretion such resource recovery and waste management facilities as are required to carry out the purposes and intent of this act and to meet the requirements of chapter 403, Florida Statutes, and other applicable law.

(9) Conduct studies, develop programs, provide continuing management and monitoring of waste projects, programs, and facilities directly or indirectly affecting the solid waste management system in Palm Beach County, and contract, for such periods as may be agreed upon by the parties, with governmental agencies, individuals, public or private corporations, municipalities, or any other person in carrying out the purposes of this act and the requirements of chapter 403, Florida Statutes, and other applicable law.

(10) Fix, alter, charge, and establish reasonable rates, fees, and other charges for the facilities provided by the Authority, including, but not limited to, planning, permitting, inspection, collection, enforcement, and disposal site developing and operation, which rates, fees, and charges must be sufficient to cover all costs for said normal functions and facilities, including, but not limited to, permits, fees, and disposal costs.

(11) Without limitation, borrow money and issue evidence of indebtedness and accept property, gifts, or grants or loans of money from the Federal Government, state government, and other sources, public or private, which loans and grants shall be expended in accordance with the purposes and provisions of this act.

(12) Issue revenue bonds.

(a) The Authority shall have the power and is hereby authorized to issue revenue bonds for the purpose of paying all or part of the costs of acquisition and/or construction of resource recovery and waste management facilities. The issuance of such revenue bonds shall be authorized by resolution of the Authority, which resolution may be adopted at a regular or special meeting by a majority vote of members voting thereon and at the same meeting at which it is introduced. Such revenue bonds may be issued in one or more series and shall bear such date or dates of issuance, bear interest at such rate or rates, not exceeding the maximum rate permitted under section 215.84, Florida Statutes, or any successor statute, mature at such time or times, not exceeding 40 years from their respective dates of issuance, be subject to such terms of redemption, with or without premium, be issued in such form, registered

or not, with or without interest coupons, entitle the holder thereof to such conversion or registration privileges, be executed in such manner, be in such denomination or denominations, be payable in such medium of payment at such place or places, which may be any bank or trust company within or without the state, have such rank or priority, be secured in such manner, and have such other characteristics as may be provided in the resolution of the Authority authorizing the issuance of such bonds or in such subsequent resolutions as the Authority may adopt prior to the issuance of such bonds. All bonds issued under this act shall have and are hereby declared to be and to have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code—Investment Securities Law of the state. The Authority may sell such bonds at private sale and in such manner and for such price or prices as it may determine to be in the best interest of the Authority, but no such bonds shall be sold at a price as will yield to the purchaser thereof income at a rate exceeding the maximum rate permitted under section 215.84, Florida Statutes, or any successor statute, as computed according to the standard tables of bond values. If said bonds are sold at public sale, a notice of such sale shall be published at least once at least 10 days prior to the date of such sale in a newspaper published and circulating in the county and in a financial newspaper or journal circulating in New York City, New York. The Authority may issue interim bonds, notes, certificates, or receipts, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery.

(b) The Authority shall fix and revise from time to time the rates, fees, or other charges for the services and facilities furnished by the Authority, and such rates, fees, or other charges shall be so fixed and adjusted as to provide sufficient funds to pay the principal of and interest on all bonds issued as the same become due and payable for such purposes, and including the cost of operating, maintaining, and repairing the facilities of the Authority and all such other payments required by the proceedings providing for the issuance of such bonds. Such rates, fees, or other charges shall not be subject to supervision or regulation by the state, any political subdivision, or any commission, board, or agency.

(c) The Authority, in the issuance of revenue bonds, shall have the authority to pledge all or any part of the revenues derived from the operation of the facilities of the Authority and shall have the power to determine the rank or priority of such pledge of revenues for any purpose, including different issues of bonds, and to grant to the holders of the bonds a lien on all or any part of the revenues prior to the use of such revenues for any other purposes.

(d) All revenues received by the Authority shall be deemed to be trust funds to be held and applied as provided in this act. The Authority may also provide that each issue of bonds or any combined issue of bonds may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank within or without the state. Such trust agreement may pledge or assign the revenues to be received and provide for the rank and priority between different trust agreements for different issues of bonds. The resolution or resolutions providing for the issuance of bonds or such trust agreements may contain such provisions for protecting and enforcing the rights and remedies of the holders of the bonds as may be reasonable and proper, not in violation of the law, including covenants setting forth the duties of the Authority relating to the construction, acquisition, improvement, maintenance, operation, repair, and cost of any project or facility, as is customary in trust agreements or trust indentures securing bonds or debentures of corporations, and may contain such other provisions as the Authority may deem reasonable and proper for the security of the holders of such bonds.

(e) The Authority is also hereby authorized to issue refunding bonds for the purpose of refunding any bonds of the Authority then outstanding, including the payment of any redemption premium thereon, and interest accrued or to accrue to maturity or to the prior redemption of such outstanding bonds, as the case may be, or for the combined purpose of refunding such outstanding bonds and paying the cost of acquisition and/or construction of one or more projects. The issuance of such revenue refunding bonds shall be authorized by resolution of the board of the Authority in the same manner as provided in paragraph (a). Such

refunding bonds may be issued to refund such outstanding bonds as they mature and become payable, or as they are called for redemption prior to their stated dates of maturity, and the Authority shall be authorized to invest the proceeds or part of the proceeds of such refunding bonds, pending the dates of maturity of such outstanding bonds or the dates upon which such outstanding bonds are to be called prior to their stated dates of maturity, in such lawful securities as the Authority shall deem desirable, for the purpose of refunding such outstanding bonds in the manner provided in this paragraph. The issuance of such revenue refunding bonds, the maturities and other details thereof, the rights of the holders thereof, the security for the payment thereof, and the rights, duties, and obligations of the Authority in respect of the same shall be governed by the provisions of this act insofar as the same may be applicable.

(f) The Authority shall also have power to issue notes prior to the issuance of bonds, but such notes shall mature in not less than 3 years and the payment thereof shall be subject to any prior pledge of the revenues of the Authority or any ad valorem taxes of the Authority.

(g) The Authority may also issue bond anticipation notes after the authorization of the issuance of bonds in the manner provided in section 215.431, Florida Statutes, or successor law.

(13) Enter into interest rate swap agreements in connection with tax-exempt bonds and to issue debt to finance payments under such interest rate swap agreements. The use of interest rate swap agreements to reduce borrowing costs will enable the Authority to have flexibility to finance or refinance projects relating to its solid waste system in a more economically efficient manner. The Authority, other special districts, and municipalities already have the express power to enter into interest rate swap agreements and other derivative products with respect to their taxable bonds under the Taxable Bond Act of 1987, part VII, chapter 159, Florida Statutes. The Legislature finds that the ability of the Authority to enter into derivative agreements shall serve a public purpose by reducing interest costs to the Authority and enhancing the marketability of the Authority's bonds, notes, or bond anticipation notes. Further, such derivative agreements afford the Authority the ability to achieve the lowest effective borrowing costs or terms most suitable to the Authority. The provisions of this paragraph are designed to serve a public purpose by providing for the health, safety, welfare, and economic well-being of the people of the county. Further, these provisions are intended to provide express authority to exercise the powers granted hereby and shall not be construed in limitation of any existing powers of the Authority to enter into or carry out any derivative agreements. This paragraph shall be a supplemental and alternative authority to any other provisions of special or general law.

(14) Seek injunctive relief in a court of competent jurisdiction to prevent the violation of this act or any resolution, rule, or regulation adopted pursuant to the powers granted by this act without the necessity of showing of a public nuisance in such legal proceeding.

(15) Sell or otherwise dispose of any byproducts produced by the operation of resource recovery or waste management facilities to any governmental agency, individual, public or private corporation, municipality, or any other person.

(16) Levy ad valorem tax on the taxable property in the special district solely for the purposes of this act and not to exceed 1 mill on the dollar, subject to referendum. Property taxes determined and levied under this section shall be certified by the Authority to the property appraiser and extended, assessed, and collected in accordance with the provisions of chapter 197, Florida Statutes. At any time after making a tax levy under this section and certifying the same to the county and the state, the Authority may issue tax anticipation notes of indebtedness in anticipation of the collection of such taxes.

(17) When the fees or charges for the services and facilities and any waste disposal or resource recovery facility are not paid when due and payable and are in default for 30 days or more, following written notice to such delinquent customer, discontinue and shut off the supply of the services and facilities of said system to the person, firm, corporation, or other body, public or private, so supplied with such services or facilities

until such fees, rates, or charges, including legal interest, penalties, and charges for the shutting off and discontinuance or the restoration of such services or facilities, are fully paid. Such delinquent fees or charges, together with legal interest, penalties, and charges for the shutting off and discontinuance or the restoration of such services or facilities, and reasonable attorney's fees, costs, and other expenses may be recovered by the Authority in a court of competent jurisdiction.

(18) Transfer, sell, or assign to any governmental agency, individual, public or private corporation, municipality, or other person, at whatever terms it deems reasonable, any property which it finds is not needed to carry out the purposes of this act.

(19) As necessary to carry out its resource recovery and/or disposal plans or programs or when necessary to carry out any other provision of this act, require that all wastes collected by public or private agencies from any municipality or unincorporated area of the county be transported to Authority-designated processing and disposal facilities in a manner and form as may be mandated in accordance with this act, particularly paragraphs (2) and (8) of this section. This act shall not be construed to preclude public or private agencies from operating permitted transfer stations, provided that solid waste transferred or transported therefrom shall be delivered to Authority-designated processing and disposal facilities as set forth in this section.

(20) Perform any and all governmental functions of the county, or of any municipality, related to solid waste provided for by general law, including, but not limited to, chapter 403, Florida Statutes, or any successor law, pursuant to written contract or interlocal agreement. For those purposes, the Authority may employ the special assessment procedures contained in sections 7 and 8 of this act. The Palm Beach County Board of County Commissioners shall set for the unincorporated portions of the county all fees necessary to accomplish the purposes of this paragraph, and the governing body of any municipality shall set the required fees for its respective jurisdiction. Any such fees must be sufficient to pay all costs incurred by the Authority in connection with the solid waste services to be provided, including the cost of billing services.

(21) Establish a mandatory collection system for the county and impose reasonable rates, fees, and charges to all users of said system. The Authority may establish annual collection special assessments for users of this collection system in like manner as the disposal assessments provided for in this section or sections 7 or 8.

(22) Grant franchises and contracts, issue permits, or otherwise provide for the collection of solid waste in the county and receive the assignment of such franchises, contracts, and permits, and establish reasonable rates, fees, and charges therefor.

(23) In connection with, or incidental to, the sale and issuance of bonds, enter into any contracts which the Authority determines to be necessary or appropriate to achieve a desirable, effective interest rate in connection with the bonds or notes by means of, but not limited to, contracts commonly known as investment contracts, funding agreements, interest rate swap agreements, currency swap agreements, forward payment conversion agreements, or futures; contracts providing for payments based on levels of or changes in interest rates; contracts to exchange cash flows or a series of payments; or contracts including, without limitation, options, puts, or calls to hedge payment, rate, spread, or similar exposure. Such contracts or arrangements may also be entered into by the Authority in connection with, or incidental to, entering into any agreement which secures bonds or provides liquidity therefor. Such contracts and arrangements shall be made upon the terms and conditions established by the Authority after giving due consideration for the credit worthiness of the counterparties, where applicable, including any rating by a nationally recognized rating service or by any other criteria as may be appropriate.

(24) Notwithstanding the prohibition against extra compensation set forth in section 215.425, Florida Statutes, provide for an extra compensation program, including a lump-sum bonus payment program, to reward outstanding employees whose performances exceed standards, if the program provides that a bonus payment may not be included in an employee's regular base rate of pay and may not be carried forward in subsequent years.

*Section 7. Special assessments; method of levy and collection.—Since all improved properties in the county receive a direct, substantial benefit by the provision of solid waste disposal and collection services by the Authority, the Authority shall have the additional power to impose, levy, collect, or have collected, in accordance with the provisions of chapter 197, Florida Statutes or sections 7, 8 or 9 of this charter, the annual disposal special assessments herein authorized and defined as a means of financing the construction and/or acquisition of additions, extensions, and improvements to the solid waste system, the payment of the principal of and interest on bonds issued pursuant to this act, the cost of operating, maintaining, and repairing the solid waste system, and all other payments that are required to be made by the Authority in connection with the purposes of this act.*

(1) *Definitions.—For the purposes of this section and sections 8 and 9, the following terms shall have the following meanings:*

(a) *“Addendum to annual disposal special assessments roll” or “addendum” means the list prepared by and confirmed by the Authority each fiscal year containing the same information as the annual disposal special assessment roll as to any parcels of improved real property not incorporated on the corresponding annual disposal special assessment roll and incorporating any changes as to the information specified for any parcel of improved real property on the corresponding annual disposal special assessment roll, including any additions to or deletions from such annual disposal special assessment roll.*

(b) *“Annual disposal special assessments” means the annual disposal special assessments imposed upon a parcel or parcels of improved real property for the disposal of solid waste for the applicable fiscal year based upon the classification of the use of such parcel or parcels of improved real property as set forth in the rate resolution.*

(c) *“Annual disposal special assessment roll” means the list prepared and confirmed by the Authority each fiscal year containing a summary description of each parcel of improved real property, the name and address of the owner of each such parcel as indicated on the records maintained by the property appraiser, and the amount of the annual disposal special assessments applicable to each parcel of improved real property.*

(d) *“Collection” means, with respect to solid waste services, the process whereby solid waste is removed and transported to a solid waste facility.*

(e) *“Governmental agencies” means all state, federal, or local agencies or units of government located within the county, including, but not limited to, the School Board of Palm Beach County, all county agencies and departments, all municipalities within the county, all special districts and municipal service taxing units with all or part of their boundaries within the county, and any municipality or special district or other unit of government, the boundaries of which are not within the county but which is the owner of improved real property within the county.*

(f) *“Improved real property” means all real property located within the county that generates or is capable of generating solid waste and that contains buildings, structures, or other improvements designed or constructed for and capable of use or used for human habitation, human activity, or commercial enterprises.*

(g) *“Owner” means the person or persons owning an interest in improved real property.*

(h) *“Rate resolution” means the resolution or resolutions of the Authority described in paragraph (3)(b) of this section and paragraph (2)(b) of section 8 of this charter.*

(2) *Purpose.—It is the purpose of this section to require all persons within the county and all governmental agencies to use exclusively the solid waste system operated and maintained by the Authority or designated by the Authority for the disposal of all solid waste generated within both the incorporated and unincorporated areas of the county; to establish a schedule of assessments for all improved real property in both the incorporated and unincorporated areas of the county to pay for the*

cost of financing, operating, and maintaining the solid waste system; to establish the method and procedure for the classification of such improved real property in the establishment of such schedule of annual disposal special assessments; to provide for a method and procedure for the collection of such assessments from the owners of such improved real property; and to provide for the operation of the solid waste system.

(3) *Determination of annual disposal special assessments; public hearing.*—On or before October 1 of each year, the Authority shall hold a public hearing for the following purposes:

(a) *To adopt a budget for the operation and maintenance of the solid waste system for the ensuing fiscal year, including moneys for the payment of the principal of and interest on bonds and other outstanding or anticipated indebtedness, including all reserves necessary therefor, for the payment of necessary reserves for capital expenditures and the renovation, improvements, and replacements of existing facilities of the solid waste system, for the enforcement and administration of the billing and collection of the annual disposal special assessments provided for hereunder, including necessary reserves for anticipated delinquent or uncollectible annual disposal special assessments, and for the payment of the current operation and maintenance of the solid waste system.*

(b) *To adopt a rate resolution incorporating a schedule of annual disposal special assessments to impose upon the owners of all improved real property in both the incorporated and unincorporated areas of the county which shall constitute a lien as provided for in paragraph (5) and to establish the classification of the use of such parcel of improved real property in order to provide revenues which, together with other moneys of the Authority lawfully available therefor, shall be sufficient to fund the budget referred to in paragraph (a). The rates established by the Authority in each year under the provisions of the rate resolution shall be sufficient to provide moneys for the purposes described in paragraph (a), and the Authority shall not establish rates over and above the rates that are necessary to comply with the provisions of paragraph (a) and the budgetary requirements of any proceedings of the Authority heretofore or hereafter adopted in connection with the issuance of any of its bonds, notes, or other evidences of indebtedness.*

*Notice of said public hearing shall be published in a newspaper of general circulation in the county at least twice, with the first publication being at least 20 days prior to the date set for the public hearing. Said public hearing may be continued to a date certain without the necessity of further newspaper advertisement or public notice.*

(4) *Scope of annual disposal special assessments; discount for early payment; delinquency.*—

(a) *The annual disposal special assessments incorporated in the rate resolution applicable to each parcel of improved real property shall be the annual disposal special assessments for each such parcel of improved real property for the disposal of all solid waste generated or capable of being generated as determined by the Authority on each such parcel of improved real property during the ensuing fiscal year.*

(b) *The annual disposal special assessments shall be imposed against the owners of all improved real property in both the incorporated and unincorporated areas of the county if such real property is improved real property on or before September 1 prior to the fiscal year in which the annual disposal special assessments are imposed.*

(c) *The owner and description of each parcel of improved real property shall be that designated on the real property records maintained by the property appraiser.*

(d) *The annual disposal special assessments shall be due and payable 30 days after the mailing of the original annual disposal special assessments billing. On all annual disposal special assessments imposed and collected, discounts for early payment thereof shall be at the rate of 4 percent in the month of November and at any time within 30 days after the mailing of the original annual disposal special assessments billings; 3 percent in the month of December; 2 percent in the month of January; and 1 percent in the month of February. The annual disposal special assessments paid in March shall be without discount. The annual disposal special assessments shall become delinquent if not fully paid by*

*March 31 of the fiscal year for which the annual disposal special assessments are imposed. All delinquent annual disposal special assessments shall bear an initial penalty of 3 percent of the full amount of the annual disposal special assessments if not paid by March 31 of the fiscal year for which the annual disposal special assessments are imposed and an additional penalty of 1 percent per month on the delinquent principal amount on the first day of June and on the first day of each month thereafter until the annual disposal special assessments are paid in full.*

(5) *Annual disposal special assessments shall constitute a lien on improved real property.*—All annual disposal special assessments imposed against the owners of improved real property shall constitute, and are hereby imposed as, liens against such improved real property as of October 1 of the fiscal year for which the annual disposal special assessments are imposed. Until fully paid and discharged or barred by law, the annual disposal special assessments shall be prior to all other liens, except that such liens shall be on parity with a lien of state, county, and municipal taxes, and any lien for charges for services created pursuant to section 159.17, Florida Statutes. If any annual disposal special assessment liens become delinquent by not being fully paid by March 31 of the fiscal year for which the annual disposal special assessments are imposed and remain delinquent, the Authority shall cause to be prepared a notice of lien containing the amount of the delinquent annual disposal special assessments, including the amount of the first penalty, a legal description of the improved real property against which the lien is imposed, and the name of the owner of such real property as indicated on the real property records maintained by the property appraiser of the county. Said notice of lien shall be recorded in the public records of the county on or about September 30 of the fiscal year for which the annual disposal special assessments were levied, or as soon thereafter as the Authority shall determine. A copy of the notice of lien shall be served on the owner of record as provided in section 713.18, Florida Statutes, within 10 days after the notice of lien is recorded.

(6) *Notification and payment of annual disposal special assessments; discharge of recorded liens.*—The Authority shall collect the payment of all current or delinquent annual disposal special assessments from November 1 of the fiscal year for which the annual disposal special assessments are imposed until paid or satisfied as herein provided. The Authority shall mail notices of the annual disposal special assessments to the owners of each parcel of improved real property in the manner and containing the information as follows:

(a) *The first notice shall be mailed on or about November 1 of each fiscal year to all owners, and such notice shall contain the amount of the annual disposal special assessments for the then-current fiscal year and a schedule of the discounts available to the owners for early payments. Such notice shall further advise the owners that failure to pay the annual disposal special assessments in a timely manner may result in a loss of title.*

(b) *The second notice shall be mailed on or about March 31 of such fiscal year to those owners who have failed to pay any or all of the then-due-and-owing annual disposal special assessments, and such notice shall contain a schedule of the initial penalty for nonpayment and shall further advise the owner that a notice of lien will be filed by the Authority against that parcel of improved real property on the public records of the county provided for that purpose. However, if such annual disposal special assessments, together with any penalties thereon, are received prior to September 30 of the fiscal year for which the annual disposal special assessments were levied, then such notice of lien will not be filed. Such notice shall further advise the owners that failure to pay the annual disposal special assessments in a timely manner may result in a loss of title.*

(c) *The third notice shall be mailed on or before June 1 of such fiscal year to those owners who have failed to pay any or all of the then-due-and-owing annual disposal special assessments, and such notice shall contain a schedule of the additional penalty incurred by the owners for each month from June 1 and thereafter.*

*In addition to the collection of any penalties, the Authority shall recover from the owner any cost that may be incurred in connection with such*

delinquent payments. When any such lien or liens have been fully paid or discharged, the Authority shall properly cause evidence of the satisfaction and discharge of such lien to be provided. Said lien or liens shall not be assigned by the Authority to any person.

(7) *Enforcement of delinquent annual disposal special assessments.*—All delinquent annual disposal special assessment liens may be enforced at any time by the Authority at least 30 days subsequent to the date of the service of the notice of lien for the amount due under such recorded liens, including all penalties, plus costs and a reasonable attorney's fee, by proceeding in a court of equity to foreclose such liens in the manner in which a mortgage lien is foreclosed under the laws of Florida, or the collection and enforcement of payment thereof may be accomplished by any other method authorized by law. It shall be lawful to join in any complaint or foreclosure, or any such legal proceeding, any one or more lots or parcels of land that are the subject of a lien or liens. The Authority is authorized and directed to execute and deliver, upon request, a written certification certifying the amount, including all penalties, plus costs, due for delinquent annual disposal special assessments or under any recorded liens for any parcel of real property, or certifying that no such annual disposal special assessments are due, except current and nondelinquent annual disposal special assessments.

(8) *Calculation of annual disposal special assessments.*—

(a) Based upon the rate resolution, the Authority shall cause to be prepared an annual disposal special assessment roll. Such annual disposal special assessment roll shall contain a summary description of each parcel of improved real property within the county on or before September 1 prior to the fiscal year for which the annual disposal special assessments are to be imposed, the name and address of the owner of each parcel of improved real property, the rate applicable to each parcel of improved real property as specified in the rate resolution, and the amount of the annual disposal special assessments applicable to each parcel of improved real property. The summary description of each parcel of improved real property shall be in such detail as to permit ready identification of each parcel on the real property records. The information specified above to be included in the annual disposal special assessment roll shall conform to that maintained by the property appraiser on the real property records.

(b) Upon completion of the preparation of the annual disposal special assessment roll, the Authority shall at any regular or special meeting review the annual disposal special assessment roll for preparation in conformity with the rate resolution. The Authority shall make such changes or additions as necessary to conform such annual disposal special assessment roll to the rate resolution. If, upon the completion of such review, the Authority shall be satisfied that the annual disposal special assessment roll has been prepared in conformity with the rate resolution, the Authority shall ratify and confirm the annual disposal special assessment roll and certify that the annual disposal special assessment roll is correct and proper and is to be used in collecting the annual disposal special assessments.

(c) On or before October 1 of the fiscal year for which the annual disposal special assessment roll is confirmed, the Authority shall cause to be prepared an addendum to the annual disposal special assessment roll containing the addition or deletion of any parcels of improved real property not incorporated into or deleted from the annual disposal special assessment roll but constituting improved real property on September 1 prior to the fiscal year for which the annual disposal special assessments are imposed. Included in such addendum shall be any change in the information specified for each parcel of improved real property on the annual disposal special assessment roll. Such addendum to the annual disposal special assessment roll shall contain information required for the annual disposal special assessment roll and shall be reviewed by the authority and certified as the annual disposal special assessment roll of the Authority.

*Section 8. Collection of annual disposal special assessments by tax collector; alternative method of levy and collection.*—The Authority may, to the extent permitted by law, utilize the office of the tax collector for the purpose of collecting the annual disposal special assessments imposed under this act. The Authority may, in connection with the collection of the

annual disposal special assessments, proceed in the manner set forth in this section as an alternative to that set forth in section 7 of this charter, or as provided by chapter 197, Florida Statutes, as it may be amended from time to time. In the event the Authority chooses to follow the method of collection set forth in this section, it must first enter into written agreements with the property appraiser and the tax collector to perform the duties as outlined in this section. Said agreements shall be entered into voluntarily and at the sole options of the property appraiser and the tax collector, and shall provide for reimbursement to them of all costs associated with their duties hereunder.

(1) *Purpose.*—It is the purpose of this section to provide for an additional and alternative, but in no event exclusive, method and procedure for the collection of annual disposal special assessments from the owners of all improved real property in both the incorporated and unincorporated areas of the county, in the same manner as the collection of ad valorem taxes by the county and through the tax bill issued by the tax collector.

(2) *Determination of annual disposal special assessments; public hearing.*—On or before July 30 of each year, or such other date as may be specified by chapter 197, Florida Statutes, the Authority shall hold a public hearing for the following purposes:

(a) To adopt a budget for the operation and maintenance of the solid waste system for the ensuing fiscal year, including moneys for the payment of the principal and interest on bonds and other outstanding or anticipated indebtedness, including all reserves necessary therefrom, for the payment of necessary reserves for capital expenditures and the renovation, improvements, and replacements of existing facilities of the solid waste system, for the enforcement and administration of the billing and collection of the annual disposal special assessments provided for hereunder, including necessary reserves for anticipated delinquent or uncollectible annual disposal special assessments, and for the payment of the current operation and maintenance of the solid waste system.

(b) To adopt a rate resolution incorporating a schedule of annual disposal special assessments to be imposed upon the owners of all improved real property in both the incorporated and unincorporated areas of the county to establish the classification of the use of such parcel or parcels of improved real property in order to provide the revenues to fund the budget referred to in paragraph (a). Such rate resolution adopted at the public hearing shall further authorize the collection of the annual disposal special assessments in the same manner as the collection of ad valorem taxes by the county and through the utilization of the office of the tax collector of the county.

Notice of said public hearing shall be published in a newspaper of general circulation in the county at least twice, with the first publication being at least 20 days prior to the public hearing. Additional notice shall also be provided to each affected property owner by first class mail of both the potential for loss of his or her title through the use of the ad valorem collection method and the time and place of said public hearing. Said public hearing may be continued to a date certain without the necessity of further newspaper advertisement or public notice.

(3) *Scope of annual disposal special assessments.*—

(a) The annual disposal special assessments incorporated in the rate resolution applicable to each parcel of improved real property shall be the annual disposal special assessments for each such parcel of improved real property for the disposal of all solid waste generated on each such parcel of improved real property during the ensuing fiscal year.

(b) The annual disposal special assessments shall be imposed against the owners of all real property in both the incorporated and unincorporated areas of the county if such real property is improved real property on or before January 1 prior to the fiscal year in which the annual disposal special assessments are imposed.

(c) The owner and description of each parcel of improved real property shall be that designated on the real property records maintained by the property appraiser.

(4) *Enforcement and collection.*—The annual disposal special assessments shall be due and payable on November 1 of each year or at



such other times as prescribed by the amended tax bill. Such annual disposal special assessments shall be collected and enforced by the tax collector in the same manner that ad valorem taxes are collected, including, but not limited to, provisions of law relating to discount for early payment, prepayment by installment method, and penalty for delinquent payment.

(5) Annual disposal special assessments shall constitute a lien on improved real property.—All annual disposal special assessments imposed against the owners of improved real property shall constitute, and are hereby imposed as, liens against such improved real property as of October 1 of the fiscal year for which the annual disposal special assessments are imposed. Until fully paid and discharged or barred by law, the annual disposal special assessments shall remain liens equal in rank and dignity with the lien of the county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to, or against the real property involved. If any annual disposal special assessment liens become delinquent by not being fully paid by March 31 of the fiscal year for which the annual disposal special assessments are imposed and remain delinquent, the Authority shall cause to be prepared a notice of lien containing the amount of the delinquent annual disposal special assessments, including the amount of the first penalty, a legal description of the improved real property against which the lien is imposed, and the name of the owner of such real property as indicated on the real property records maintained by the property appraiser of the county. The Authority shall cause to be mailed on or before June 1 of such fiscal year to those owners who have failed to pay any or all of the then-due-and-owing annual disposal special assessments a notice of intention to file lien, and such notice shall contain a schedule of the additional penalty incurred by the owners for each month from June 1 and thereafter and a notice that a lien will be filed if not paid on or before September 30. If the assessment is not paid, a notice of lien shall be recorded in the public records of the county on or about September 30 of the fiscal year for which the annual disposal special assessments were levied, or as soon thereafter as the Authority shall determine.

(6) Payment of annual disposal special assessments.—It shall be the duty of the tax collector, pursuant to law, to collect payments of all annual disposal special assessments referred to in this section. The tax collector shall distribute the annual disposal special assessments so collected to the Authority at the times and in the manner provided by law. The tax collector shall mail to all owners of improved real property such notices as are required by law.

(7) Enforcement of delinquent annual disposal special assessments.—All delinquent annual disposal special assessment liens may be enforced by the Authority in the manner provided by law.

(8) Certification to property appraiser and tax collector.—

(a) Upon adoption by the Authority of the rate resolution provided herein, the Authority shall forthwith deliver a certified copy of the rate resolution to the property appraiser and tax collector. Based upon said rate resolution and pursuant to written contracts between the Authority and the property appraiser and the Authority and the tax collector, the property appraiser shall include the annual disposal special assessments on the tax notice issued pursuant to section 197.3635, Florida Statutes, or any successor laws, and the tax collector shall collect the annual disposal special assessments as provided by law.

(b) Nothing contained in this section shall be construed or interpreted to preclude the Authority from submitting, within its discretion, a separately prepared notice of the annual disposal special assessments imposed on certain improved real property to the owner of such property if, in the opinion of the Authority, such procedure shall facilitate the billing and collection of such annual disposal special assessments, which notice shall be in addition to the notice submitted by the property appraiser.

(9) Additional proceedings.—The Authority shall conform with and shall do and provide such additional proceedings as may be necessary to enable the Authority to collect the annual disposal special assessments in the same manner as the collection of ad valorem taxes of the county and

through the utilization of the office of the tax collector to the extent that the general law relating to the method of collection shall require further and additional notices or other proceedings of the Authority.

Section 9. Annual disposal special assessments to governmental agencies; applicability of annual disposal special assessments to tax-exempt improved real property.—

(1)(a) The Authority shall bill all governmental agencies owning improved real property within both the incorporated and unincorporated areas of the county and said governmental agencies shall pay the annual disposal special assessments imposed under the applicable classification specified in the rate resolution.

(b) The discounts for early payment shall not be applicable to the annual disposal special assessments imposed against governmental agencies owning real property. Such governmental agencies shall pay in the manner provided herein the full annual disposal special assessments imposed.

(c) The annual disposal special assessments imposed against governmental agencies shall become delinquent if not fully paid within 60 days from the date the notice of such annual disposal special assessments is mailed. All delinquent annual disposal special assessments shall bear an initial penalty of 4 percent of the full amount of the annual disposal special assessments if not paid by the expiration of the 60-day period and an additional penalty of 1 percent per month on the delinquent amount, plus the initial penalty, on the first day of each month thereafter until said annual disposal special assessments are paid in full.

(d) The Authority shall have the authority to enforce the collections of any delinquent annual disposal special assessments by the institution of an appropriate action against the governmental agency in a court of competent jurisdiction for a judgment for the amount due under such annual disposal special assessments, including all penalties, plus costs and a reasonable attorney's fee.

(e) The provisions of paragraphs (5), (6), and (7) of section 7 of this charter and paragraphs (5) and (6) of section 8 of this charter shall not be applicable to the annual disposal special assessments imposed against improved real property owned by any governmental agency.

(2) Applicability of annual disposal special assessments to tax-exempt improved real property.—The tax exemption of property form taxation under chapter 196, Florida Statutes, or any other law or constitutional provision shall not relieve the owner of any improved real property in the county from the provisions hereof or from the imposition by the Authority of the annual disposal special assessments applicable to such improved real property as specified in the rate resolution.

Section 10. Limitations on franchises.—The Authority shall adopt by resolution a procedure for granting exclusive franchises, subject to the following limitations:

(1) No franchise, contract, or permit shall be granted or extended for a period of time exceeding 5 years.

(2) A public hearing shall be held prior to the adoption of any rates, fees, or charges to the public.

(3) No exclusive franchise shall be granted except pursuant to a procedure adopted by the Authority which shall include the following minimum requirements:

(a) The entire process shall comply with chapter 286, Florida Statutes.

(b) The procedure shall encourage competition among potential franchisees.

(c) The franchise award shall occur at a regular meeting of the Authority and shall be confirmed by a subsequent resolution, which shall contain sufficient findings to demonstrate that the award was in the best interest of the public to be served thereby.

(d) Any party aggrieved by the franchise award may appeal the award in writing, within 30 days after the award, to the Authority, which shall decide said appeal by written order within 60 days after its receipt by the Authority. An unsuccessful appellant may thereafter appeal the Authority's decision by writ of certiorari to the circuit court.

**Section 11. Exemption from taxation.**—The property, moneys, and other assets of any countywide authority created hereunder and all of its revenues or other income shall be exempt from all taxation, licenses, fees, or other charges of any kind imposed by the state or by the county or by any municipality, political subdivision, taxing district, or other public agency or body of the state.

**Section 12. Prohibition; permits; penalty.**—

(1) It is unlawful to violate this act or the rules duly adopted pursuant to it. After the effective date of this act, no person shall:

(a) Place or deposit any solid waste in or on the lands or waters located within the county except in a manner consistent with the countywide solid waste program.

(b) Burn solid waste except in a manner consistent with the countywide solid waste program.

(c) Accomplish or authorize any act inconsistent with the provisions of this act and those of chapter 403, Florida Statutes.

(2) No person shall operate, maintain, construct, expand, or modify any resource recovery or waste management facility without first having applied for and received a valid operating permit from the Authority.

(3) Any person found in violation of any provision of this act or any rules adopted pursuant to it commits a misdemeanor of the second degree and shall be punished as provided by law. If such violation be continuing, each 24-hour day or fraction thereof during which such violation occurs shall constitute a separate offense.

**Section 13. Enforcement.**—The director of the Palm Beach County Health Department shall determine compliance with the provisions of this act which relate to sanitary collection, storage, processing, and disposal of solid waste, in accordance with the provisions of Palm Beach County Environmental Control Ordinance No. 78-5 and any amendments thereto. Any and all violations shall be reported in writing and a copy of the official inspection report shall be presented to the violator and a copy of said inspection report shall also be delivered to the executive director of the Authority.

(1) If any resource recovery or management facility fails to comply with the provisions of the rules adopted by the department or the Authority pursuant to chapter 403, Florida Statutes, or under this act, the director of the Palm Beach County Health Department shall give the violator a reasonable time, by formal notice, within which to correct such violation. Should the violation continue beyond the time specified for correction, the director of the Palm Beach County Health Department shall notify the environmental control officer, in writing, of such failure to correct the violation.

(2) Upon notice of the director of the Palm Beach County Health Department that a resource recovery or waste management facility has failed to correct violations, the environmental control officer shall notify the Palm Beach County Environmental Control Hearing Board of such noncompliance, whereupon the hearing board shall, within 45 days after such notice, order the violator to appear before it to show cause why remedial action should not be taken. Any meetings before the hearing board shall be conducted in accordance with the provisions of Palm Beach County Environmental Control Ordinance No. 78-5 and any amendments thereto.

(3) If, after due public hearing, the hearing board upholds the violation, the hearing board shall make a decision setting forth findings of fact and such conclusions of law as are required in view of the issues presented. The decision shall contain an order framed in the manner of a writ of injunction requiring the violator to refrain from committing, creating, maintaining, or permitting the violation and take such

affirmative action as the hearing board deems reasonable and necessary under the circumstances to correct such violation.

**Section 14. Injunctive relief.**—If preventive or corrective measures are not taken in accordance with any order of the hearing board, or if the environmental control officer finds that a violation of the provisions of this act exists so as to create an emergency requiring immediate action to protect human health or welfare, the environmental control officer may institute proceedings in the Circuit Court for Palm Beach County to enforce this act or rules or orders pursuant thereto. Such injunctive relief may include both temporary and permanent injunctions. Any proceedings initiated under this section shall be brought for and in the name of the Authority.

**Section 15. Judicial review.**—Any person aggrieved by any action or decision of the hearing board may seek appropriate judicial review.

**Section 4.** If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

**Section 5.** This act shall be construed as a remedial act and shall be liberally construed to promote the purpose for which it is intended.

**Section 6.** Chapters 75-473, 77-626, 79-536, 79-539, 79-542, 84-501, 84-502, 86-433, 88-544, 91-334, 93-345, and 94-462, Laws of Florida, are repealed.

**Section 7.** This act shall take effect upon becoming a law.

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Machek, the rules were waived and HB 945, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 975**—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; amending s. 8, ch. 67-2070, Laws of Florida, as amended; increasing the threshold for requiring bids for the purchase of property and services; amending s. 3, ch. 67-2070, Laws of Florida, as amended; including additional property under the jurisdiction of the authority; amending s. 6, ch. 67-2070, Laws of Florida, as amended; providing additional powers and duties of the authority; requiring the authority to maintain confidentiality of records made confidential pursuant to general law; amending s. 4, ch. 67-2070, Laws of Florida, as amended; providing that an affirmative vote of a majority of the members present at a meeting where there is a quorum shall be necessary for any action by the board; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 200159)

**Amendment 1 (with title amendment)**—On page 5, lines 3-14, remove from the bill: all of said lines

And the title is amended as follows:

On page 1, lines 9-14, remove from the title of the bill: all of said lines

and insert in lieu thereof: jurisdiction of the authority; amending s. 4, ch.

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Spratt, the rules were waived and HB 975, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 1037**—A bill to be entitled An act relating to the West Manatee Fire and Rescue District, Manatee County; amending chapter 2000-401, Laws of Florida; specifying that the rates provided in the schedule of non-ad valorem assessments are caps on the rates that may be levied without legislative approval; providing an effective date.

—was read the second time by title. On motion by Rep. Bennett, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 1041**—A bill to be entitled An act relating to the Fort Myers Beach Mosquito Control District, Lee County; providing legislative intent; providing for codification of the special acts relating to the District pursuant to s. 189.429, F.S.; codifying, reenacting, and amending all prior special acts relating to the District; codifying the several county resolutions relating to the District; providing a District charter; repealing all prior special acts relating to the District; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 751027)

**Amendment 1**—On page 1, lines 27-31 through page 2, lines 1-4 remove from the bill: all of said lines

and insert in lieu thereof:

Section 2. *This act constitutes the codification of County resolutions adopted June 8, 1949, July 12, 1949, June 24, 1957, June 3, 1959, and Resolution Number 89-07-12, adopted by the Board of County Commissioners of Lee County, Florida, relating to the Fort Myers Beach Mosquito Control District. Chapters 57-2059, 61-2394, 65-1820, 67-1630, 72-598, 79-493, 81-414, 82-316, 83-442, and 83-454, Laws of*

Florida, as said laws relate to the Fort Myers Beach Mosquito Control District, are hereby codified, reenacted, amended, and repealed as herein provided.

Rep. Sorensen moved the adoption of the amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 754509)

**Amendment 2**—On page 11, lines 26-27, remove from the bill: all of said lines

and insert in lieu thereof:

Section 6. *Chapters 57-2059, 61-2394, 65-1820, 67-1630, 72-598, 79-493, 81-414, 82-316, 83-442, and 83-454, Laws of Florida, as said laws relate to*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Green, the rules were waived and HB 1041, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 1115**—A bill to be entitled An act relating to Brevard County; providing for codification of existing special laws relating to the creation, powers, and duties of the Melbourne-Tillman Water Control District, a dependent special district in Brevard County, as provided in chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida, except as amended by this act; providing legislative purpose; amending definitions of “District,” “general obligation bonds,” and “revenue bonds”; amending scope of revenue sources allowed to be bonded; clarifying provisions relating to liens, collection, and foreclosure to

include special assessments and stormwater management user fees; amending liability of District where lands are made available to public for outdoor recreational purposes, as defined therein; providing editorial revisions; establishing obstruction or impeding of a drainage canal or watercourse as a criminal offense; providing for civil damages for obstruction and impeding drainage canal or watercourse; amending, codifying, reenacting, and repealing chapters 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida; re-creating the District and re-creating and reenacting the charter; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 822181)

**Amendment 1**—On page 20, lines 15-23, remove from the bill: all of said lines

and insert in lieu thereof: *paid, be credited to the District. The Board shall provide for an annual financial audit of the accounts and records of the District and make a report thereof at a regularly scheduled meeting in November of each year.*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Needelman, the rules were waived and HB 1115, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 1183**—A bill to be entitled An act relating to the Englewood Area Fire Control District in Sarasota and Charlotte Counties; codifying, reenacting, amending, and repealing special laws relating to the district; providing that the district is an independent special district; providing legislative intent; providing for applicability of chapters 191

and 189, Florida Statutes, and other general laws; providing a district charter; providing boundaries; providing for a district board; providing authority of the board; providing for staff; providing duties and powers of the board; providing for elections to the board; providing salary of board members; providing for removal of board members; providing for revenue raising; providing for the levying of non-ad valorem assessments; providing for capital improvement impact fees; providing severability; providing for liberal construction; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 842205)

**Amendment 1—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the Englewood Area Fire Control District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments, and to conform the charter to chapter 191, Florida Statutes, the Independent Special Fire Control District Act, and other provisions of general law.

Section 2. Chapters 69-597, 70-518, 75-503, 82-381, 82-418, 83-524, and 90-417, Laws of Florida, relating to the Englewood Area Fire Control District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Englewood Area Fire Control District is re-created and reenacted to read:

**ARTICLE I  
PREAMBLE**

Section 1.01. This act establishes a Charter for the Englewood Area Fire Control District, which District was created by chapter 82-381, Laws of Florida. The District shall be deemed created by said chapter for all purposes.

Section 1.02. This act supersedes and repeals all previous special acts relating to the Englewood Area Fire Control District and sets forth within this Charter those matters, as applicable, which are covered by such previous special acts. Amendments to the Charter may be made only by special act of the Legislature. This act shall be construed so as to preserve to the District all powers previously granted.

Section 1.03. This District is organized and exists for all purposes set forth in this act and in chapters 189 and 191, Florida Statutes, as they may be amended from time to time. All provisions of chapters 189 and 191, Florida Statutes, and all power and authority granted thereunder are hereby applicable to the Englewood Area Fire Control District.

**ARTICLE II  
NAME OF DISTRICT**

Section 2.01. The name of the District shall be Englewood Area Fire Control District.

Section 2.02. The District shall be an independent special district of the State of Florida and a body corporate and politic.

**ARTICLE III  
BOUNDARIES OF THE DISTRICT**

Section 3.01. The District shall include the following described lands in Sarasota County and Charlotte County:

*Sarasota County Legal Description: Begin at the intersection of mean high water line of the Gulf of Mexico on the West shore*

*Manasota Key with the North line of Section 5, Twp. 40 S, Range 19E, Sarasota County, Florida: thence Easterly across Manasota Key to the mean high water line of Lemon Bay; thence Southeasterly along the waters of Lemon Bay to the intersection with the Northerly right of way line of the Manasota Beach Road; thence Northeasterly and Easterly along said Northerly right of way line to the West line of Section 10, Twp. 40 S, Range 19E; thence North along said West line of Section 10, Twp. 40 S, Range 19E to the Northwest corner of said section; thence Easterly along the North line of Sections 10, 11 and 12, Twp. 40 S, Range 19E, and continue Easterly along the North line of Sections 7, 8, 9, and 10, Twp. 40 S, Range 20 E to the center line of South River Road; thence Southerly and Southwesterly along said center line to the South line of Section 15, Twp. 40 S, Range 20 E and the municipal boundary of the City of North Port. Thence West along the South line of said Section 15 (also the North Port boundary) to the Southwest corner thereof; thence South along the East line of Sections 21 and 28, Twp. 40 S, Range 20 E (also the North Port boundary) to the Southeast corner of said Section 28; thence West along the South line of said Section 28 (also the North Port boundary) to the Northeast corner of the Northwest 1/4 of Section 33, Twp. 40 S, Range 20 E; thence South along the East line of the West 1/2 of Section 33 (also the North Port boundary) to the South line of said Section 33; thence West along the South line of Sections 33, 32 and 31, Twp. 40 S, Range 20 E and continue West along the South line of Sections 36 and 35, Twp. 40 S, Range 19 E, this line being the Sarasota - Charlotte County line to the intersection with the mean high water line of the Gulf of Mexico at the West shoreline of Manasota Key; thence Northerly and Westerly along the mean high water line of the Gulf of Mexico to the intersection with the North line of Section 5, Twp. 40 S, Range 19 E, and the point of beginning.*

And expanding the District boundaries to include the following properties:

*All lots within Blocks 5, 6, 7, 8, 17, 18, 19, 20, 27, 28 and those lots within Blocks 29 and 30 lying north of Manasota Beach Road, as per plat of Manasota Land & Timber Company, as recorded in Plat Book A, Page 63, Sarasota County; the geographical boundaries being described as:*

*Beginning at the intersection of the Manasota Beach Bridge and the Intra coastal waterway (mainland side), thence East along the North side of Manasota Beach Road to Alamander Avenue; thence North along the West side of Alamander Avenue to Belvedere Street; thence West along the South side of Belvedere Street to the Intra-Coastal Waterway; thence South along the East shoreline of the Intra-Coastal Waterway to the intersection of the Manasota Beach Bridge and point of beginning.*

*Charlotte County Legal Description. Beginning at the intersection of the Gulf of Mexico with the North line of Section 2, Twp. 41 S, Range 19 E, Charlotte County, Florida; run Easterly along the North line of said township to the Northeast corner of Section 1, Twp. 41 S, Range 20 E; thence Southerly along the East line of said Range 20 E, to the Northwest corner of Section 6, Twp. 42 S, Range 21 E; thence Easterly along the North line of said Twp. 42, to the Westerly shore of Charlotte Harbor; thence Southerly and Westerly along Charlotte Harbor to Cape Haze; thence Northwesterly to an intersection of the Westerly shore of Turtle Bay with the Northerly shore of Cape Haze - Gasparilla Sound; thence Westerly and Northwesterly along the shores of Cape Haze-Gasparilla Sound, Placida Harbor and Lemon Bay to a point East of Stump Pass; thence Westerly through Stump Pass to an intersection of the Northerly shore of Stump Pass with the Easterly shore of the Gulf of Mexico thence Northwesterly along said shore to the point of beginning.*

**ARTICLE IV  
POWERS OF THE DISTRICT**

Section 4.01. The District Board of Commissioners shall have the authority and responsibility for and on behalf of the people residing, visiting, or passing through the District to establish, equip, operate, and

*maintain a fire department and rescue service, including, but not limited to, buildings for housing fire equipment and personnel, training facilities for fire and rescue, and other buildings deemed necessary by the District Board to provide adequate protection from unwanted fire and to carry out rescue operations. The District Board shall have the authority to accept gifts or donations of equipment or money for use by the District. The District shall have the authority to purchase, lease, sell, exchange, or otherwise acquire and dispose of property intended for use by the District and to borrow money, issue bonds, and enter into term indebtedness, provided reputable institutions or companies are used and provided all agreements are within the laws of the state. In addition, the District Board shall have the authority to extend its services beyond the District boundaries, provided it is in cooperation with another governmental entity, whether federal, state, county, or municipal.*

*Section 4.02. The District Board shall have the authority to provide a paid staff to carry out its responsibilities. This staff shall serve at the pleasure of the District Board. The District Board shall also have the authority to promulgate rules and regulations related to fire prevention and life safety.*

*Section 4.03. The duties and powers of the Board of Commissioners and the District shall be as set forth in this act and in chapter 191, Florida Statutes, as they may be amended from time to time.*

#### ARTICLE V GOVERNING BOARD

*Section 5.01. In accordance with section 191.005, Florida Statutes, the business and affairs of the District shall be conducted and administered by a five-member Board of Fire Commissioners elected pursuant to chapter 191, Florida Statutes, by the electors of the District in a nonpartisan election held at the time and in the manner prescribed for holding general elections in section 189.405, Florida Statutes. Each member of the Board shall be elected for a term of 4 years and shall serve until his or her successor assumes office.*

*Section 5.02. The office of each Board member is designated as a seat on the District, distinguished from each of the other seats by a numeral: 1, 2, 3, 4, or 5. Each candidate must designate at the time he or she qualifies the seat on the Board for which he or she is qualifying. The name of each candidate who qualifies shall be included on the ballot in a way that clearly indicates the seat for which he or she is a candidate. The candidate for each seat who receives the most votes shall be elected to the Board.*

*Section 5.03. In accordance with chapter 191, Florida Statutes, each member of the Board must be a qualified elector at the time he or she qualifies and continually throughout his or her term.*

*Section 5.04. Each elected member shall assume office 10 days following the member's election. Annually, within 60 days after the newly elected members have taken office, the Board shall organize by electing from its members a chair, a vice chair, a secretary, and a treasurer. The positions of secretary and treasurer may be held by one member.*

*Section 5.05. Members of the Board may each be paid a salary or an honorarium to be determined by at least a majority plus one vote of the Board pursuant to chapter 191, Florida Statutes. In addition, members may be reimbursed for travel and per diem expenses as provided in section 112.061, Florida Statutes.*

*Section 5.06. If a vacancy occurs on the Board due to the resignation, death, or removal of a Board member or the failure of anyone to qualify for a Board seat, the remaining members may appoint a qualified person to fill the seat until the next general election, at which time an election shall be held to fill the vacancy for the remaining term, if any.*

*Section 5.07. The procedures for conducting District elections or referenda or for qualification of electors shall be pursuant to chapters 189 and 191, Florida Statutes.*

*Section 5.08. The Board shall have those administrative duties set forth in this act and in chapters 189 and 191, Florida Statutes, as they may be amended from time to time.*

*Section 5.09. Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 119, 189, 191, and 286, Florida Statutes, as they may be amended from time to time.*

*Section 5.10. The District's planning requirements shall be as set forth in this act and in chapters 189 and 191, Florida Statutes, as they may be amended from time to time.*

#### ARTICLE VI FINANCES

*Section 6.01. The District shall have the right, power, and authority to levy non-ad valorem assessments as defined in section 197.3632, Florida Statutes, against the taxable real estate lying within the territorial boundaries of the District in order to provide funds for the purpose of the District. The rate of such assessments shall be fixed annually by a resolution of the Board of Commissioners after conducting a public hearing. Such non-ad valorem assessments may be imposed, collected, and enforced pursuant to the provisions of sections 197.363 through 197.3635, Florida Statutes.*

*Section 6.02. The methods for assessing and collecting non-ad valorem assessment fees or service charges shall be as set forth in chapter 170, chapter 189, chapter 191, or chapter 197, Florida Statutes, as any of these may be amended from time to time. In setting assessment rates, the Commissioners shall consider the size of the property, the fire hazard it presents, and the protection provided.*

*Section 6.03. For assessment purposes, all property within the District shall have the following general classifications:*

- (1) Business and/or Commercial.*
- (2) Single-family residence.*
- (3) Duplex residence (2-family).*
- (4) All other multifamily buildings, including condominium and cooperative building or apartment central building.*
- (5) Unimproved subdivided lots.*
- (6) Unsubdivided acreage.*
- (7) Residential trailer space in rental trailer parks.*
- (8) Rental travel space.*

*Section 6.04. The rate of such annual assessments for protection against fire and the furnishing of rescue service shall be fixed annually by a resolution of the Board of Fire Commissioners. The assessments may be increased as provided in chapter 191, Florida Statutes, provided the Board shall determine that such increase is necessary in order to properly carry out the purposes of the District. No increase in excess of that provided in chapter 191, Florida Statutes, shall be permitted unless and until the Board holds the required referendum for increasing said assessments. The District must establish that the increased assessment rate in excess of that amount allowed by statute does not exceed the benefits derived from the furnishing of the services. Any such assessment shall be made only when there has been competent substantial evidence presented to the District establishing that such an adjustment in the rate is necessary in order for the District to properly carry out its purposes and establishing that the proposed increase in assessments will not exceed the benefits. In accordance with section 191.011, Florida Statutes, the procedure for increasing the annual assessment rate in excess of that allowed under chapter 191 shall be as follows:*

*(1) Presentation to the Board of competent substantial evidence establishing that the increase in the maximum rate of assessments is necessary in order to carry out the purposes of the District and further establishing that said assessments as increased will not exceed the benefits accruing to the property within the District.*

*(2) Adoption of a resolution setting forth findings of fact and establishing the necessity for the increase in assessment rates, and said resolution shall provide for the calling of a referendum election wherein*

the question of whether to increase the assessments as recommended by the Board shall be approved.

(3) Provided the maximum increase for rate of assessment in chapter 191, Florida Statutes is exceeded, a referendum election shall be held pursuant to the general law governing special elections in the state and, upon certification of the return of the election, the rate of assessment shall be deemed amended if approved by a majority vote of the electors voting in said election.

Section 6.05. Assessments shall be a lien upon the land so assessed, along with the county taxes assessed against the same until said assessments and taxes have been paid and, if the same becomes delinquent, shall be considered a part of the county tax, subject to the same penalties, charges, fees, and remedies for enforcement and collection as provided by the laws of the state for the collection of such taxes.

Section 6.06. The Board shall establish a schedule of impact fees in accordance with section 191.009(4), Florida Statutes, and with any standard set by general law for new construction to pay for the cost of new facilities and equipment, the need for which is in whole or in part the result of new construction. The impact fees collected by the District under this section shall be kept separate from the revenues of the District and must be used exclusively to acquire, purchase, or construct new facilities or portions thereof needed to provide fire protection and emergency services to new construction. As used in this section, "new facilities" means lands, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles, radio telemetry equipment, and other firefighting or rescue equipment. The Board shall maintain adequate records to ensure that impact fees are expended only for permissible new facilities or new equipment. The Board may enter into agreements with general-purpose local governments to share in the revenue from fire protection impact fees imposed by such governments. For impact fee purposes, all property within the District shall have the classification of residential or commercial.

Section 6.07. The Board may provide a reasonable schedule of charges for special emergency services, including firefighting occurring in or to structures outside the District, motor vehicles, marine vessels, aircraft, or rail cars, or as a result of the operation of such motor vehicles or marine vessels to which the District is called to render emergency service, and may charge a fee for the services rendered in accordance with the schedule developed and pursuant to chapter 191.009(3), Florida Statutes.

Section 6.08. The District may issue general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, or other evidences of indebtedness to finance all or part of any proposed improvements authorized to be undertaken under this act or under general or special law, provided the total annual payments for the principal and interest of such indebtedness do not exceed 50 percent of the total annual budgeted revenues of the District as provided in section 191.012, Florida Statutes.

ARTICLE VII  
MISCELLANEOUS

Section 7.01. All contracts, obligations, rules, regulations, or policies of any nature existing on the date of enactment of this act shall remain in full force and effect and this act shall in no way affect the validity of such contracts, obligations, rules, regulations, or policies.

Section 7.02. This act shall not affect the terms of office of the present District Board, nor shall it affect the terms and conditions of employment of any employees of the District.

Section 4. Chapters 69-597, 70-518, 75-503, 82-381, 82-418, 83-524, and 90-417, Laws of Florida, are repealed 10 days after the effective date of this act.

Section 5. It is declared to be the intent of the Legislature that if any section, subsection, sentence, clause, phrase, or portion of this act is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and

independent provision and such holdings shall not affect the validity of the remaining portions of this act.

Section 6. This act shall be construed as a remedial act and the provisions of this act shall be liberally construed in order to effectively carry out the purpose of this act in the interest of the public health, welfare, and safety of the citizens served by the District.

Section 7. All laws or part of laws in conflict herewith are, to the extent of such conflict, repealed.

Section 8. This act shall take effect upon becoming a law.

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Paul, the rules were waived and HB 1183, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 1815**—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing a revised definition of "disciplinary action"; providing an extended probationary period for entry-level communications dispatcher positions; expanding training program provisions; providing an effective date.

—was read the second time by title. On motion by Rep. Miller, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

Ausley	Diaz-Balart	Jordan	Paul
Baker	Dockery	Joyner	Peterman
Ball	Farkas	Justice	Prieguez
Barreiro	Fasano	Kallinger	Rich
Baxley	Fields	Kendrick	Richardson
Bean	Fiorentino	Kilmer	Ritter
Bendross-Mindingall	Flanagan	Kosmas	Romeo
Bennett	Frankel	Kottkamp	Ross
Bense	Gannon	Kravitz	Rubio
Benson	Garcia	Kyle	Russell
Berfield	Gardiner	Lee	Ryan
Betancourt	Gelber	Lerner	Seiler
Bilirakis	Gibson	Littlefield	Simmons
Bowen	Goodlette	Lynn	Siplin
Brown	Gottlieb	Machek	Slosberg
Brunner	Green	Mack	Smith
Brutus	Greenstein	Mahon	Sobel
Bucher	Haridopolos	Mayfield	Sorensen
Bullard	Harper	Maygarden	Spratt
Byrd	Harrington	McGriff	Stansel
Cantens	Hart	Meadows	Trovillion
Carassas	Henriquez	Mealor	Wallace
Clarke	Heyman	Melvin	Waters
Cusack	Hogan	Miller	Weissman
Davis	Holloway	Murman	Wiles
Detert	Jennings	Needelman	Wilson
Diaz de la Portilla	Johnson	Negron	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 1851**—A bill to be entitled An act relating to the Manatee County Fire Prevention Code Enforcement Board and the Manatee County Fire Marshal Appeals Board; amending section 3 of chapter 85-461, Laws of Florida, as amended; providing a revised date of repeal; providing an effective date.

—was read the second time by title. On motion by Rep. Bennett, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Bullard	Haridopolos	Mahon
Alexander	Byrd	Harper	Mayfield
Allen	Cantens	Harrington	Maygarden
Andrews	Carassas	Hart	McGriff
Argenziano	Clarke	Henriquez	Meadows
Arza	Cusack	Heyman	Mealor
Attkisson	Davis	Hogan	Melvin
Atwater	Detert	Holloway	Miller
Ausley	Diaz de la Portilla	Jennings	Murman
Baker	Diaz-Balart	Johnson	Needelman
Ball	Dockery	Jordan	Negron
Barreiro	Farkas	Joyner	Paul
Baxley	Fasano	Justice	Peterman
Bean	Fields	Kallinger	Prieguez
Bendross-Mindingall	Fiorentino	Kendrick	Rich
Bennett	Flanagan	Kilmer	Richardson
Bense	Frankel	Kosmas	Ritter
Benson	Gannon	Kottkamp	Romeo
Berfield	Garcia	Kravitz	Ross
Betancourt	Gardiner	Kyle	Rubio
Bilirakis	Gelber	Lee	Russell
Bowen	Gibson	Lerner	Ryan
Brown	Goodlette	Littlefield	Seiler
Brunner	Gottlieb	Lynn	Simmons
Brutus	Green	Machek	Siplin
Bucher	Greenstein	Mack	Slosberg

Smith	Spratt	Wallace	Wiles
Sobel	Stansel	Waters	Wilson
Sorensen	Trovillion	Weissman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 1855**—A bill to be entitled An act relating to the Holiday Park Park and Recreation District, Sarasota County; amending, codifying, reenacting, and repealing special acts relating to the district; providing boundaries of the district; providing for a Board of Trustees; providing for election and organization of the board; providing powers and duties of the board; providing for a tax; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the board; providing for filling vacancies; providing for bonds; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 690877)

**Amendment 1**—On page 2, line 10, remove from the bill: all of said line

and insert in lieu thereof: *a park and recreation district, being an independent special taxing*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Detert, the rules were waived and HB 1855, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brunner	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.



**HB 1857**—A bill to be entitled An act relating to Tri-Par Estates Park and Recreation District, Sarasota County; codifying, reenacting, amending, and repealing special acts relating to the district; providing a charter; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 714377)

**Amendment 1**—On page 1, line 31, remove from the bill: all of said line

and insert in lieu thereof: *into and as a park and recreation district, being an independent special*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Clarke, the rules were waived and HB 1857, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 1859**—A bill to be entitled An act relating to Collier County; amending ch. 67-1246, Laws of Florida; amending the scope of the act to authorize a county hearing examiner program; amending definitions; amending the functions, powers, and duties of the planning commissions; amending provisions relating to supplementing and amending the zoning ordinance; amending the powers and duties of the board of zoning appeals; amending provisions relating to appeal from a decision of an administrative official; providing the procedure for establishing a county hearing examiner program; providing for severability; providing an effective date.

—was read the second time by title. On motion by Rep. Goodlette, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed and was immediately certified to the Senate.

**HB 1887**—A bill to be entitled An act relating to Okaloosa County; providing legislative findings; describing a portion of the Dorcas Fire District to be annexed into the North Okaloosa Fire District; providing a contingent effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 950725)

**Amendment 1**—On page 1, line 17, remove from the bill: said line

and insert in lieu thereof: *Okaloosa Fire District of the special act codifying the county ordinances and creating the charter*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 462677)

**Amendment 2**—On page 2, lines 24 and 25, remove from the bill: all of said lines

and insert in lieu thereof: House Bill 979, relating to North Okaloosa Fire District takes effect, if it is

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Melvin, the rules were waived and HB 1887, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Carassas	Hogan	Needelman
Alexander	Clarke	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Jordan	Prieguez
Arza	Diaz de la Portilla	Joyner	Rich
Attkisson	Diaz-Balart	Justice	Richardson
Atwater	Dockery	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 1897**—A bill to be entitled An act relating to Okaloosa County; amending ch. 90-412, Laws of Florida; changing the name of the Fort Walton Beach Area Bridge Authority to the Emerald Coast Bridge Authority; reducing the number of members of the authority from seven to five; amending the method of appointment of members of the authority; changing the date by which the authority shall prepare and submit a budget; requiring the board of county commissioners to examine the budget in good faith; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 282095)

**Amendment 1**—On page 1, line 21, remove from the bill: all of said line

and insert in lieu thereof: *the Emerald Coast Fort Walton Beach Area Bridge Authority, formerly known as the Fort Walton Beach Area Bridge Authority, for*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 792019)

**Amendment 2**—On page 3, line 16, remove from the bill: engineer

and insert in lieu thereof: *secretary engineer*

Rep. Sorensen moved the adoption of the amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 500075)

**Amendment 3**—On page 5, line 5, remove from the bill: all of said line

and insert in lieu thereof:

Section 4. Powers.—The *Fort Walton Beach Area Bridge Authority, now known as the Emerald Coast Bridge Authority, authority* has all power and

Rep. Sorensen moved the adoption of the amendment, which was adopted.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 353797)

**Amendment 4 (with title amendment)**—On page 9, lines 19-20, of the bill

insert:

Section 6. *Nothing in this act shall abrogate the authority's obligations and liabilities.*

And the title is amended as follows:

On page 1, line 12, after the semicolon,

and insert in lieu thereof: providing that this act does not abrogate current obligations and liabilities;

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Melvin, the rules were waived and HB 1897, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair	Byrd	Harrington	McGriff
Alexander	Cantens	Hart	Meadows
Allen	Carassas	Henriquez	Mealor
Andrews	Clarke	Heyman	Melvin
Argenziano	Cusack	Hogan	Miller
Arza	Davis	Holloway	Murman
Attkisson	Detert	Jennings	Needelman
Atwater	Diaz de la Portilla	Johnson	Negron
Ausley	Diaz-Balart	Jordan	Paul
Baker	Dockery	Joyner	Peterman
Ball	Farkas	Justice	Prieguez
Barreiro	Fasano	Kallinger	Rich
Baxley	Fields	Kendrick	Richardson
Bean	Fiorentino	Kilmer	Ritter
Bendross-Mindingall	Flanagan	Kosmas	Romeo
Bennett	Frankel	Kottkamp	Ross
Bense	Gannon	Kravitz	Rubio
Benson	Garcia	Kyle	Russell
Berfield	Gardiner	Lee	Ryan
Betancourt	Gelber	Lerner	Seiler
Bilirakis	Gibson	Littlefield	Simmons
Bowen	Goodlette	Lynn	Siplin
Brown	Gottlieb	Machek	Slosberg
Brummer	Green	Mack	Smith
Brutus	Greenstein	Mahon	Sobel
Bucher	Haridopolos	Hayfield	Sorensen
Bullard	Harper	Maygarden	Spratt

Stansel Wallace Weissman Wilson
Trovillion Waters Wiles Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1899—A bill to be entitled An act relating to Marion County; prohibiting watercraft within specified areas of Lake Weir from proceeding at greater than “no-wake” speeds; requiring the board of county commissioners to erect signs; directing the Marion County Sheriff to enforce the prohibition; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 092267)

Amendment 1—On page 1, lines 13-18, remove from the bill: all of said lines

and insert in lieu thereof:

Section 1. Within 500 feet of the shoreline of Grass Island (state identification 606121) watercraft must proceed at idle speed. The Marion County Commissioners shall erect signs within the area designated by this act; such signs

Rep. Sorensen moved the adoption of the amendment, which was adopted.

On motion by Rep. Baxley, the rules were waived and HB 1899, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 158

Yeas—116

The Chair Carassas Hogan Needelman
Alexander Clarke Holloway Negron
Allen Cusack Jennings Paul
Andrews Davis Johnson Peterman
Argenziano Detert Jordan Prieguez
Arza Diaz de la Portilla Joyner Rich
Attkisson Diaz-Balart Justice Richardson
Atwater Dockery Kallinger Ritter
Ausley Farkas Kendrick Romeo
Baker Fasano Kilmer Ross
Ball Fields Kosmas Rubio
Barreiro Fiorentino Kottkamp Russell
Baxley Flanagan Kravitz Ryan
Bean Frankel Kyle Seiler
Bendross-Mindingall Gannon Lee Simmons
Bennett Garcia Lerner Siplin
Bense Gardiner Littlefield Slosberg
Benson Gelber Lynn Smith
Berfield Gibson Machek Sobel
Betancourt Goodlette Mack Sorensen
Bilirakis Gottlieb Mahon Spratt
Bowen Green Mayfield Stansel
Brown Greenstein Maygarden Trovillion
Brunner Haridopolos McGriff Wallace
Brutus Harper Meadows Waters
Bucher Harrington Mealor Weissman
Bullard Hart Melvin Wiles
Byrd Henriquez Miller Wilson
Cantens Heyman Murman Wishner

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 1903—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, as amended, relating to the Escambia County Civil Service System; providing for the discretionary withdrawal of any local participating governmental agency or political subdivision from the Civil Service system; providing an effective date.

—was read the second time by title. On motion by Rep. Melvin, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 9000

Yeas—114

The Chair Clarke Holloway Paul
Alexander Cusack Jennings Peterman
Allen Davis Johnson Prieguez
Andrews Detert Jordan Rich
Argenziano Diaz de la Portilla Joyner Richardson
Arza Diaz-Balart Justice Ritter
Attkisson Dockery Kallinger Romeo
Atwater Farkas Kendrick Ross
Ausley Fasano Kilmer Rubio
Baker Fields Kosmas Russell
Ball Fiorentino Kottkamp Ryan
Barreiro Flanagan Kravitz Seiler
Baxley Frankel Kyle Simmons
Bean Gannon Lee Siplin
Bendross-Mindingall Garcia Lerner Slosberg
Bennett Gardiner Littlefield Smith
Bense Gelber Lynn Sobel
Benson Gibson Machek Sorensen
Berfield Goodlette Mack Spratt
Betancourt Gottlieb Mahon Stansel
Bilirakis Green Mayfield Trovillion
Bowen Greenstein Maygarden Wallace
Brunner Haridopolos McGriff Waters
Brutus Harper Meadows Weissman
Bucher Harrington Mealor Wiles
Bullard Hart Melvin Wilson
Byrd Henriquez Miller Wishner
Cantens Heyman Murman

Nays—2

Brown Miller

So the bill passed and was immediately certified to the Senate.

Continuation of Bill Subject to Special Rule

CS/HB 1921—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; revising certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems; amending s. 101.151, F.S.; providing general specifications for ballots; deleting provisions specific to certain elections and voting systems; requiring the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system; amending s. 101.5603, F.S.; revising definitions relating to the Electronic Voting Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines; amending s. 101.5604, F.S.; requiring any electronic or electromechanical voting system used by a county to be a precinct tabulation system; amending s. 101.5606, F.S.; providing additional requirements for electronic or electromechanical voting systems; creating s. 101.56062, F.S.; establishing a loan program for counties to purchase voting equipment; providing the term of such loans; providing for a priority system based on county need; providing penalties for default or delinquent payments; providing for suspension of payment of principal and penalties under certain financial emergency conditions; providing rulemaking authority; amending s. 101.5607, F.S.;

conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of "voting equipment," applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

—was taken up, having been read the second time, and amended, earlier today; now pending on motion by Rep. Smith to adopt Amendment 2.

The question recurred on the adoption of **Amendment 2**, which failed of adoption. The vote was:

Session Vote Sequence: 159

Yeas—44

Ausley	Gelber	Kosmas	Ryan
Bean	Gottlieb	Lee	Seiler
Bendross-Mindingall	Greenstein	Lerner	Siplin
Betancourt	Harper	Machek	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wilson
Gannon	Kendrick	Romeo	Wishner

Nays—72

The Chair	Bowen	Flanagan	Kyle
Alexander	Brown	Garcia	Lacasa
Allen	Brummer	Gardiner	Littlefield
Andrews	Byrd	Gibson	Lynn
Arza	Cantens	Goodlette	Mack
Attkisson	Carassas	Green	Mahon
Atwater	Clarke	Haridopolos	Mayfield
Baker	Crow	Harrington	Maygarden
Ball	Davis	Hart	Mealor
Barreiro	Detert	Hogan	Melvin
Baxley	Diaz de la Portilla	Johnson	Miller
Bennett	Diaz-Balart	Jordan	Murman
Bense	Dockery	Kallinger	Needelman
Benson	Farkas	Kilmer	Negron
Berfield	Fasano	Kottkamp	Paul
Bilirakis	Fiorentino	Kravitz	Prieguez

Ross	Russell	Sorensen	Wallace
Rubio	Simmons	Trovillion	Waters

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1323**—A bill to be entitled An act relating to rulemaking authority of the Department of State; amending s. 99.061, F.S.; authorizing the department to prescribe by rule the requirements for filing candidate qualifying papers; amending s. 101.161, F.S.; requiring the designating number for constitutional amendments to be in accordance with rules adopted by the department; amending s. 101.62, F.S.; authorizing the department to adopt rules for the preparation and mailing of absentee ballots to overseas electors; amending s. 106.07, F.S.; authorizing the department to prescribe by rule the requirements for the filing of campaign treasurer's reports; amending s. 106.22, F.S.; authorizing the department to adopt rules for the filing and investigation of voter fraud complaints; amending s. 106.23, F.S.; requiring requests for advisory opinions to be submitted in accordance with rules adopted by the department; amending s. 120.54, F.S.; authorizing the department to adopt rules for incorporating materials by reference; providing legislative intent; providing an effective date.

—was read the second time by title.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 644495)

**Amendment 1 (with title amendment)**—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 20.10, Florida Statutes, is amended to read:

20.10 Department of State.—There is created a Department of State.

- (1) The head of the Department of State is the Secretary of State.
- (2) The following divisions of the Department of State are established:
  - (a) Division of Elections.
  - (b) Division of Historical Resources.
  - (c) Division of Corporations.
  - (d) Division of Library and Information Services.
  - (e) Division of Licensing.
  - (f) Division of Cultural Affairs.
  - (g) Division of Administration.
- (3) *The Department of State may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the department.*

Section 2. Effective January 7, 2003, section 20.10, Florida Statutes, as amended by section 4 of chapter 2000-258, Laws of Florida, is amended to read:

20.10 Department of State.—There is created a Department of State.

- (1) The head of the Department of State is the Secretary of State. The Secretary of State shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor. The Secretary of State shall perform the functions conferred by the State Constitution upon the custodian of state records.
- (2) The following divisions of the Department of State are established:
  - (a) Division of Elections.

- (b) Division of Historical Resources.
- (c) Division of Corporations.
- (d) Division of Library and Information Services.
- (e) Division of Licensing.
- (f) Division of Cultural Affairs.
- (g) Division of Administration.

(3) *The Department of State may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the department.*

Section 3. Subsection (9) is added to section 99.061, Florida Statutes, to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(9) *The Department of State may prescribe by rule requirements for filing papers to qualify as a candidate under this section.*

Section 4. Subsection (2) of section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

(2) The substance and ballot title of a constitutional amendment proposed by initiative shall be prepared by the sponsor and approved by the Secretary of State in accordance with rules adopted pursuant to s. 120.54. The Department of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification *and in accordance with rules adopted by the Department of State of the amendments.* The Department of State shall furnish the designating number, the ballot title, and the substance of each amendment to the supervisor of elections of each county in which such amendment is to be voted on.

Section 5. Paragraph (a) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in s. 99.063(4), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted. *The Department of State may prescribe by rule the requirements for preparing and mailing absentee ballots to absent qualified electors overseas.*

Section 6. Subsection (9) is added to section 106.07, Florida Statutes, to read:

106.07 Reports; certification and filing.—

(9) *The Department of State may prescribe by rule the requirements for filing campaign treasurers' reports as set forth in this chapter.*

Section 7. Subsection (11) of section 106.22, Florida Statutes, is amended to read:

106.22 Duties of the Division of Elections.—It is the duty of the Division of Elections to:

(11) Conduct preliminary investigations into any irregularities or fraud involving voter registration or voting and report its findings to the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, where warranted. *The Department of State may prescribe by rule requirements for filing a complaint of voter fraud and for investigating any such complaint.*

Section 8. Subsection (2) of section 106.23, Florida Statutes, is amended to read:

106.23 Powers of the Division of Elections.—

(2) The Division of Elections shall provide advisory opinions when requested by any supervisor of elections, candidate, local officer having election-related duties, political party, political committee, committee of continuous existence, or other person or organization engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions such supervisor, candidate, local officer having election-related duties, political party, committee, person, or organization has taken or proposes to take. *Requests for advisory opinions must be submitted in accordance with rules adopted by the Department of State.* A written record of all such opinions issued by the division, sequentially numbered, dated, and indexed by subject matter, shall be retained. A copy shall be sent to said person or organization upon request. Any such person or organization, acting in good faith upon such an advisory opinion, shall not be subject to any criminal penalty provided for in this chapter. The opinion, until amended or revoked, shall be binding on any person or organization who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

Section 9. Paragraph (i) of subsection (1) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN EMERGENCY RULES.—

(i) A rule may incorporate material by reference but only as the material exists on the date the rule is adopted. For purposes of the rule, changes in the material are not effective unless the rule is amended to incorporate the changes. A ~~no~~ rule may *not* be amended by reference only. Amendments must set out the amended rule in full in the same manner as required by the State Constitution for laws. *The Department of State may prescribe by rule requirements for incorporating materials by reference pursuant to this paragraph.*

Section 10. Paragraph (p) is added to subsection (3) of section 267.061, Florida Statutes, to read:

267.061 Historic properties; state policy, responsibilities.—

(3) DIVISION RESPONSIBILITY.—It is the responsibility of the division to:

(p) *Protect and administer historical resources abandoned on state-owned lands or on state-owned sovereignty submerged lands. The division may issue permits for survey and exploration activities to identify historical resources and may issue permits for excavation and salvage activities to recover historical resources. The division may issue permits for archaeological excavation for scientific or educational*

*purposes on state-owned lands or on state-owned sovereignty submerged lands. The division may also issue permits for exploration and salvage of historic shipwreck sites by commercial salvors on state-owned sovereignty submerged lands. The division shall adopt rules to administer the issuance of permits for all such activities. In addition, the division shall adopt rules to administer the transfer of objects recovered by commercial salvors under permit in exchange for recovery services provided to the state.*

Section 11. Subsection (11) is added to section 872.05, Florida Statutes, to read:

872.05 Unmarked human burials.—

(11) *RULES.—The Department of State may prescribe by rule procedures for reporting an unmarked human burial and for determining jurisdiction over the burial.*

Section 12. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page ,  
remove from the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to rulemaking authority of the Department of State (RAB); amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 99.061, F.S.; authorizing the department to prescribe rules for filing papers to qualify as a candidate for federal, state, county, or district office; amending s. 101.161, F.S.; providing for ballot initiatives to be numbered in the order of filing or certification and as provided by department rule; amending s. 101.62, F.S.; authorizing the department to adopt rules for preparing and mailing absentee ballots to electors who are overseas; amending s. 106.07, F.S.; authorizing the department to adopt requirements for filing campaign treasurers' reports; amending s. 106.22, F.S.; providing for rules prescribing requirements for filing complaints of voter fraud and for investigating those complaints; amending s. 106.23, F.S.; requiring that requests for advisory opinions by the Division of Elections be submitted in accordance with department rule; amending s. 120.54, F.S.; authorizing the department to prescribe rules under which a state agency may incorporate materials by reference in adopting an agency rule; amending s. 267.061, F.S.; providing additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt procedures for reporting an unmarked human burial and determining jurisdiction of the burial; providing effective dates.

Rep. Goodlette moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1757**—A bill to be entitled An act relating to absentee ballots; amending s. 97.021, F.S.; redefining the term "absent elector"; amending s. 101.62, F.S.; modifying the information persons requesting absentee ballots must disclose; amending s. 101.657, F.S.; allowing any qualified and registered elector to vote an absentee ballot in person in the office of the supervisor of elections; amending s. 101.64, F.S.; modifying the voter's certificate on absentee ballots; amending s. 101.65, F.S.; modifying the instructions to absent electors; amending s. 101.68, F.S.; modifying the information that must be included on an absentee ballot; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and the penalty therefor; deleting a prohibition against returning more than two absentee ballots in violation of law and the penalty therefor; repealing s. 101.647, F.S., relating to requirements for the return of absentee ballots; repealing s. 101.685, F.S., relating to authorization for absentee ballot coordinators; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 749**—A bill to be entitled An act relating to absentee ballots; amending s. 101.62, F.S.; deleting the requirement that a person requesting an absentee ballot disclose his or her social security number and the last four digits of the elector's social security number; amending ss. 101.64 and 101.65, F.S.; revising the voter's certificate and the instructions to absent electors to delete the requirement that an absent elector provide the last four digits of the elector's social security number; amending s. 101.68, F.S.; deleting the requirement that the last four digits of the elector's social security number be provided for an absentee ballot to be considered legal; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 189**—A bill to be entitled An act relating to absentee ballots; creating the Military Voter Protection Act; declaring legislative intent to enact legislation to ensure the integrity of absentee ballots cast by military personnel; providing an effective date.

—was read the second time by title.

The Committee on Rules, Ethics & Elections offered the following:

(Amendment Bar Code: 224339)

**Amendment 1 (with title amendment)**—Delete everything after the enacting clause

and insert in lieu thereof:

Section 1. *This act may be cited as the "Military and Overseas Voter Protection Act."*

Section 2. *Definitions.—As used in this act, the term:*

(1) *"Uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.*

(2) *"Member of the Merchant Marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes for the inland waterways, who is:*

(a) *Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or*

(b) *Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of such vessel.*

(3) *"Overseas voter" means:*

(a) *Members of the uniformed services while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;*

(b) *Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and*

(c) *Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,*

*who are qualified and registered to vote as provided by law.*

Section 3. *It is the intent of the Legislature to facilitate the provisions of the federal Uniformed and Overseas Citizens Absentee Voting Act.*

Section 4. *Any person who is qualified as an overseas voter under this act and who has been discharged or separated after the book closing for*

an election pursuant to section 97.055, Florida Statutes, from the uniformed services or Merchant Marine, and any spouse or child accompanying such person, who is otherwise qualified, may register to vote in such election until 5 p.m. on the Friday before said election. Such persons must produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section. The Department of State shall adopt rules specifying documentation that is sufficient to determine eligibility.

Section 5. State write-in ballot.—

(1) An overseas voter may request, not earlier than 180 days before a general election, a state write-in absentee ballot from the supervisor of elections in the county of registration. In order to receive a state write-in ballot, the voter shall state that due to military or other contingencies that preclude normal mail delivery, the voter cannot vote an absentee ballot during the normal absentee voting period. State write-in absentee ballots shall be made available to voters 90 to 180 days prior to a general election. The Department of State shall prescribe by rule the form of the state write-in ballot.

(2) In completing the ballot, the overseas voter may designate his or her choice by writing in the name of the candidate or by writing in the name of a political party, in which case the ballot must be counted for the candidate of that political party, if there is such a party candidate on the ballot.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be disregarded in determining the validity of the ballot if there is a clear indication that the voter has made a definite choice.

(4) The state write-in ballot shall contain all offices, federal, state, and local, for which the voter would otherwise be entitled to vote.

Section 6. Absentee ballots for overseas voters.—

(1) Not fewer than 35 days prior to the first primary and not fewer than 45 days prior to the second primary and the general election, the supervisor of elections shall mail an absentee ballot to each overseas voter who has made a request for an absentee ballot.

(2) If the regular absentee ballots for the second primary or general election are not available for mailing by the times prescribed in subsection (1), the supervisor of elections shall mail an advance ballot.

(a) The advance ballot for the second primary must be the same as the first primary ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted.

(b) Except as provided in section 99.063(4), Florida Statutes, the advance absentee ballot for the general election shall include the same information as the general election ballot, except that in the case of candidates of political parties when nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election must be printed on the advance absentee ballot.

(c) The advance absentee ballot shall be a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election.

(d) The supervisor shall enclose with the advance ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.

(e) In the event that the Elections Canvassing Commission is unable to certify the results of an election for a state office in time to comply with the provisions of the subsection, the Department of State is authorized to prescribe rules for a ballot to be sent to overseas voters.

(3) If an overseas voter's request for an absentee ballot includes an e-mail address, the supervisor of elections shall inform the voter of the names of candidates who will be on the ballots via electronic

transmission. The supervisor of elections shall e-mail to the voter the list of candidates for the first primary not later than 30 days before the first primary; the list of candidates for the second primary not later than eight days after the first primary, and the list of candidates for the general election not later than four days after the second primary.

(4) For absentee ballots received from overseas voters, there is a presumption that the envelope was mailed on the date stated and witnessed on the outside of the return envelope, regardless of the absence of a postmark on the mailed envelope or the existence of a postmark date that is later than the date of the election.

Section 7. Electronic transmission of election materials.—The Department of State shall adopt rules to authorize a supervisor of elections to accept a request for an absentee ballot and a voted absentee ballot by facsimile machine or other electronic means from overseas voters. The rules must provide that in order to accept a voted ballot, the verification of the voter must be established, the security of the transmission must be established, and each ballot received must be recorded.

Section 8. If a national or local emergency or other situation arises which makes substantial compliance with the provisions of state or federal law relating to the methods of voting for overseas voters impossible or unreasonable, such as an armed conflict involving United States Armed Forces or mobilization of those forces, including state National Guard and reserve components, the Elections Canvassing Commission may adopt by emergency rules, such special procedures or requirements necessary to facilitate absentee voting by those persons directly affected who are otherwise eligible to vote in the election.

Section 9. Subsections (4), (5), (6), and (7) of section 101.62, Florida Statutes, are amended to read:

101.62 Request for absentee ballots.—

(4)(a) ~~To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in s. 99.063(4), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.~~

(b) As soon as the remainder of the absentee ballots are printed, the supervisor shall provide an absentee ballot to each elector by whom a request for that ballot has been made by one of the following means:

(a)1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor, unless the elector specifies in the request that:

(1.)a. The elector is absent from the county and does not plan to return before the day of the election;

(2.)b. The elector is temporarily unable to occupy the residence because of hurricane, tornado, flood, fire, or other emergency or natural disaster; or

(3.)e. The elector is in a hospital, assisted-living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility,

in which case the supervisor shall mail the ballot by nonforwardable, return-if-undeliverable mail to any other address the elector specifies in the request.

(b)2. By forwardable mail to voters who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Voting Act.

(c)3. By personal delivery to the elector, upon presentation of the identification required in s. 101.657.

(d)4. By delivery to a designee on election day or up to 4 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

(5) In the event that the Elections Canvassing Commission is unable to certify the results of an election for a state office in time to comply with subsection (4), the Department of State is authorized to prescribe rules for a ballot to be sent to absent electors overseas.

(5)(6) Nothing other than the materials necessary to vote absentee shall be mailed or delivered with any absentee ballot.

(7)(a) For the purposes of this section, "absent qualified elector overseas" means:

1. Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

2. Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and

3. Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

who are qualified and registered as provided by law.

(b) Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.

(c) With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.

Section 10. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, . . . , am a qualified and registered voter of . . . County, Florida. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot. I am entitled to vote an absentee ballot for one of the following reasons:

- 1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.
6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.
7. I am unable to attend the polls on election day and am voting this ballot in person at the office of, and under the supervision of, the county supervisor of elections.

.. (Date). . . . (Voter's Signature). . .

.. (Last four digits of voter's social security number). . .

Note: Your Signature Must Be Witnessed By Either:

a. A Notary or Officer Defined in Item 6.b. of the Instruction Sheet.

Sworn to (or affirmed) and subscribed before me this . . . day of . . . , . . . (year). . . , by . . . (name of person making statement). . . My commission expires this . . . day of . . . , . . . (year). . .

.. (Signature of Official). . .

.. (Print, Type, or Stamp Name). . .

.. (State or Country of Commission). . .

Personally Known . . . . . OR Produced Identification . . . . .

Type of Identification Produced . . . . .

OR

b. One Witness, 18 years of age or older who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

WITNESS:

.. (Signature of Witness). . .

.. (Printed Name of Witness). . .



~~---(Voter I.D. Number of Witness and County of Registration)---  
 . . .(Address). . . . .(City/State). . .~~

Section 11. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each absentee ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Place your marked ballot in the enclosed secrecy envelope.

4. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

5. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

6. VERY IMPORTANT. In order for your absentee ballot to be counted, you must sign your name on the line above (Voter's Signature); ~~place the last four digits of your Social Security number in the space provided, and your ballot must be witnessed in either of the following manners:~~

~~a.—One witness, who is a registered voter in the state, must affix his or her signature, printed name, address, voter identification number, and county of registration on the voter's certificate. Each witness is limited to witnessing five ballots per election unless certified as an absentee ballot coordinator. A candidate may not serve as an attesting witness.~~

~~b.—Any notary or other officer entitled to administer oaths or any Florida supervisor of elections or deputy supervisor of elections, other than a candidate, may serve as an attesting witness.~~

7. VERY IMPORTANT. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

8. VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the voter's certificate. No candidate may serve as an attesting witness.

9.7. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10.8. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 12. Subsection (1) of section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(1) Immediately after certification of any election by the county canvassing board, the results shall be forwarded to the Department of State concerning the election of any federal or state officer. The Governor, the Secretary of State, and the Director of the Division of Elections shall be the Elections Canvassing Commission. The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each office. In the event

that any member of the Elections Canvassing Commission is unavailable to certify the returns of any election, such member shall be replaced by a substitute member of the Cabinet as determined by the Director of the Division of Elections. ~~If the county returns are not received by the Department of State by 5 p.m. of the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.~~

Section 13. Subsection (1) of section 102.112, Florida Statutes, is amended to read:

102.112 Deadline for submission of county returns to the Department of State; penalties.—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results. Returns must be filed by 5 p.m. on the 7th day following the first primary, ~~and by 5 p.m. on the 11th day following the general election,~~ and by 3 p.m. on the 3rd day following the second primary. If the returns are not received by the department by the time specified, such returns may be ignored and the results on file at that time may be certified by the department.

Section 14. This act shall take effect January 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to elections; creating the "Military and Overseas Voter Protection Act;" providing definitions; stating legislative intent; providing for registration of certain recently discharged or separated military personnel and family members; requiring the Department of State to adopt rules specifying eligibility; providing a state write-in absentee ballot for overseas voters; providing for absentee ballots for overseas voters; providing for advance ballots; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; directing the promulgation of emergency rules to facilitate voting by overseas voters; providing a presumption that absentee ballots were mailed on the date stated on the outside of the absentee return envelopes of absentee voters; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S., to conform, amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absentee voters; amending s. 102.112, F.S.; extending the deadline for submission of county returns to the Department of State; amending s. 102.111, F.S.; providing an effective date.

Rep. Harrington moved the adoption of the amendment.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 033365)

**Amendment 1 to Amendment 1 (with title amendment)—**

Beginning on page 2, line 25 through page 3, line 4 remove from the amendment: all of said lines

and insert in lieu thereof:

Section 4. *An individual or accompanying family member who has been discharged or separated from the uniformed services, Merchant Marine, or from employment outside the territorial limits of the United States, after the book closing for an election pursuant to s. 97.055, who is otherwise qualified, may register to vote in such election until 5 p.m. on the Friday before that election. Such persons must produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section. The Department of State shall adopt rules specifying documentation that is sufficient to determine eligibility.*

And the title is amended as follows:

On page 16, line 8 of the amendment after "personnel" of the amendment

and insert in lieu thereof: , or individuals separated from employment outside the territorial United States,

Rep. Byrd moved the adoption of the amendment to the amendment, which was adopted.

The Procedural & Redistricting Council offered the following:  
(Amendment Bar Code: 020867)

**Amendment 2 to Amendment 1**—On page 7, lines 23-28 remove from the amendment: all of said lines

and insert in lieu thereof:

1.a. The elector is absent from the county and does not plan to return before the day of the election;

2.b. The elector is temporarily unable to occupy the residence because of hurricane, tornado, flood, fire, or other emergency or natural disaster; or

3.e. The elector is in a hospital, assisted-living

Rep. Harrington moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1935**—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

—was read the second time by title.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 603919)

**Amendment 1**—On page 1, line 12, remove from the bill: all of said line

and insert in lieu thereof: *Legislature shall convene on January 22, 2002.*

Rep. Byrd moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HR 9003**—A resolution in support of President Bush's tax relief proposal.

WHEREAS, federal taxes are the highest they have ever been during peacetime, and

WHEREAS, all taxpayers should be allowed to keep more of their own money, and

WHEREAS, the best way to encourage economic growth is to cut marginal tax rates across all tax brackets, and

WHEREAS, President Bush's tax relief proposal is estimated to create more than 560,000 jobs annually above current federal forecasts over the next decade, and

WHEREAS, the American people have not received real tax relief in a generation, and

WHEREAS, under President Bush's tax relief proposal, taxpayers in the State of Florida will receive tax cuts totaling an estimated \$43.3 billion over the next decade, and

WHEREAS, President Bush's tax relief proposal will contribute to raising the standard of living for all Americans, and

WHEREAS, the real disposable personal income of a family of four will increase by approximately \$2,624 each year, upon full implementation, and

WHEREAS, President Bush's tax relief proposal will increase access to the middle class for hard-working families, treat middle-class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education, and

WHEREAS, under President Bush's tax relief proposal, the largest percentage reductions will go to the lowest income earners, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives expresses its support for President Bush's tax relief proposal and requests that the members of Florida's delegation to the United States Congress support the proposal, including the call for across-the-board reductions in marginal income tax rates, reduction of the marriage penalty, and elimination of the estate tax.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the President of the United States and to each member of the Florida delegation to the United States Congress.

—was read the second time by title. On motion by Rep. Byrd, the resolution was adopted.

**CS/HB 347**—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; amending s. 121.4501, F.S.; redefining the term "approved provider"; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing an effective date.

—was read the second time by title.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 143317)

**Amendment 1 (with title amendment)**—  
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (1), paragraph (a) of subsection (2), paragraph (e) of subsection (4), paragraph (b) of subsection (8), and paragraphs (a) and (b) of subsection (9) of section 121.4501, Florida Statutes, are amended, and paragraph (f) is added to subsection (9) of said section, to read:

121.4501 Public Employee Optional Retirement Program.—

(1) The Trustees of the State Board of Administration shall establish an optional defined contribution retirement program for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through employee-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and its related regulations. The employers shall contribute, as provided in this section and s. 121.571, to the *Public Employee Optional Retirement Program Trust Fund* toward the funding of such optional benefits.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Approved provider" or "provider" means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the Public Employee Optional Retirement Program, including a "bundled provider" that offers participants a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account

information; periodic reporting to participants, at least quarterly, on account balances and transactions; direct advice and guidance on its investments options; a broad array of distribution options; and asset allocation and retirement counseling and education. Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(4) PARTICIPATION; ENROLLMENT.—

(e) After the period during which an eligible employee had the choice to elect the defined benefit program or the Public Employee Optional Retirement Program, the employee shall have one opportunity, *that is, a second election, at the employee's discretion*, to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. This paragraph shall be contingent upon approval from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the Public Employee Optional Retirement Program, the applicable provisions of this section shall govern the transfer.

2. If the employee chooses to move from the Public Employee Optional Retirement Program to the defined benefit program, the employee must transfer from his or her *optional program Public Employee Optional Retirement Program* account and from other employee moneys as necessary, a sum representing all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.

*If, at the time of a member's election to transfer to the defined benefit program, the member's optional program account does not contain the total amount required to be transferred to the defined benefit program, the member must pay the remaining balance. If the member's optional program account contains more than the amount required to be transferred to the defined benefit program, such additional amount shall remain in the member's optional program account.*

(8) ADMINISTRATION OF PROGRAM.—

(b)1. The state board shall select and contract with one third-party administrator to provide administrative services, *where those services do not duplicate services provided by the Division of Retirement within the Department of Management Services*. With the approval of the state board, the third-party administrator may subcontract with other organizations or individuals to provide components of the administrative services. As a cost of administration, the board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. *These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. Nothing in this section shall prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions.*

3. The state board shall select and contract with one or more organizations to provide educational services. With approval of the

board, the organizations may subcontract with other organizations or individuals to provide components of the educational services. As a cost of administration, the board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

4. Educational services shall be designed by the board and department to assist employers, eligible employees, participants, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of defined benefit or defined contribution retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the differences between the defined benefit retirement plan and the defined contribution retirement plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(9) INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The board shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products to which employees may direct retirement contributions under the program. In accordance with such policy and procedures, the board shall designate and contract for a number of investment products as determined by the board. The board shall *also* select one or more *bundled providers, each of whom who offer nine multiple investment options and related services products* when such an approach is determined by the board to afford value to the participants otherwise not available through individual investment products. *Each approved bundled provider may offer investment options that provide participants with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent either a single asset class or a combination thereof: money markets, U.S. fixed income, U.S. equities, and foreign stock.* The board shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the plan.

(b) The board shall consider investment options or products it considers appropriate to give participants the opportunity to accumulate retirement benefits, subject to the following:

1. The Public Employee Optional Retirement Program must offer a diversified mix of low-cost investment products that span the risk-return spectrum, *and may include a guaranteed account as well as investment products such as individually allocated guaranteed and variable annuities, that meet the requirements of this subsection and that combine the ability to accumulate investment returns with the option of receiving lifetime income consistent with the long-term retirement security of a pension plan and similar to the lifetime income benefit provided by the Florida Retirement System.*

2. Investment options or products offered by the group of approved providers may include mutual funds, group annuity contracts, individual retirement annuities, interests in trusts, collective trusts, separate accounts, and other such financial instruments, *and shall include products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity.*

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any investment product available in the optional program. *This prohibition shall not apply to fees or charges that are imposed on withdrawals from*

products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.

4. Fees or charges for insurance features, such as mortality and expense risk charges, shall be reasonable relative to the benefits provided.

(f)1. An approved provider shall comply with all applicable federal and state securities and insurance laws and regulations, as well as the applicable rules and guidelines of the National Association of Securities Dealers (NASD) governing the ethical marketing of investment products. In furtherance of this mandate, an approved provider must agree in its contract with the board to establish and maintain a compliance education and monitoring system to supervise the activities of all personnel who directly communicate with individual participants and recommend investment products, which system is consistent with National Association of Security Dealers rules.

2. Approved provider personnel who directly communicate with individual participants and who recommend investment products shall make an independent and unbiased determination as to whether an investment product is suitable for a particular participant.

3. The board shall develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such complaints to the appropriate regulatory agency.

4. Approved providers are prohibited from selling or in any way distributing any customer list or participant identification information generated through their offering of products or services through the optional retirement program.

Section 2. The appointment of the executive director of the State Board of Administration shall be subject to the approval by a majority vote of the Board of Trustees of the State Board of Administration and the Governor must vote on the prevailing side. Such appointment must be reaffirmed in the same manner by the Board of Trustees on an annual basis.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to the Public Employee Optional Retirement Program; amending s. 121.4501, F.S.; redefining the term "approved provider"; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration; providing an effective date.

Rep. Fasano moved the adoption of the amendment.

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 213913)

**Amendment 1 to Amendment 1 (with title amendment)**—On page 1, between lines 16 & 17,

insert:

Section 1. It is hereby declared by the Legislature that firefighters, paramedics, emergency medical technicians, and police officers, as hereinafter defined, perform state and municipal functions; that it is their duty to protect life and property at their own risk and peril; that it is their duty to continuously instruct school personnel, public officials, and private citizens about safety; and that their activities are vital to the public safety. Therefore, the Legislature declares that it is a proper and legitimate state purpose to provide a uniform retirement system for the

benefit of firefighters, paramedics, emergency medical technicians, and police officers as hereinafter defined and intends, in implementing the provisions of Section 14, Article X of the State Constitution as they relate to municipal and special district pension trust fund systems and plans, that such retirement systems or plans be managed, administered, operated, and funded in such manner as to maximize the protection of pension trust funds. Pursuant to Section 18, Article VII of the State Constitution, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.

Section 2. Paragraph (b) of subsection (4) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(4) DISABILITY RETIREMENT BENEFIT.—

(b) Total and permanent disability.—A member shall be considered totally and permanently disabled if, in the opinion of the administrator, he or she is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee. A *Special Risk Class member who is an officer as defined in s. 943.10(1), (2), or (3); a firefighter as defined in s. 633.30(1); an emergency medical technician as defined in s. 401.23(11); or a paramedic as defined in s. 401.23(17) who is catastrophically injured as defined in s. 440.02(37) in the line of duty as a result of a felonious act of another shall be considered totally and permanently disabled and unable to render useful and efficient service as an officer, unless the administrator can provide documented competent medical evidence that the officer is able to render useful and efficient service as an officer. For purposes of this subsection, the term "officer" includes law enforcement officers, correctional officers, correctional probation officers, firefighters, emergency medical technicians, and paramedics.*

Section 3. Subsection (5) of section 175.191, Florida Statutes, is amended to read:

175.191 Disability retirement.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(5) The benefit payable to a firefighter who retires from the service of a municipality or special fire control district due to total and permanent disability as a direct result of a disability is the monthly income payable for 10 years certain and life for which, if the firefighter's disability occurred in the line of duty, his or her monthly benefit shall be the accrued retirement benefit, but shall not be less than 42 percent of his or her average monthly salary at the time of disability. If after 10 years of service the disability is other than in the line of duty, the firefighter's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than 25 percent of his or her average monthly salary at the time of disability. *Notwithstanding any provision to the contrary, the monthly retirement benefit payable to a firefighter, emergency medical technician, or paramedic who retires from service due to total and permanent disability as a result of a catastrophic injury as defined in s. 440.02(37) where such injury is a result of a felonious act of another shall be the accrued retirement benefit but shall not be less than 80 percent of his or her average monthly salary at the time of disability.*

Section 4. Subsection (5) of section 185.18, Florida Statutes, is amended to read:

185.18 Disability retirement.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(5) The benefit payable to a police officer who retires from the service of the city with a total and permanent disability as a result of a disability is the monthly income payable for 10 years certain and life for which, if the police officer's disability occurred in the line of duty, his or her monthly benefit shall be the accrued retirement benefit, but shall not be less than 42 percent of his or her average monthly compensation as of the police officer's disability retirement date. If after 10 years of service the disability is other than in the line of duty, the police officer's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than 25 percent of his or her average monthly compensation as of the police officer's disability retirement date. *Notwithstanding any provision to the contrary, the monthly retirement benefit payable to a police officer who retires from service due to total and permanent disability as a result of a catastrophic injury as defined in s. 440.02(37) where such injury is a result of a felonious act of another shall be the accrued retirement benefit but shall not be less than 80 percent of the officer's average monthly compensation as of the officer's disability retirement date.*

And the title is amended as follows:

On page 9, line 8, after Program;

insert: creating the "Officer Malcolm Thompson Act"; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; amending ss. 175.191 and 185.18, F.S.; providing minimum retirement benefits payable to certain Special Risk Class members who are injured in the line of duty and who are totally and permanently disabled due to such injury;

Rep. Attkisson moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 394131)

**Amendment 2 to Amendment 1 (with title amendment)**—On page 8, between lines 28 & 29,

insert:

Section 3. Paragraphs (b) through (j) of subsection (2) of section 121.4501, Florida Statutes, are redesignated as paragraphs (d) through (l), respectively, new paragraphs (b) and (c) are added to said subsection, and subsections (7) and (16) of said section are amended, to read:

121.4501 Public Employee Optional Retirement Program.—

(2) DEFINITIONS.—As used in this section, the term:

(b) "Average monthly compensation" means one-twelfth of average final compensation as defined in s. 121.021(24).

(c) "Covered employment" means employment in a regularly established position as defined in s. 121.021(52).

(7) BENEFITS.—Under the Public Employee Optional Retirement Program:

(a) Benefits shall be provided in accordance with s. 401(a) of the Internal Revenue Code.

(b) Benefits shall accrue in individual accounts that are participant-directed, portable, and funded by employer contributions and earnings thereon.

(c) Benefits shall be payable in accordance with s. 121.591. ~~the following terms and conditions:~~

~~1. To the extent vested, benefits shall be payable only to a participant, or to his or her beneficiaries as designated by the participant.~~

~~2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.~~

~~3. To begin receiving the benefits, the participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39), or the participant must be deceased. If a participant elects to receive his or her benefits upon termination of employment, the participant must submit a written application to the third-party administrator indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (d). The participant may defer receipt of benefits until he or she chooses to make such application, subject to federal requirements.~~

~~4. In the event of a participant's death, moneys accumulated by, or on behalf of, the participant, less withholding taxes remitted to the Internal Revenue Service, shall be distributed to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death, as provided in paragraph (e). No other death benefits shall be available for survivors of participants under the Public Employee Optional Retirement Program, except for such benefits, or coverage for such benefits, as are separately afforded by the employer, at the employer's discretion.~~

~~(d) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable to the participant, as:~~

~~1. A lump sum distribution to the participant;~~

~~2. A lump sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant; or~~

~~3. Periodic distributions, as authorized by the state board.~~

~~(e) Survivor benefits shall be payable as:~~

~~1. A lump sum distribution payable to the beneficiaries, or to the deceased participant's estate;~~

~~2. An eligible rollover distribution on behalf of the surviving spouse of a deceased participant, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse; or~~

~~3. A partial lump sum payment whereby a portion of the accrued benefit is paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, and the remaining amount is transferred directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving beneficiary.~~

~~This paragraph does not abrogate other applicable provisions of state or federal law providing for payment of death benefits.~~

~~(f) The benefits payable to any person under the Public Employee Optional Retirement Program, and any contributions accumulated under such program, are not subject to assignment, execution, attachment, or any legal process, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, and federal income tax levies.~~

(16) DISABILITY BENEFITS.—For any participant of the optional retirement program who becomes totally and permanently disabled, *benefits shall be paid in accordance with s. 121.591 as defined in s. 121.091(4)(b)*, the participant shall be entitled to receive those moneys that have accrued in his or her participant account. It is the intent of the Legislature to design a disability benefit for participants of the optional program similar to those disability benefits afforded defined benefit program members. The department is directed to study the potential options of such coverage, including self-insurance and commercial coverage, the alternative methods of administering such benefits, and

~~the fiscal impacts on the employees and employers, and to make recommendations to the Legislature by January 15, 2001.~~

Section 4. Subsection (3) of section 121.571, Florida Statutes, is amended to read:

121.571 Contributions.—Contributions to the Public Employee Optional Retirement Program shall be made as follows:

(3) CONTRIBUTIONS TO DISABILITY ACCOUNT.—

(a) All contributions made on behalf of a participant pursuant to this subsection shall be transferred by the employer to the third-party administrator for deposit in the Public Employee Disability Trust Fund administered by the Division of Retirement. Such contributions, less any fees or charges authorized by the Legislature to offset the costs of administering the disability component of the optional retirement program, shall be used to provide disability coverage for participants in the optional retirement program.

(b) Disability contributions for Regular Class members of the optional retirement plan are as follows:

Dates of Contribution Rate Changes	Employers
Effective July 1, 2002:	0.25% <del>0.39%</del>

(c) Disability contributions for Special Risk Class members of the optional retirement plan are as follows:

Dates of Contribution Rate Changes	Employers
Effective July 1, 2002:	1.33% <del>1.25%</del>

(d) Disability contributions for Special Risk Administrative Support Class members of the optional retirement plan are as follows:

Dates of Contribution Rate Changes	Employers
Effective July 1, 2002:	0.45% <del>0.73%</del>

(e) Disability contributions for Elected Officers' Class members of the optional retirement plan are as follows:

Dates of Contribution Rate Changes	Employers
Effective July 1, 2002:	
Legislators	0.41% <del>0.61%</del>
Governor, Lt. Governor, Cabinet Officers	0.41% <del>0.61%</del>
State Attorneys, Public Defenders	0.41% <del>0.61%</del>
Justices, Judges	0.73% <del>1.45%</del>
County Elected Officers	0.41% <del>0.86%</del>

(f) Disability contributions for Senior Management Service Class members of the optional retirement plan are as follows:

Dates of Contribution Rate Changes	Employers
Effective July 1, 2002:	0.26% <del>0.50%</del>

Section 5. Section 121.591, Florida Statutes, is created to read:

121.591 Benefits payable under the Public Employee Optional Retirement Program of the Florida Retirement System.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or is deceased and a proper application has been filed in the manner prescribed by the state board or the department. The state board or the department, as appropriate, may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents

required by this chapter and the rules of the state board and the department. In accordance with their respective responsibilities as provided in this section, the state board and the department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(1) NORMAL BENEFIT.—Under the optional program:

(a) Benefits, in the form of vested accumulations as described in s. 121.4501(6), shall be payable under this subsection as follows:

- To the extent vested, benefits shall be payable only to a participant.
- Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.
- To receive benefits under this subsection, the participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39).

(b) If a participant elects to receive his or her benefits upon termination of employment, the participant must submit a written application to the third-party administrator indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (c). The participant may defer receipt of benefits until he or she chooses to make such application, subject to federal requirements.

(c) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable to the participant as:

- A lump-sum distribution to the participant;
- A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, as amended, on behalf of the participant; or
- Periodic distributions, as authorized by the state board.

(2) DISABILITY RETIREMENT BENEFIT.—Benefits provided under this subsection are payable in lieu of the benefits which would otherwise be payable under the provisions of subsection (1).

(a)1. If the participant has no credit under the defined benefit program of the Florida Retirement System or such credit has been nullified as provided under s. 121.4501(3)(c), all moneys accumulated in the participant's optional program account, including vested and nonvested accumulations as described in s. 121.4501(6), shall be transferred from such individual account to the Division of Retirement for deposit into the Public Employee Disability Trust Fund; or

2. If the participant is a former member of the defined benefit program of the Florida Retirement System who elected to retain the retirement credit he or she had earned under that program as provided in s. 121.4501(3)(b), a sum representing the actuarial present value of such credit shall be transferred by the Division of Retirement from the Florida Retirement System Trust Fund to the Public Employee Disability Trust Fund. In addition, all moneys accumulated in the participant's optional program account, including vested and nonvested accumulations as described in s. 121.4501(6), shall be transferred from such individual account to the Division of Retirement for deposit into the Public Employee Disability Trust Fund.

(b)1. A participant of the optional program who becomes totally and permanently disabled, as defined in paragraph (d), after completing 8 years of creditable service, or a participant who becomes totally and permanently disabled in the line of duty regardless of his or her length of service, shall be entitled to a monthly disability benefit as provided in this subsection.

2. For purposes of this subsection, the 8 years of creditable service required to vest for regular disability benefits must be creditable service

under the defined benefit program of the Florida Retirement System or service under the optional program, subject to the following conditions:

a. In the case of present value transfers to a participant's account under s. 121.4501(3)(c), the period of service under the defined benefit program represented in the present value amounts transferred shall only be considered creditable service for purposes of vesting for disability benefits as long as such funds remain in the participant's accounts under the optional program.

b. In the case of contributions made to a participant's accounts under s. 121.4501(5), the period of service under the optional program shall only be considered creditable service for purposes of vesting for disability benefits as long as such funds remain in the participant's accounts under the optional program.

If a participant terminates employment and takes distribution of such funds as provided in subsection (1), all credit for the service represented by such distributed funds is forfeited for purposes of qualifying for disability benefits under this subsection.

(c)1. If the division has received from the employer the required documentation of the participant's termination of employment, the effective retirement date for a participant who applies and is approved for disability retirement shall be established by rule of the division.

2. For a participant who is receiving workers' compensation payments, the effective disability retirement date may not precede the date the participant reaches maximum medical improvement, unless the participant terminates employment prior to reaching maximum medical improvement.

(d) A participant shall be considered totally and permanently disabled if, in the opinion of the division, he or she is prevented by reason of a medically determinable physical or mental impairment from rendering useful and efficient service as an officer or employee.

(e) The division, before approving payment of any disability retirement benefit, shall require proof that the participant is totally and permanently disabled as follows:

1. Such proof shall include the certification of the participant's total and permanent disability by two licensed physicians in this state and such other evidence of disability as the division may require, including reports from vocational rehabilitation, evaluation, or testing specialists who have evaluated the applicant for employment.

2. It shall be documented that:

a. The participant's medical condition occurred or became symptomatic during the time the participant was employed in an employee/employer relationship with his or her employer.

b. The participant was totally and permanently disabled at the time he or she terminated covered employment.

c. The participant has not been employed with any other employer after such termination.

3. If the application is for in-line-of-duty disability, in addition to the requirements of subparagraph 2., it must be documented by competent medical evidence that the disability was caused by a job-related illness or accident which occurred while the participant was in an employee/employer relationship with his or her employer.

4. The unavailability of an employment position that the participant is physically and mentally capable of performing shall not be considered as proof of total and permanent disability.

(f) A participant whose application for regular disability retirement has been denied and who has filed an appeal to the State Retirement Commission under s. 121.23 may, if eligible, elect to terminate employment and take distribution of benefits as provided under subsection (1) while he or she is awaiting the decision on the appeal. In that event:

1. If disability benefits are later approved as a result of the appeal, to receive the disability benefit payable under this subsection, the

participant shall first repay to the division for deposit in the Public Employee Disability Trust Fund the total amount withdrawn under subsection (1), less the amount that would have otherwise been payable as a monthly disability benefit while the appeal was pending if the application had been initially approved.

2. If the appeal is later denied, no further benefits are payable to the terminated participant.

(g) Upon the disability retirement of a participant under this subsection, the participant shall receive a monthly benefit that shall begin to accrue on the first day of the month of disability retirement, as approved by the division, and shall be payable on the last day of that month and each month thereafter during his or her lifetime and continued disability.

(h) The amount of each monthly payment shall be computed in the same manner as that computed for a normal retirement benefit but shall be based on disability option actuarial equivalency tables and the average monthly compensation and creditable service of the participant as of his or her disability retirement date, subject to the following:

1. If the participant's disability occurred in the line of duty, the monthly Option 1 benefit shall be a minimum of:

a. Forty-two percent of the participant's average monthly compensation as of the disability retirement date; or

b. Sixty-five percent of the participant's average monthly compensation as of the disability retirement date for a participant of the special risk class who retires on or after July 1, 2002.

2. If the participant's disability occurred other than in the line of duty, the monthly Option 1 benefit shall be a minimum of 25 percent of the participant's average monthly compensation as of the disability retirement date.

(i) A participant whose initial application for disability retirement has been denied may reapply for disability benefits. However, such participant's reapplication may be considered only if the participant presents new medical evidence of a medical condition that existed prior to the participant's termination of employment. The division may prescribe by rule procedures for reapplication and for review and approval or disapproval of reapplication.

(j) Nothing in this subsection shall be construed to prevent a participant who has been approved for a disability retirement benefit payable under this subsection from electing to receive, in lieu of the benefit payable under this subsection, the benefit payable to him or her under the provisions of subsection (1), provided such election is made prior to the deposit or cashing of a disability retirement warrant or receipt of such warrant by electronic funds transfer in accordance with the participant's authorization of direct deposit of such funds.

(k) The division may require periodic reexaminations at the expense of the Public Employee Disability Trust Fund. The division may adopt rules establishing procedures for conducting and review of such reexaminations. If the division finds that a participant who is receiving disability benefits is no longer disabled, the division shall direct that the disability benefits be discontinued and no further benefits shall be payable under this subsection. The decision of the division on this question shall be final and binding. Upon termination of the monthly disability benefit:

1. If such participant does not reenter covered employment following recovery from disability and had not satisfied the vesting requirement as of the disability retirement date for any or all of the moneys which had accumulated in his or her participant accounts, the remainder of the nonvested accumulation as described under subparagraph 5., if any, shall be held in a suspense account in the Public Employee Disability Trust Fund.

a. If the participant returns to covered employment as an eligible employee as defined in s. 121.4501(2) within 5 years after the date of recovery, the division shall transfer any such moneys held in the suspense account, plus interest calculated at an effective annual rate of 6 percent,

to the State Board of Administration for deposit in the participant's individual account under the optional program, as directed by the participant.

b. If the participant fails to return to covered employment within 5 years after recovery, any such moneys held in the suspense account in the Public Employee Disability Trust Fund shall be forfeited.

2. If such participant does not reenter covered employment following recovery from disability but had satisfied vesting requirements as of the disability retirement date for any or all of the moneys which had accumulated in his or her accounts under the optional program, the amount representing the remainder of his or her vested accumulation as described under subparagraph 5., if any, shall be transferred from the Public Employee Disability Trust Fund to the Public Employee Optional Retirement Program Trust Fund and shall be payable as provided in subsection (1).

3. If such participant returns to covered employment following recovery from disability as a participant in the optional program, the amount representing the remainder of his or her nonvested accumulation or the remainder of his or her vested accumulation as described under subparagraph 5., if any, shall be transferred from the Public Employee Disability Trust Fund to the third-party administrator for deposit in the participant's individual investment accounts as directed by the participant. Vested accumulations shall be accounted for separately from nonvested accumulations.

4. If such participant reenters covered employment as a member of the defined benefit program of the Florida Retirement System, and is continuously employed for a minimum of 1 year of creditable service, he or she may claim as creditable service the months during which he or she was receiving a disability benefit, upon payment of the required contributions as provided in s. 121.091(4)(h)1.d.

5. As used in reference to funds deposited in the Public Employee Disability Trust Fund under paragraph (a):

a. The term "remainder of the nonvested accumulation" means all employer contributions deposited on behalf of a participant who had not met the vesting requirement set forth in s. 121.4501(6)(a)1. as of his or her disability retirement date and any transferred present value amount deposited on behalf of a participant who had not met the vesting requirement set forth in s. 121.4501(6)(b)1. as of his or her disability retirement date, plus interest and earnings thereon, less the total amount of disability benefits received by that participant.

b. The term "remainder of the vested accumulation" means all employer contributions deposited on behalf of any participant who had met the vesting requirement set forth in s. 121.4501(6)(a)1. as of his or her disability retirement date and any transferred present value amount deposited on behalf of any participant who had met the vesting requirement set forth in s. 121.4501(6)(b)1. as of his or her disability retirement date, plus interest and earnings thereon, less the total amount of disability benefits received by that participant.

(l) Both the participant receiving disability benefits who reenters employment and the employer employing such disability retiree shall notify the division immediately upon reemployment and the division shall terminate such participant's disability benefits, effective upon the first day of the month following the month in which notification of recovery is received. If the participant is reemployed with a Florida Retirement System employer at the time of benefit termination and he or she has received disability retirement benefit and salary payments concurrently prior to notifying the division, he or she may elect within 30 days to:

1. Retain the retirement benefits received prior to termination of disability benefits and begin receiving retirement service credit effective upon the date of termination of benefits; or

2. Repay, within 12 months after his or her decision to receive service credit, the retirement benefits received for each month of reemployment prior to termination of disability benefits and begin receiving retirement service credit effective upon the date of reemployment. Any such unpaid benefits shall have compound interest of 6.5 percent added each June 30.

A participant may not receive both retirement service credit for employment and retirement benefits for the same month.

(m) If, after recovery from disability and reentry into covered employment, the participant again becomes disabled and is again approved for disability retirement, the Option 1 monthly retirement benefit shall not be less than the Option 1 monthly benefit calculated at the time of the previous disability, plus any cost-of-living increases payable up to the time the disability benefit was terminated upon his or her reentry into covered employment.

(n) A participant shall not be entitled to receive any disability retirement benefit if the disability is a result of:

1. Injury or disease sustained by the participant while willfully participating in a riot, civil insurrection, or other act of violence or while committing a felony;

2. Injury or disease sustained by the participant after his or her employment has terminated; or

3. Intentional, self-inflicted injury.

(o)1. If a participant is a justice of the Supreme Court, judge of a district court of appeal, circuit judge, or judge of a county court who has served for 6 years or more as an elected constitutional judicial officer, including service as a judicial officer in any court abolished pursuant to Art. V of the State Constitution, and who is retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to the provisions of Art. V of the State Constitution, the participant's Option 1 monthly disability benefit amount as provided in s. 121.091(6)(a)1. shall be two-thirds of his or her monthly compensation as of the participant's disability retirement date. Such a participant may alternatively elect to receive an actuarially adjusted disability retirement benefit under any other option as provided in s. 121.091(6)(a), or to receive the normal benefit payable under the optional program as set forth under subsection (1).

2. If any justice or judge who is a participant of the optional program is retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to the provisions of Art. V of the State Constitution and elects to receive a monthly disability benefit under the provisions of this paragraph:

a. Any present value amount which was transferred to his or her program account and all employer contributions made to such account on his or her behalf, plus interest and earnings thereon, shall be transferred to and deposited in the Public Employee Disability Trust Fund.

b. The monthly benefits payable under this paragraph for any affected justice or judge retired from the Florida Retirement System pursuant to Art. V of the State Constitution shall be paid from the Public Employee Disability Trust Fund.

(3) **DEATH BENEFITS.**—Under the optional program:

(a) Survivor benefits shall be payable in accordance with the following terms and conditions:

1. To the extent vested, benefits shall be payable only to a participant's beneficiary or beneficiaries as designated by the participant.

2. Benefits shall be paid by the third-party administrator or designated approved providers in accordance with the law, the contracts, and any applicable board rule or policy.

3. To receive benefits under this subsection, the participant must be deceased.

(b) In the event of a participant's death, all vested accumulations as described in s. 121.4501(6), less withholding taxes remitted to the Internal Revenue Service, shall be distributed, as provided in paragraph (c), to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death. No other death benefits shall be available for survivors of participants under



the optional program, except for such benefits, or coverage for such benefits, as are otherwise provided by law or are separately afforded by the employer, at the employer's discretion.

(c) Upon receipt by the third-party administrator of a properly executed application for distribution of benefits, the total accumulated benefit shall be payable by the third-party administrator to the participant's surviving beneficiary or beneficiaries as:

1. A lump-sum distribution payable to the beneficiary or beneficiaries or to the deceased participant's estate;

2. An eligible rollover distribution on behalf of the surviving spouse of a deceased participant, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse; or

3. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, and the remaining amount is transferred directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving beneficiary.

This paragraph does not abrogate other applicable provisions of state or federal law providing for payment of death benefits.

(4) LIMITATION ON LEGAL PROCESS.—The benefits payable to any person under the optional program and any contributions accumulated under such program are not subject to assignment, execution, attachment, or any legal process, except for qualified domestic relations orders by a court of competent jurisdiction, income deduction orders as provided in s. 61.1301, and federal income tax levies.

Section 6. The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits that are managed, administered, and funded in an actuarially sound manner, as required by section 14, Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

And the title is amended as follows:

On page 9, line 17,

after the semicolon insert: amending s. 121.4501, F.S.; providing additional definitions; providing for payment of benefits pursuant to s. 121.591, F.S.; amending s. 121.571, F.S.; revising employer contribution rates to disability accounts; creating s. 121.591, F.S.; providing for payment of normal benefits, disability retirement benefits, and death benefits under the Public Employee Optional Retirement Program; providing requirements, criteria, procedures, and limitations; providing for disability benefits for certain justices and judges; limiting application of legal process to such benefits; providing a declaration of important state interest;

Rep. Fasano moved the adoption of the amendment to the amendment, which was adopted.

Rep. Richardson moved that, under Rule 12.2(c), a late-filed amendment to the amendment be allowed for consideration, which was not agreed to. The vote was:

Session Vote Sequence: 160

Yeas—44

Argenziano Bendross-Mindingall Brutus Cusack
Ausley Betancourt Bullard Davis

Fields Holloway McGriff Siplin
Frankel Jennings Meadows Slosberg
Gannon Joyner Peterman Smith
Gelber Justice Rich Sobel
Gottlieb Kendrick Richardson Stansel
Greenstein Kilmer Ritter Weissman
Harper Kosmas Romeo Wiles
Henriquez Lerner Ryan Wilson
Heyman Machek Seiler Wishner

Nays—72

The Chair Brown Goodlette Maygarden
Alexander Brummer Green Mealor
Allen Byrd Haridopolos Melvin
Andrews Cantens Harrington Miller
Arza Carassas Hart Murman
Attkisson Clarke Hogan Needelman
Atwater Crow Johnson Negron
Baker Detert Jordan Paul
Ball Diaz de la Portilla Kallinger Prieguez
Barreiro Diaz-Balart Kottkamp Ross
Baxley Dockery Kravitz Rubio
Bean Farkas Kyle Russell
Bennett Fasano Lacasa Simmons
Bense Fiorentino Littlefield Sorensen
Benson Flanagan Lynn Spratt
Berfield Garcia Mack Trovillion
Bilirakis Gardiner Mahon Wallace
Bowen Gibson Mayfield Waters

The question recurred on the adoption of Amendment 1, as amended, which was adopted.

Representative(s) Richardson offered the following:

(Amendment Bar Code: 694961)

Amendment 2 (with title amendment)—On page 1, line 11 of the bill

insert:

Section 1. Effective July 1, 2001, subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(a) The member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs shall be excluded from meeting the certification requirements of this paragraph. In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of the employer or agency of state government. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires or direct supervision of firefighting units, or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(c) The member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; however, wardens and assistant wardens, as defined by rule, shall participate in the Special Risk Class;

(d) The member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care. However, administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(e) The member must be employed as a community-based correctional probation officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, and counseling of assigned inmates, probationers, parolees, or community controllees within the community; or the member must be the supervisor of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal services, and personnel management, shall not be included; however, probation and parole circuit and deputy circuit administrators shall participate in the Special Risk Class; or

(f) The member must be employed in one of the following classes and must spend at least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution:

1. Dietitian (class codes 5203 and 5204).
2. Public health nutrition consultant (class code 5224).
3. Psychological specialist (class codes 5230 and 5231).
4. Psychologist (class code 5234).
5. Senior psychologist (class codes 5237 and 5238).
6. Regional mental health consultant (class code 5240).
7. Psychological Services Director—DCF (class code 5242).
8. Pharmacist (class codes 5245 and 5246).
9. Senior pharmacist (class codes 5248 and 5249).
10. Dentist (class code 5266).
11. Senior dentist (class code 5269).
12. Registered nurse (class codes 5290 and 5291).
13. Senior registered nurse (class codes 5292 and 5293).
14. Registered nurse specialist (class codes 5294 and 5295).
15. Clinical associate (class codes 5298 and 5299).
16. Advanced registered nurse practitioner (class codes 5297 and 5300).
17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305).
18. Registered nurse supervisor (class codes 5306 and 5307).
19. Senior registered nurse supervisor (class codes 5308 and 5309).
20. Registered nursing consultant (class codes 5312 and 5313).
21. Quality management program supervisor (class code 5314).
22. Executive nursing director (class codes 5320 and 5321).
23. Speech and hearing therapist (class code 5406).; ~~or~~
24. Pharmacy manager (class code 5251).
25. *Unit treatment and rehabilitation director-F/C (class code 5805).*
26. *Unit treatment and rehabilitation senior supervisor I-F/C (class code 5793).*
27. *Unit treatment and rehabilitation supervisor II-F/C (class code 5796).*
28. *Unit treatment and rehabilitation specialist-F/C (class code 5791).*
29. *Unit treatment and rehabilitation supervisor I-F/C (class code 5786).*
30. *Unit treatment and rehabilitation director (class code 5779).*
31. *Unit treatment and rehabilitation senior supervisor I (class code 5777).*
32. *Unit treatment and rehabilitation senior supervisor II (class code 5778).*
33. *Unit treatment and rehabilitation senior supervisor III (class code 5780).*
34. *Unit treatment and rehabilitation senior supervisor III-F/C (class code 5799).*
35. *Unit treatment and rehabilitation specialist (class code 5776).*
36. *Unit treatment and rehabilitation supervisor I (class code 5710).*

And the title is amended as follows:

On page 1, lines 2 and 3  
remove from the title of the bill: Public Employees Optional Retirement Program

and insert in lieu thereof: the Florida Retirement System; amending s. 121.0515, F.S.; providing eligibility of certain treatment and rehabilitation personnel at correctional or forensic facilities for membership in the Special Risk Class;

Rep. Richardson moved the adoption of the amendment.

#### REPRESENTATIVE BALL IN THE CHAIR

The question recurred on the adoption of **Amendment 2**, which failed of adoption.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 503**—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to adopt rules to maintain the qualified status of the Optional Retirement Program in compliance with the Internal Revenue Code; providing a contingent effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 449** was taken up. On motion by Rep. Bense, SB 412 was substituted for HB 449. Under Rule 5.15, the House bill was laid on the table and—

**SB 412**—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

Representative(s) Sobel offered the following:

(Amendment Bar Code: 661737)

**Amendment 1 (with title amendment)**—On page 2, between lines 29 and 30, of the bill

insert:

*(3) This section shall not prohibit an action against a firearms manufacturer, dealer, or distributor who markets, distributes, or sells firearms in a manner that promotes or encourages an illegal or underground market for such firearms.*

And the title is amended as follows:

On page 1, line 4, after the semicolon,

insert: specifying that the act does not preclude an action against a firearms manufacturer, dealer, or distributor who markets, distributes, or sells firearms in a manner that promotes or encourages an illegal or underground market for such firearms;

Rep. Sobel moved the adoption of the amendment.

On motion by Rep. Byrd, further consideration of **SB 412**, with pending amendment, was temporarily postponed under Rule 11.10.

**Conference Committee Appointments**

The Speaker appointed the following Members as managers on the part of the House on SBs 2000 and 2002 (general appropriations and implementing bills) to serve with Rep. Lacasa, Chair: At Large—Reps. Fasano, Greenstein, Murman, Wallace, and Wilson; Transportation & Economic Development Appropriations—Rep. Johnson, Chair, Reps. Bense, Hart, Jennings, Ritter, Rubio, and Berfield (alternate); Health & Human Services Appropriations—Rep. Maygarden, Chair, Reps. Brummer, Farkas, Green, Rich, Slosberg, Benson (alternate), Brutus (alternate), and Garcia (alternate); Education Appropriations—Rep. Lynn, Chair, Reps. Alexander, Flanagan, Justice, Melvin, Stansel, Arza (alternate), Bucher (alternate), and Mealor (alternate); Criminal Justice Appropriations—Rep. Ball, Chair, Reps. Barreiro, Bilirakis, Cantens, Meadows, Seiler, and Bowen (alternate); General Government Appropriations—Rep. Dockery, Chair, Reps. Goodlette, Holloway, Kilmer, Miller, Siplin, and Brown (alternate).

**Moment of Silence**

The House observed a moment of silence in memory of former Representative Douglas L. “Tim” Jamerson, who died Saturday, April 21st. He also served as Commissioner of Education and Secretary of the Department of Labor and Employment Security.

Speaker Feeney announced that a memorial service would be held in the House Chamber on Wednesday, April 25, at 5:30 p.m.

On motion by Rep. Goodlette—

**SB 412**—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Sobel to adopt Amendment 1.

The question recurred on the adoption of **Amendment 1**, which failed of adoption.

Representative(s) Peterman offered the following:

(Amendment Bar Code: 664107)

**Amendment 2 (with title amendment)**—On page 3, between lines 6 and 7, of the bill

insert: *(4) The prohibition against civil actions granted firearms manufacturers, distributors, or dealers by this act shall apply only to a firearms manufacturer, distributor, or dealer that within one year of the effective date of this act develops firearms with child resistant triggers.*

And the title is amended as follows:

On page 1, line 10,

after the semicolon insert: providing a limitation on the prohibition against civil actions for firearms manufacturers;

Rep. Peterman moved the adoption of the amendment, which failed of adoption.

Representative(s) Wilson offered the following:

(Amendment Bar Code: 045651)

**Amendment 3 (with title amendment)**—On page 3, between lines 16 and 17, of the bill

insert:

*(5) The prohibition against civil actions granted firearms manufacturers, distributors, or dealers granted by this section shall apply only to a firearms manufacturer, distributor, or dealer that:*

*(a) Includes with each firearm it sells an external lock that has to be removed before firing;*

*(b) Within 2 years of the effective date of this act equips each of the firearms it sells with an additional lock built into the firearm; and*

*(c) Adds a second concealed serial number to each of the firearms it sells.*

And renumber subsequent subsections

And the title is amended as follows:

On page 1, line 14,

after the semicolon insert: providing a limitation on the prohibition against civil actions for firearms manufacturers, distributors, or dealers;

Rep. Wilson moved the adoption of the amendment, which failed of adoption.

Representative(s) Rich offered the following:

(Amendment Bar Code: 270673)

**Amendment 4 (with title amendment)**—On page 4, between lines 2 and 3, remove from the bill: all of said line,

insert:

*(7) The prohibition against civil actions granted firearms manufacturers, distributors, or dealers by this act shall apply only to a firearms manufacturer, distributor, or dealer that distributes firearms to dealers at gun shows only if every dealer at the gun show agrees to conduct a complete criminal history background check on each potential buyer prior to the sale of any firearm.*

And the title is amended as follows:

On page 1, line 25, after the semicolon,

insert: providing conditions precedent to granting the prohibition against civil actions for firearms manufacturers, distributors, and dealers;

Rep. Rich moved the adoption of the amendment, which failed of adoption.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 505**—A bill to be entitled An act relating to time limitations for sexual battery prosecutions; amending s. 775.15, F.S.; revising the victim's age at which the time limitations begin to run for prosecution of specified sexual crimes; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1747** was taken up. On motion by Rep. Bilirakis, the rules were waived and CS for SB 232 was substituted for HB 1747. Under Rule 5.15, the House bill was laid on the table and—

**CS for SB 232**—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding materials, compounds, mixtures, or preparations containing certain limited quantities of hydrocodone to the substances listed under Schedule III as controlled substances; providing direction on which law appertains to the weighing of hydrocodone for the purpose of charging trafficking in hydrocodone; amending s. 893.135, F.S.; providing penalties for trafficking in certain mixtures containing hydrocodone; clarifying legislative intent regarding the weighing of a mixture or mixtures containing certain controlled substances; providing findings regarding judicial constructions of legislative intent; reenacting s. 893.02(14), F.S., relating to a definition of mixtures, to incorporate the amendment in s. 893.135, F.S., in reference thereto; amending s. 948.01, F.S.; authorizing drug offender probation only for those offenders being sentenced for certain drug possession offenses or drug purchase offenses; reenacting s. 921.0022(3)(b), (c), and (e), F.S., relating to the offense severity ranking chart in the Criminal Punishment Code, to incorporate the amendment in s. 893.03, F.S., in references thereto; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

## Messages from the Senate

### First Reading by Publication

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 158; CS for SB 178; and CS for SB 224, as amended; passed SB 272; passed SBs 654 and 666, as amended; passed SB 766; CS for SB 800; and CS for SB 806; passed SB 814; CS for SB 836;

CS for CS for SB 870; CS for SB 888; CS for SB 938; CS for SB 992; and SBs 1066 and 1166, as amended; passed SB 1212 and CS for CS for SB 1214; passed CS for CS for SB 1258; CS for SB 1260; and CS for SB 1274, as amended; passed CS for SB 1524; passed CS for SB 1788 and CS for SB 2042, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committees on Finance and Taxation, Commerce and Economic Opportunities and Senator Brown-Waite—

**CS for CS for SB 158**—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within an area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; providing for designation of a specified area within Hillsborough County as an enterprise zone; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; authorizing a boundary change in a specified enterprise zone; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Judiciary and Senator Brown-Waite—

**CS for SB 178**—A bill to be entitled An act relating to duration of real property liens; amending s. 55.10, F.S.; revising the period of duration of certain liens; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Regulated Industries and Senator Dawson and others—

**CS for SB 224**—A bill to be entitled An act relating to medically essential electric public utility service; creating s. 366.15, F.S.; defining the term “medically essential”; requiring electric public utilities to provide medically essential service under specified circumstances; providing procedures for certification of medically essential utility service; authorizing utilities to disconnect service under certain circumstances; providing for notice to customers; providing for payment for service; providing for monitoring of customers; providing responsibilities for customers; providing for the identification of sources for funding purposes; providing an effective date.

Referred to the Calendar of the House.

By Senator Klein—

**SB 272**—A bill to be entitled An act relating to law enforcement officers; amending s. 817.564, F.S.; providing an exemption from civil or criminal liability for the sale of imitation controlled substances by law enforcement officers and other persons acting at their direction; providing an effective date.

Referred to the Calendar of the House.

By Senator Saunders and others—

**SB 654**—A bill to be entitled An act relating to pharmacy practice; creating s. 465.0075, F.S.; authorizing licensure of pharmacists by

endorsement and providing requirements therefor, including a fee; providing for legislative review; providing an effective date.

Referred to the Calendar of the House.

By Senator Sullivan—

**SB 666**—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; allowing authorized physician assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants; allowing authorized physician assistants to dispense drug samples pursuant to proper prescription; eliminating the formulary committee and revising provisions relating to creation and amendment of the formulary, to conform; providing an effective date.

Referred to the Calendar of the House.

By Senator Sanderson—

**SB 766**—A bill to be entitled An act relating to driver's licenses; amending s. 322.28, F.S.; revising provisions relating to the penalty for a second or subsequent conviction for operating a vehicle under the influence; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Finance and Taxation and Senator Silver—

**CS for SB 800**—A bill to be entitled An act relating to the disposition of traffic fines; amending s. 318.21, F.S.; revising requirements for the use of funds collected from moving traffic violations; requiring that such funds be used to fund automation for law enforcement agencies in certain counties in which a municipality has been declared to be in a state of financial emergency; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Laurent—

**CS for SB 806**—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting an applicant for a license as a customer representative from examination requirements under certain conditions; exempting an applicant for a license as an adjuster from examination requirements under certain conditions; providing an effective date.

Referred to the Calendar of the House.

By Senators Crist and Klein—

**SB 814**—A bill to be entitled An act relating to the entertainment industry; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner as the Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; requiring such funds to be deposited in the Grants and Donations Trust Fund of the Executive Office of the Governor; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council as the Florida Film and Entertainment Advisory Council; adding a representative of Workforce Florida, Inc., as an ex officio, nonvoting member of the council; requiring the council chair to be elected from the council's appointed membership; amending ss. 212.097 and 212.098, F.S.; expanding the definition of "eligible business" under the Urban High-Crime-Area Job Tax Credit Program and the Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending ss. 14.2015, 213.053, 288.1253, and 288.1258, F.S.; conforming provisions to changes made by the act; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Crist and others—

**CS for SB 836**—A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.;

prohibiting health insurers from requiring certain contracted health care practitioners to accept the terms of other health care contracts as a condition of continuation or renewal; providing exceptions; amending s. 627.662, F.S.; applying this prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying this prohibition to health maintenance organizations; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Comprehensive Planning, Local and Military Affairs, Governmental Oversight and Productivity and Senator Webster and others—

**CS for CS for SB 870**—A bill to be entitled An act relating to construction; amending s. 218.72, F.S.; redefining the terms "proper invoice," "local government entity," "purchase," and "construction services" and defining the terms "payment request" and "agent" for the purpose of the Florida Prompt Payment Act; amending s. 218.73, F.S.; providing for timely payment for nonconstruction services; amending s. 218.735, F.S.; revising provisions with respect to timely payment for purchases of construction services; providing for disputed payment requests; providing for payment of undisputed amounts; amending s. 218.74, F.S.; revising provisions with respect to procedures for calculation of payment due dates; amending s. 218.75, F.S.; revising provisions with respect to mandatory interest; amending s. 218.76, F.S.; revising provisions with respect to improper invoices and resolution of disputes; providing for the recovery of court costs and attorney's fees under certain circumstances; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Criminal Justice and Senator Campbell—

**CS for SB 888**—A bill to be entitled An act relating to violations of probation or community control; amending s. 948.06, F.S.; providing for tolling the period of probation or community control for an offender following the filing of an affidavit alleging a violation of probation or community control and issuance of a warrant; providing for a previously imposed period of probation or community control to be reinstated following dismissal of the affidavit; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Peadar—

**CS for SB 938**—A bill to be entitled An act relating to credit insurance; amending s. 626.321, F.S.; authorizing the issuance of credit life insurance licenses to lending or financial institutions or creditors and authorizing such licensees to sell credit insurance; deleting certain license requirements for institutions with multiple offices; amending s. 627.679, F.S.; requiring certain disclosures to credit life insurance purchasers regarding the cancellation of such coverage; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Carlton—

**CS for SB 992**—A bill to be entitled An act relating to dental service claim denials; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses; providing an effective date.

Referred to the Calendar of the House.

By Senator Peadar—

**SB 1066**—A bill to be entitled An act relating to the Florida Evidence Code; creating s. 90.4026, F.S.; providing definitions; providing for the inadmissibility of certain statements, writings, or benevolent gestures as evidence in a civil action; providing for the admissibility of certain statements; providing an effective date.

Referred to the Calendar of the House.

By Senators Sebesta and Crist—

**SB 1166**—A bill to be entitled An act relating to the Cultural Endowment Program; amending s. 265.606, F.S.; revising the types of instruments into which the trustees may invest, to include any investment-quality financial instruments; providing an effective date.

Referred to the Calendar of the House.

By Senator Webster—

**SB 1212**—A bill to be entitled An act relating to special assessments; amending s. 189.420, F.S.; providing a method for special assessments of mobile home and recreational vehicle parks by municipalities and counties; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Appropriations, Children and Families and Senators Peaden and Cowin—

**CS for CS for SB 1214**—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term “related services”; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Health, Aging and Long-Term Care, Children and Families and Senator Mitchell—

**CS for CS for SB 1258**—A bill to be entitled An act relating to behavioral health services; providing legislative findings with respect to providing mental health and substance-abuse-treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance-abuse-treatment services for persons with emotional, mental, or addictive disorders;

requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring the Secretary of the Department of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children’s behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children’s crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; providing an appropriation; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator King—

**CS for SB 1260**—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering purposes; amending s. 658.12, F.S.; revising a definition of the term banker’s bank; amending s. 658.165, F.S.; providing criteria for formation of a banker’s bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; amending s. 658.48, F.S.; revising limitations on the percentage of the capital accounts of the lending bank which apply to loans made to any one borrower on the security of shares of capital stock; revising the circumstances in which a bank may not make loans; repealing s. 655.81, F.S., relating to deposits in trust; amending s. 655.82, F.S.; prescribing survivorship rights among beneficiaries of pay-on-death accounts; providing effective dates.

Referred to the Calendar of the House.

By the Committee on Judiciary and Senator Burt and others—

**CS for SB 1274**—A bill to be entitled An act relating to motor vehicles; amending s. 322.09, F.S.; providing that a foster parent or a

group-home representative who signs an application for a learner's driver's license for a minor who is in foster care is not, by reason of having signed the application, assuming any obligation or liability for any damages caused by the minor; creating s. 627.746, F.S.; prohibiting insurers that issue insurance policies for private passenger automobiles from charging an additional premium for a minor who operates his or her parent's vehicle, during the time that the minor has a learner's driver's license; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Natural Resources and Senator Constantine—

**CS for SB 1524**—A bill to be entitled An act relating to water management; creating s. 373.1502, F.S.; creating the Comprehensive Everglades Restoration Plan Regulation Act; providing an expedited permitting program for project components as part of the comprehensive plan; amending s. 373.026, F.S.; providing that state funds for land purchases are authorized if contained within the Florida Forever Water Management District Work Plan; amending s. 373.470, F.S.; revising the due date for the annual comprehensive plan report; amending s. 403.088, F.S.; providing standards for the permitting of construction, operation, and maintenance of facilities in the South Florida ecosystem; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Health, Aging and Long-Term Care and Senator Wasserman Schultz and others—

**CS for SB 1788**—A bill to be entitled An act relating to dentistry; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations relating to dental service claims; amending s. 456.031, F.S.; providing an alternative by which licensees under ch. 466, F.S., may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which such licensees may comply with a general requirement that they take AIDS/HIV education courses; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Agriculture and Consumer Services and Senator Bronson—

**CS for SB 2042**—A bill to be entitled An act relating to pest control operators; amending s. 482.021, F.S.; defining the term "new construction"; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator's certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; amending s. 482.242, F.S.; providing additional exceptions to the state's preemption of pest-control regulation; providing an effective date.

Referred to the Calendar of the House.

#### Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 10:30 a.m., Wednesday, April 25. The motion was agreed to.

#### Recorded Votes

Rep. Diaz de la Portilla:

Nays—Amendment 3 to Amendment 4 to CS/HB 1925

Rep. Spratt:

Yeas—CS/HB 563

#### Prime Sponsors

CS/HB 239—Slosberg

#### Cosponsors

CS/HB 175—Andrews, Kendrick, Spratt

CS/HB 427—Cantens

HB 531—Lynn

HB 595—Miller

HB 651—Negron

HB 985—Bilirakis

HB 1059—Harrington, Lynn

HB 1157—Wiles

HB 1169—Bilirakis

HB 1189—Greenstein

HB 1203—Wishner

#### Introduction and Reference

By the Committee on Fiscal Policy & Resources; Representative Wallace—

**HB 1979**—A bill to be entitled An act relating to trust fund administration; amending s. 18.10, F.S.; providing for deposit by law of earnings on any investment of state money not deposited into the General Revenue Fund; amending s. 18.125, F.S.; revising requirements of state agencies and the judicial branch to make moneys available for investment by the Treasurer; removing a notice requirement; amending s. 215.32, F.S.; specifying certain trust funds for use for day-to-day operations for specified purposes; amending s. 215.3206, F.S.; requiring legislation re-creating a trust fund to include a mechanism to reduce the trust fund to its maximum operating level or to transfer unallocated funds from the trust fund's accounts; amending s. 215.3208, F.S.; revising requirements for legislative review of trust funds; providing for consideration of the types and amounts of revenue going into a trust fund in relation to the appropriated expenditures authorized for the trust fund's programs; providing for adjustment of the trust fund's revenues to match the expenditures authorized for those programs; providing for a maximum operating level for each re-created trust fund; amending s. 216.023, F.S.; requiring legislative budget requests to contain certain summary and other information on trust funds and fees; requiring an annual report by the Executive Office of the Governor and the Comptroller to the Legislature on the operation of certain trust funds; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Fiscal Policy & Resources; Representative Wallace—

**HB 1981**—A bill to be entitled An act relating to tax administration; amending s. 45.031, F.S.; providing for notice of disbursement of the proceeds of a judicial sale to the Department of Revenue under certain conditions when it was performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation; amending s. 69.041, F.S.; authorizing the department to participate in the distribution of surplus funds remaining after such disbursement when it has an interest in an unemployment compensation tax lien pursuant to such a contract; amending s. 213.053, F.S.; providing application of confidentiality and information sharing provisions to ch. 443, F.S., while the department is performing such tax collection services; amending s. 11, ch. 2000-165, Laws of Florida; specifying that the department is administering a revenue law when it provides such tax collection services and specifying the provisions of ch. 213, F.S., that apply thereto; amending s. 201.02, F.S.; providing that the documentary stamp tax on deeds and other instruments relating to

real property or interests in real property does not apply to a contract to sell the residence of an employee relocating at an employer's direction, or related documents, under specified circumstances; exempting deeds and other instruments whereby property is conveyed from an electric utility to a regional transmission organization from said tax under certain circumstances; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" payments made by such an organization to an electric utility under certain conditions; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 212.06, F.S.; revising the definition of "fixtures" for purposes of determining if a person is improving real property under ch. 212, F.S.; providing intent; amending s. 212.08, F.S.; specifying conditions for receipt of sales tax exemptions provided to an entity under ch. 212, F.S., and subsection (7) of said section; providing for retroactive application; deleting obsolete provisions relating to registration with the WAGES Program Business Registry; providing for retroactive application; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk driving prevention, and juvenile delinquency prevention services; providing for determination of a mileage apportionment factor for the first year of operation in this state of vessels, railroads, or motor vehicles engaged in interstate or foreign commerce and entitled to a partial sales tax exemption; correcting references; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the vendor instead of the department for purposes of the sales tax exemption for machinery and equipment used to produce electrical or steam energy; providing for retroactive application; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; replacing the definitions of "section 38 property" with express definitions of "industrial machinery and equipment" and "motion picture or video equipment" and "sound recording equipment" for purposes of the sales tax exemptions therefor; providing intent and purpose; providing that provisions authorizing a partial sales tax exemption for a motor vehicle sold to a resident of another state do not require payment of tax to this state for prior assessments under certain conditions; providing for retroactive application; providing that a vehicle purchased by a nonresident corporation or partnership is not eligible for the partial sales tax exemption under certain circumstances; repealing s. 212.084(6), F.S.; eliminating provisions for temporary sales tax exemption certificates for newly organized charitable organizations; repealing s. 4, ch. 96-395, Laws of Florida, which provides for the repeal of sales tax exemptions for certain citizen support organizations and the Florida Folk Festival; providing for retroactive application; amending s. 213.285, F.S.; delaying the future repeal of the certified audits project; amending ss. 213.053 and 213.21, F.S., to conform; amending s. 213.30, F.S., relating to compensation for information relating to a violation of tax laws; specifying that said section is the only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; providing applicability; repealing s. 213.27(9), F.S., which authorizes the department to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that the agreement must require each state to abide by certain requirements in order for the department to enter into the agreement; authorizing the state to enter into multistate discussions and providing for appointment of delegates; specifying relationship of the agreement to state law; specifying the effect of the agreement with respect to persons other than member states; providing that government actions or state laws cannot be challenged on the basis of inconsistency with the agreement; providing liabilities and responsibilities of sellers, certified service providers, and providers of certified automated systems; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature regarding compliance with the agreement; reviving and readopting s. 215.20(3), F.S., which provides for deduction of a service charge from

certain trust funds; amending s. 220.22, F.S.; eliminating the initial year's corporate tax information return for subchapter S subsidiaries and directing the department to designate by rule entities that are not required to file a corporate tax return; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; repealing s. 624.509(10), F.S., which provides an exemption from the insurance premium tax for insurers who write monoline flood insurance policies not subsidized by the Federal Government; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Fiscal Policy & Resources; Representative Wallace—

**HB 1983**—A bill to be entitled An act relating to ad valorem tax administration; amending s. 193.155, F.S.; revising provisions relating to the correction of errors in the assessment of homestead property due to a material mistake of fact; amending s. 195.096, F.S.; requiring the Department of Revenue to document and retain records used in the review of assessment rolls; requiring the department, effective for 2003 and subsequent tax rolls, to study assessment roll strata by value groups or market areas to ensure the representativeness of ratio study samples; amending s. 197.212, F.S., which allows the board of county commissioners to instruct the tax collector not to mail a tax notice when the amount of taxes is less than a specified amount; increasing such minimum amount; amending s. 197.343, F.S.; revising the deadline for mailing an additional tax notice to a taxpayer whose payment has not been received; amending s. 197.502, F.S.; authorizing the tax collector to contract with a title or abstract company to provide information concerning property described in a tax certificate and providing requirements with respect thereto; authorizing the tax collector to pay a reasonable fee for this information; providing that the amount of such fee shall be added to the opening bid for a tax deed for the property; amending s. 200.069, F.S., which provides requirements for the form of the notice of proposed property taxes and non-ad valorem assessments; removing provisions which specify that a separate line entry for each independent special taxing district is optional; revising requirements for entries relating to voted levies for debt service; amending s. 192.0105, F.S.; correcting a reference; creating a Property Tax Administration Task Force and providing its duties; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

#### **First Reading of Council and Committee Substitutes by Publication**

By the Council for Competitive Commerce; Representatives Barreiro and Kosmas—

**CS/HB 213**—A bill to be entitled An act relating to the Money Transmitters' Code; amending s. 560.103, F.S.; revising definitions; amending s. 560.111, F.S.; providing penalties for specified violations of the Deferred Presentment Act; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; amending s. 560.118, F.S.; eliminating the authority to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.204, F.S.; clarifying exemption from registration fees under part III



of ch. 560, F.S.; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending s. 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the application fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer's check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing an effective date.

By the Council for Lifelong Learning; Committee on Juvenile Justice; Representatives Kravitz, Barreiro, Davis, Wiles, Baxley, Needelman, Bean, Hogan, Negron, Kottkamp, Detert, Richardson, Gannon, Pickens, Fields, Byrd, Alexander, Berfield, Attkisson, Bendross-Mindingall, Prieguez, Betancourt, Melvin, Fiorentino, Farkas, Harrington, Wilson, and Andrews—

**CS/CS/HB 267**—A bill to be entitled An act relating to school attendance by violent offenders; amending s. 230.235, F.S.; requiring schools to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no contact order under certain circumstances; amending ss. 985.231 and 985.233, F.S.; requiring a court placement order or a commitment order to include certain findings; providing an effective date.

By the Council for Healthy Communities; Committee on Juvenile Justice; Representatives Harper, Gelber, Barreiro, Richardson, Peterman, Smith, Greenstein, Weissman, Slosberg, Bucher, Bullard, Fields, Heyman, Romeo, Gannon, and McGriff—

**CS/CS/HB 617**—A bill to be entitled An act relating to youthful offenders; amending s. 944.1905, F.S.; requiring that certain inmates who are less than a specified age be placed in specific correctional facilities and housed in separate dormitories; requiring that the Department of Corrections report to the Legislature on its compliance with the requirements for housing youthful offenders; requiring that certain inmates who are less than a specified age and who have no prior juvenile adjudication be placed in facilities for youthful offenders; providing for the reassignment of an inmate to the general population if the inmate threatens the safety of other inmates or the correctional staff; providing an effective date.

By the Council for Ready Infrastructure; Committee on Transportation; Representative Gardiner—

**CS/CS/HB 807**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; providing that a motorized scooter is not a motor vehicle for traffic control purposes; creating a definition of the term motorized scooter; amending s. 316.006, F.S.; authorizing the installation of multiparty stop signs on certain roads; providing guidelines for the installation of such signage; amending s. 316.1951, F.S.; revising provisions related to parking vehicles to display for sale; amending s. 316.1975, F.S.; exempting operators of solid waste and recovered materials vehicles from provisions regarding unattended motor vehicles; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; amending s. 316.228, F.S.; requiring strobe lights to be placed on the exterior of a commercial vehicle transporting unprocessed forest products extending more than 4 feet beyond the rear of the vehicle; providing an alternate method for placing strobe lights in certain instances; requiring the use of a red flag on the load; amending s. 316.2397, F.S.; authorizing the emergency response vehicles of the Department of Health to use red flashing lights; amending s. 316.520, F.S.; clarifying that a violation of a provision governing loads on vehicles is a moving rather than a nonmoving violation; exempting certain vehicles carrying agricultural products; amending s. 316.640, F.S.; revising the powers and duties of traffic crash investigation officers; amending s. 316.650, F.S.; requiring the issuance of a copy of the traffic school reference guide with traffic citations under certain circumstances; amending s. 318.14, F.S.; deleting reference to a restriction on the number of elections a person may make to attend a basic driver improvement course; amending s. 318.1451, F.S.; providing an assessment fee with respect to driver improvement courses for persons who are ordered by the court to attend and for certain other violations; providing traffic school reference guide requirements; amending s. 322.0261, F.S.; deleting reference to a time period and increasing the amount of damage required with respect to a crash for the screening of certain crash reports; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses for certain violations; amending s. 322.05, F.S.; adding a condition for the issuance of a driver's license to certain persons; amending s. 319.001, F.S.; providing definitions; amending s. 319.14, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to place a decal on a rebuilt vehicle so as to clarify its identity; providing a penalty for the removal of the decal; amending s. 319.22, F.S.; providing a limitation on an action challenging the validity of a certificate of title issued pursuant to ch. 319, F.S.; amending s. 319.23, F.S.; providing a limitation on the issuance of certain titles; amending s. 319.27, F.S.; including reference to ownership interest with respect to liens on motor vehicles or mobile homes; providing special requirements with respect to an ownership interest which is different from that shown on an application for certificate of title; creating s. 319.275, F.S.; providing for interpleader actions for law enforcement officers alleging possession of a stolen motor vehicle by a good faith purchaser or person duly issued a certificate of title; amending s. 319.32, F.S.; clarifying fees for recording of liens and ownership interests; amending s. 319.323, F.S.; revising language with respect to expedited service on title transfers; amending s. 319.23, F.S.; conforming the requirements for the transfer of ownership on an antique vehicle to that of any other motor vehicle; amending s. 319.28, F.S.; deleting the requirement that a copy of a contract for processing an application for title based on a contractual default be provided; amending s. 319.30, F.S.; clarifying the major component parts of a motor vehicle; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; providing that a motorized scooter is not a motor vehicle for registration purposes; defining the term "extended registration period"; amending s. 320.055, F.S.; authorizing an extended registration period for certain motor vehicles; amending s. 320.06, F.S.; providing terms and conditions for the issuance of extended registrations; amending s. 320.07, F.S.; providing for expiration of an extended registration; amending s. 320.02,

F.S.; requiring application forms for motor vehicle registration and renewal of registration to include language permitting a voluntary contribution to certain organizations; amending s. 320.023, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary check-off contribution on a motor vehicle registration application to conform to the requirements of ch. 496, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.025, Florida Statutes, conforming the vessel registration law to the motor vehicle registration law; requiring a decal to be affixed to a vessel that is registered under a fictitious name and operated by any law enforcement agency; amending s. 320.05, F.S.; conforming the vessel registration law to the motor vehicle registration law; providing instructions for the release of information regarding a vessel to the public; amending s. 320.055, F.S.; correcting the registration period for nonapportioned vehicles; amending s. 320.06, F.S.; providing for the placement of only one decal rather than two on a license plate; amending s. 320.072, F.S.; reducing the timeframe a registrant can use a previous license plate for the initial registration fee exemption; amending s. 320.0805, F.S.; reducing the timeframe for a personalized license plate to remain out of circulation prior to reassignment; amending s. 320.08056, F.S.; requiring certain organizations to notify the department under certain circumstances; including two more colleges to the discontinuance exemptions provided for collegiate specialty license plates; amending s. 320.08062, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.083, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the Amateur Radio Operator specialty license plate; amending s. 320.089, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the EX-POW or Purple Heart specialty license plate; amending s. 320.18, F.S.; providing for cancellation of license plates and fuel use tax decals for failure to pay motor carrier weight and safety violation penalties; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; deleting the requirement for a licensee to have the certificate of title or ownership indicia in his or her possession at an auction; deleting a requirement for establishing a pattern of wrongdoing; revising requirements for denial, suspension, or revocation of a motor vehicle dealer license; amending s. 320.64, F.S.; providing additional grounds for denial, suspension, or revocation of vehicle manufacturer's license; amending s. 320.691, F.S.; creating the Automobile Dealers Industry Advisory Board; amending s. 322.01, F.S.; providing that a motorized scooter is not a motor vehicle for drivers' licensing purposes; amending s. 322.05, F.S.; correcting a statutory reference regarding the requirements for an individual under 18 years of age to apply for a driver's license; amending s. 322.081, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary contribution on a motor vehicle registration to register with the Department of Agriculture and Consumer Services; amending s. 322.095, F.S.; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; creating s. 322.222, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to hold a hearing when an individual's driver's license has been suspended or revoked due to medical reasons; amending s. 322.25, F.S.; correcting a cross reference; amending s. 322.2615, F.S.; complying with the USDOT's drunk driving prevention incentive program; reducing the timeframe for a temporary permit that is allotted when an individual is charged with driving with an unlawful blood-alcohol level; amending s. 322.27, F.S.; clarifying the time period for a driver's license revocation of a habitual traffic offender; amending s. 322.28, F.S.; deleting obsolete language regarding the revocation of a driver's license; repealing s. 322.282, F.S., relating to the procedure when the court revokes or suspends license or driving privilege and orders reinstatement; amending s. 322.292, F.S.; adding the requirement that DUI programs must be governmental programs or not-for-profit corporations; amending s. 322.61, F.S.; complying with the Federal Motor Carrier Safety Regulations; adding two more violations

for which a commercial motor vehicle may be disqualified of driving privileges; amending s. 322.64, F.S.; reducing the timeframe for a temporary permit allotted when an individual holding a commercial driver's license is charged with an unlawful blood-alcohol level; repealing s. 322.331, F.S., relating to the reinstatement of a license of a habitual traffic offender; amending s. 324.091, F.S.; providing for electronic access to vehicle insurance information; amending s. 328.01, F.S.; deleting the requirement for a copy of a contract upon which a claim of ownership of a vessel is made on a contractual default; amending s. 328.42, F.S.; authorizing the department to deny or cancel any vessel registration, license plate, or fuel use decal when given a dishonored check by the customer; amending s. 328.56, F.S.; deleting the terms "commercial" and "recreational" when referring to vessels operated on the waters of this state; amending s. 328.72, F.S.; deleting the requirements for the transfer of ownership of an antique vessel; amending s. 328.76, F.S.; providing for the appropriation allotted for fiscal year 2000-2001 to be deposited into the Highway Safety Operating Trust Fund; amending s. 713.78, F.S.; adding the insurance company to the list of individuals to be contacted when a vehicle has been towed; providing storage periods before the expiration of which certain salvaged vehicles may not be sold; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending ss. 681.1096 and 681.1097, F.S.; revising program requirements for the Pilot RV Mediation and Arbitration program; amending s. 681.115, F.S.; providing that a motor vehicle sales agreement which prohibits disclosure of its terms is void; amending s. 715.07, F.S.; conforming the vessel registration law to the motor vehicle registration law; defining the term "vessel"; authorizing the removal of an undocumented vessel parked on private property; amending s. 832.09, F.S.; authorizing the department to create a standardized form to be used for notification of satisfaction of a worthless check; amending s. 212.08, F.S.; providing additional requirements on vehicle tax assessments; creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions; creating the Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing for the use of designated off-highway-vehicle funds within the Incidental Trust Fund of the Division of Forestry, Department of Agriculture and Consumer Services; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for the registration period and for reregistration by mail; requiring notification of change of interest and address; providing for duplicate registration certificate and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating to certificates of title and registration decals; providing penalties; providing for noncriminal infractions; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an appropriation; amending ss. 316.605, 318.14, 318.18, and 322.121, F.S.; correcting cross references; providing effective dates.

By the Committee on Fiscal Policy & Resources; Representatives Melvin, Miller, and Brown—

**CS/HB 979**—A bill to be entitled An act relating to Okaloosa County; creating and establishing an independent special district in said county

to be known as the North Okaloosa Fire District; creating a charter; describing the district; prescribing its powers; providing for a board of fire commissioners; providing for compensation; requiring a bond; providing for terms of office and for filling vacancies in office; providing for meetings, minutes of meetings, and public access; providing for financial matters; authorizing non-ad valorem assessments; authorizing the district to accept gifts and donations; providing the district's fiscal year; providing for collection of taxes; providing limits and guidelines for indebtedness of the district; prescribing authorized uses of district funds; providing a penalty; ratifying actions previously taken; requiring certain notice of legal action; providing for a district expansion and merger; providing severability; providing for a referendum; providing an effective date.

By the Council for Ready Infrastructure; Committee on Transportation; Representative Russell—

**CS/CS/HB 1053**—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; giving the Secretary of Transportation the authority to exempt the turnpike enterprise from department policies, procedures, and standards; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.07, F.S.; adding seaport security projects to the types of projects eligible for these funds; exempting seaport security projects from matching requirements; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 316.650, F.S.; requiring the issuance of a copy of the Traffic School Reference Guide with traffic citations; amending s. 318.14, F.S.; deleting reference to a restriction on the number of elections a person may make to attend a basic driver improvement course; amending s. 318.1451, F.S.; providing an assessment fee with respect to driver improvement courses for persons who are ordered by the court to attend and for certain other violations; amending s. 322.0261, F.S.; deleting reference to a time period and increasing the amount of damage required with respect to a crash for the screening of certain crash reports; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses for certain violations; amending s. 322.05, F.S.; adding a condition for the issuance of a driver's license to certain persons; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for

federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; deleting requirement for legislative approval except for projects requiring more than \$50 million from the State Transportation Trust Fund; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting a subdivision to a gated neighborhood; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; providing that local governments which perform projects for the department are reimbursed promptly; specifying that certain counties that use revenues from a 1-cent local option sales tax for state transportation improvement projects not be penalized by receiving fewer state transportation funds; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting language requiring the department to perform certain railroad regulation tasks which are federal responsibilities; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be

erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; deleting provision which provides for certain residential developments located in one county to be treated as located in an adjacent less populated county; amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact; removing the rebuttable presumptions with respect to application of the statewide guidelines and standards; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; providing an effective date.

By the Council for Lifelong Learning; Committee on General Education; Representatives Arza, Atwater, Rubio, Paul, Melvin, Pickens, Baxley, Alexander, Diaz de la Portilla, Kallinger, and Fiorentino—

**CS/CS/HB 1193**—A bill to be entitled An act relating to education; amending s. 121.091, F.S.; eliminating the requirement that certain instructional personnel make an election to participate in the Deferred Retirement Option Program within 12 months after reaching normal

retirement date; amending s. 228.041, F.S.; revising the definition of "other instructional staff" to include adjunct educators; amending s. 230.23, F.S.; authorizing a review by a principal prior to reassigning a teacher; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 231.095, F.S.; revising provisions relating to assignment of teaching duties out-of-field; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; creating an athletic coaching certificate; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers and administrators; providing criteria for policies and procedures; charging the superintendent of schools with knowledge of such policies and procedures; specifying conditions for penalty against superintendent; authorizing the temporary suspension of a teaching certificateholder pending the completion of proceedings in order to protect the health, safety, and welfare of students; correcting cross references to conform; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board to recognize and accept years of satisfactory performance for purposes of pay; providing an exemption; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, and identify best practices for retaining high-quality teachers; deleting requirements that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for attracting teachers to Florida; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; correcting a cross reference; amending ss. 230.2305, 231.045, 231.1725, 231.471, and 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; amending s. 240.529, F.S.; establishing teacher education pilot programs for high-achieving students; providing an effective date.

By the Council for Lifelong Learning; Committee on Colleges & Universities; Representative Diaz-Balart—

**CS/CS/HB 1509**—A bill to be entitled An act relating to student financial assistance; amending s. 231.621, F.S.; providing for loan repayments under the Critical Teacher Shortage Student Loan Forgiveness Program directly to the teacher under certain circumstances; amending s. 240.209, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; amending s. 240.271, F.S.; requiring that a minimum percentage of funds provided in the General Appropriations Act for fellowship and fee waivers shall be used only to support graduate students or upper-division students in certain disciplines; amending s. 240.35, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; reenacting and amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; reenacting and amending s. 240.40202, F.S., relating to the

Florida Bright Futures Scholarship Program; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; revising language with respect to reinstatement applications; reenacting and amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; reenacting and amending s. 240.40204, F.S.; updating obsolete language with respect to eligible postsecondary education institutions under the Florida Bright Futures Scholarship Program; reenacting and amending s. 240.40205, F.S.; revising language with respect to the Florida Academic Scholars award; revising provisions relating to the calculation of awards; including transition language currently in statute; reenacting and amending s. 240.40206, F.S.; changing the name of the Florida Merit Scholars award to the Florida Medallion Scholars award; revising eligibility requirements with respect to the award; revising provisions relating to the calculation of awards; reenacting and amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; revising provisions relating to the calculation of awards; providing restrictions on use of the award; providing for transfer of awards; including transition language currently in statute; creating s. 240.40211, F.S.; providing for Florida Bright Futures Scholarship Program targeted occupations; providing student awards; repealing s. 240.40208, F.S., relating to transition language for eligibility for the Florida Bright Futures Scholarship Program; repealing s. 240.40242, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; amending s. 240.404, F.S.; revising language with respect to general requirements for student eligibility for state financial aid; reenacting, renumbering, and amending ss. 240.2985 and 240.6054, F.S.; revising and combining provisions relating to ethics in business scholarships; amending s. 240.409, F.S.; revising language with respect to the Florida Public Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4095, F.S.; revising language with respect to the Florida Private Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4097, F.S.; revising language with respect to the Florida Postsecondary Student Assistance Grant Program; revising eligibility criteria; creating s. 240.40975, F.S.; providing for priority with respect to Florida student assistance grant programs; amending s. 240.4128, F.S.; revising language with respect to the minority teacher education scholars program; requiring participating institutions to report on eligible students to whom scholarships are disbursed each academic term; amending s. 240.437, F.S.; revising language with respect to student financial aid planning and development; amending s. 240.465, F.S.; deleting language which prohibits certain delinquent borrowers from being furnished with their academic transcripts; reenacting and amending s. 240.551, F.S.; revising language with respect to the Florida Prepaid College Program; revising language with respect to transfer and refund provisions; providing for a rollover of benefits to a college savings program at the redemption value of the advance payment contract at a state postsecondary institution; revising provisions relating to appointment of directors of the direct-support organization; creating s. 240.6053, F.S.; providing for academic program contracts and for funding thereof; amending s. 295.02, F.S.; including postsecondary education institutions eligible to participate in the Florida Bright Futures Scholarship Program among institutions at which children of certain service members may receive an award under ch. 295, F.S.; providing effective dates.

By the Council for Competitive Commerce; Committee on Insurance; Representatives Waters, Brown, Negron, Wiles, Simmons, Fields, Sobel, Ross, Clarke, Melvin, McGriff, Berfield, Kallinger, and Lee—

**CS/HB 1805**—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public records requirements for personally identifying information and any insurance

policy number contained in motor vehicle crash reports for 60 days following a motor vehicle crash; providing exceptions; providing for future review and repeal; providing criminal penalties for unlawful disclosure of confidential and exempt information; providing criminal penalties for unlawfully obtaining or attempting to obtain confidential and exempt information; providing a finding of public necessity; providing an effective date.

By the Committees on Fiscal Policy & Resources; Utilities & Telecommunications; Representatives Ritter, Barreiro, Greenstein, Smith, Henriquez, Sobel, Holloway, Kosmas, Maygarden, Spratt, Kendrick, Bullard, Cantens, Arza, Betancourt, Gelber, Diaz-Balart, Meadows, Lynn, Gannon, Weissman, Negron, Rubio, Diaz de la Portilla, Brutus, Prieguez, Rich, Seiler, Garcia, Lacasa, Stansel, Jennings, McGriff, Andrews, Wishner, Allen, Bean, Hogan, Gottlieb, Crow, Berfield, Justice, Kallinger, Trovillion, Joyner, Farkas, Detert, Flanagan, Ross, Littlefield, Machek, Mayfield, Atwater, Harper, Slosberg, Bucher, Harrell, Mealor, and Siplin—

**CS/HB 1889**—A bill to be entitled An act relating to tax on communications services; creating s. 202.105, F.S.; providing legislative findings and intent with respect to the Communications Services Tax Simplification Law; amending s. 202.11, F.S.; revising and providing definitions; amending s. 202.12, F.S.; specifying the rates for the state tax; revising provisions relating to application of said tax; providing for application of the tax rate to private communications services and mobile communications services; providing the initial method for determining the sales price of private communications services and a revised method effective January 1, 2004; relieving service providers of certain liability; revising provisions relating to direct-pay permits; creating s. 202.155, F.S.; providing special rules for mobile communications services; providing duties of home service providers and the Department of Revenue in determining a customer's place of primary use and determining the correct taxing jurisdiction; relieving service providers of certain liability; providing requirements with respect to identifying and separately stating the sales price of mobile communications services not subject to the taxes administered under ch. 202, F.S.; amending s. 202.16, F.S.; revising provisions relating to responsibility for payment of taxes and tax amounts and brackets; amending s. 202.17, F.S.; specifying that registration as a dealer of communications services does not constitute registration for purposes of placing and maintaining communications facilities in municipal or county rights-of-way; removing the registration fee for such dealers; revising provisions relating to resale certificates; amending s. 202.18, F.S.; revising provisions relating to distribution of a portion of the proceeds of the tax on direct-to-home satellite service and to distribution of local communications services taxes and adjustment of such distribution; amending s. 202.19, F.S.; revising provisions which authorize imposition of local communications services taxes and provide for use of revenues and certain credits; specifying the maximum rates of such taxes; providing the initial method for determining the sales price of private communications services for local communications services taxes and for the discretionary sales surtax under s. 212.055, F.S., that is imposed as a local communications services tax, and providing a revised method effective January 1, 2004; relieving service providers of certain liabilities; revising requirements relating to the direct-pay permit required to qualify for the limitation on local communications services taxes on interstate communications services; providing for application of local communications services taxes to mobile communications services; amending s. 202.20, F.S.; specifying the local communications services tax conversion rates; revising requirements with respect to adjustment by a local government of its tax rate when tax revenues are less than received from replaced revenue sources; requiring adjustment of the tax rate if revenues received for a specified period exceed a specified threshold; authorizing local governments to increase the tax rate established by the Revenue Estimating Conference and approved by the Legislature to the maximum tax rate so established and approved; amending s. 202.21, F.S.; conforming language; amending s. 202.22, F.S., relating to determination of local tax situs for a local communications services tax; revising requirements relating to use of enhanced zip codes; revising

requirements relating to certification or recertification of a database by the department; specifying effect when certain applications for certification are not approved or denied within the required time period; revising provisions relating to a dealer's duty to update a database and to the amount of dealer's credit allowed when an alternative method of assigning service addresses is used; amending s. 202.23, F.S.; providing requirements for refunds when excess communications services tax has been paid; creating s. 202.231, F.S.; providing requirements for provision of information by the department to local taxing jurisdictions; amending s. 202.24, F.S., relating to limitations on local taxes and fees imposed on dealers of communications services; deleting language relating to legislative review; repealing s. 202.26(3)(i), F.S., which provides for adoption of rules by the department with respect to collection of information no longer required; amending s. 202.27, F.S.; deleting provisions which allow certain dealers making sales in more than one location to file a single return; amending s. 202.28, F.S.; including persons collecting the gross receipts tax in provisions relating to the dealer's credit; amending s. 202.37, F.S.; providing requirements for audits conducted with respect to local communications services taxes; providing that certain persons or entities may provide evidence to the department regarding failure to report taxable sales and providing authority of the department with respect thereto; creating s. 202.38, F.S.; providing for credits or refunds under ch. 202, F.S., for certain bad debts or adjustments with respect to taxes under ch. 212, F.S., or ch. 166, F.S., billed prior to October 1, 2001, and no longer subject to tax; creating s. 202.381, F.S.; providing requirements with respect to implementation of ch. 202, F.S., and ch. 2000-260, Laws of Florida, and transition from the previous tax structure; amending s. 203.01, F.S.; specifying the rate of the gross receipts tax on communications services; amending s. 212.031, F.S.; conforming language; amending s. 212.20, F.S.; removing provisions relating to deposit of certain proceeds under ch. 212, F.S., in the Mail Order Sales Tax Clearing Trust Fund; amending ss. 11.45, 218.65, and 288.1169, F.S.; correcting references; amending s. 212.202, F.S.; renaming the Mail Order Sales Tax Clearing Trust Fund as the Communications Services Tax Clearing Trust Fund; amending s. 337.401, F.S.; revising dates for notice of election by municipalities and counties regarding imposition of permit fees to the department; providing that a municipality or county that elects not to impose permit fees on communications services providers may increase its local tax rate by resolution; requiring notice to the department; repealing s. 337.401(3)(f) and (g), F.S., relating to the authority of municipalities and counties to request in-kind requirements from cable service providers and to negotiate cable service franchises, and revising and relocating such provisions under said section; providing relationship of provisions relating to regulation of placement or maintenance of communications facilities in public roads or rights-of-way by counties or municipalities to zoning or land use authority; providing status of registration under such provisions; authorizing municipalities and counties to change their election regarding imposition of permit fees and providing for adjustment of tax rates; providing notice requirements; revising definitions; specifying continued application of s. 166.234, F.S., relating to administration and rights and remedies, to municipal public service taxes on telecommunications services imposed prior to October 1, 2001; providing for payment of franchise fees by cable or telecommunications service providers with respect to services provided prior to October 1, 2001; providing for severability; repealing s. 52 of ch. 2000-260, Laws of Florida, which provides for a legislative study during the 2001 session; repealing s. 58(1) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of those administrative sections of ch. 202, F.S., which have taken effect; repealing s. 58(2) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of the following provisions prior to their October 1, 2001, effective date: the remainder of ch. 202, F.S., which provides for the taxation of the sale of communications services; other statutory amendments which provide related administrative provisions; provisions which remove levy of the municipal public service tax on telecommunication services; provisions which provide for a gross receipts tax on communications services to be applied pursuant to ch. 202, F.S.; provisions which remove the imposition of tax under ch. 212, F.S., on telecommunication service; provisions relating to the authority of counties and municipalities to

regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees; and provisions relating to the application of amendments made by ch. 2000-260, Laws of Florida; repealing s. 59 of ch. 2000-260, Laws of Florida, which, effective June 30, 2001, amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, to remove amendments made by ch. 2000-260, Laws of Florida, which took effect January 1, 2001; providing effective dates.

By the Committees on Fiscal Policy & Resources; Utilities & Telecommunications; Representatives Ritter and Barreiro—

**CS/HB 1891**—A bill to be entitled An act relating to public records; amending s. 213.053, F.S.; providing an exemption from public records requirements for information contained in specified documents received by the Department of Revenue in connection with ch. 202, F.S., the Communications Services Tax Simplification Law; authorizing the department to provide certain information relative to said chapter to local governments imposing a local communications services tax; providing for application of confidentiality and penalty provisions to such local governments; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

By the Council for Competitive Commerce; Committee on Insurance; Representatives Waters, Ross, Melvin, Fields, Clarke, Brown, Simmons, Negron, Kallinger, Sobel, and Lee—

**CS/HB 1927**—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising definitions; amending s. 440.06, F.S.; requiring employers to secure compensation; amending s. 440.09, F.S.; limiting compensation for certain impairments; requiring certain entities actively engaged in the construction industry to secure payment of compensation under chapter 440, F.S., after a certain date; amending s. 440.10, F.S.; specifying liability for compensation; amending s. 440.11, F.S.; providing for exclusiveness of liability; amending s. 440.13, F.S.; providing an additional criterion for determining certain value of nonprofessional attendant care provided by a family member; requiring carriers to allow employees to change physicians under certain circumstances; specifying payments for independent medical examinations; deleting selection of independent medical examiner criteria; specifying the number of medical opinions admissible into evidence; providing an exception to certain recourse for payment for services rendered; amending s. 440.134, F.S.; revising a definition; revising certain grievance procedures for workers' compensation managed care arrangements; amending s. 440.14, F.S.; providing for determination of pay; amending s. 440.15, F.S.; revising criteria for payment of compensation for permanent total disability; revising criteria for payment of permanent impairment and wage-loss benefits; amending s. 440.151, F.S.; providing for compensation for occupational diseases; amending s. 440.185, F.S.; requiring additional information in a report of injury; amending s. 440.191, F.S.; including managed care arrangements under provisions relating to the Employee Assistance and Ombudsman Office; revising procedures for petitions for benefits under the office; amending s. 440.192, F.S.; revising procedures for resolving benefit disputes; transferring duties and responsibilities of the Division of Workers' Compensation to the Office of the Judges of Compensation Claims; amending s. 440.20, F.S.; specifying time for payment of compensation; prohibiting approval of settlement proposals providing for attorney's fees in excess of certain amounts; amending s. 440.25, F.S.; limiting continuances under procedures for mediation and hearings; providing for selections of mediators by the Chief Judge; providing for holding mediation conferences instead of mediation hearings under certain circumstances; providing for completion of pretrial stipulations; authorizing a judge of compensation claims to sanction certain parties under certain circumstances; requiring a judge of compensation claims to order a pretrial hearing for certain purposes under certain circumstances; revising final hearing time limitations and procedures; deleting a requirement that judges of compensation claims adopt and enforce certain uniform local rules; specifying resolution of

determination of pay claims; requiring resolution of certain claims through an expedited dispute resolution process; providing for dismissal of certain petitions for lack of prosecution under certain circumstances; amending s. 440.29, F.S.; providing for receipt into evidence of medical reports from independent medical examiners; amending s. 440.34, F.S.; providing for limited additional attorney's fees in medical-only cases; prohibiting approval of attorney's fees in excess of certain amounts; deleting criteria for determining certain attorney's fees; amending s. 440.345, F.S.; requiring a summary report of attorney's fees to the Governor and the Legislature; amending s. 440.39, F.S.; specifying duties of carriers with respect to certain evidence; amending s. 440.4416, F.S.; revising membership, member criteria, terms, and meetings requirements of the Workers' Compensation Oversight Board; deleting an obsolete provision; providing additional reporting requirements for the board; amending s. 627.0915, F.S.; deleting obsolete provisions; repealing s. 440.45(3), F.S., relating to rotating docketing judges of compensation claims; providing severability; providing an effective date.

**Reports of Councils and Standing Committees**

**Council Reports**

**Received April 24:**

The Council for Healthy Communities recommends the following pass:  
 HB 1881

**The above bill was placed on the Calendar.**

The Council for Smarter Government recommends the following pass:  
 HB 65  
 HJR 209  
 HB 261  
 CS/HB 305  
 CS/HB 427, with 3 amendments  
 CS/HB 541  
 HB 579, with 11 amendments  
 HB 613, with 2 amendments  
 CS/HB 623, with 2 amendments  
 HB 625  
 HB 635  
 HJR 825  
 HB 955, with 1 amendment  
 CS/HB 973  
 HB 1051  
 HB 1089  
 HB 1097, with 1 amendment  
 CS/HB 1131, with 1 amendment  
 HB 1207  
 HB 1249, with 1 amendment  
 HB 1341  
 HB 1377  
 CS/HB 1393, with 1 amendment  
 HB 1407  
 HB 1419  
 HB 1433, with 1 amendment  
 HB 1485, with 2 amendments  
 HB 1649, with 1 amendment  
 HB 1655, with 1 amendment  
 HB 1785  
 HB 1817  
 HB 1945

**The above bills were placed on the Calendar.**

The Council for Competitive Commerce recommends council substitutes for the following:  
 HB 213  
 HB 1805  
 HB 1927

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 213, 1805, and 1927 were laid on the table.**

The Council for Healthy Communities recommends a council substitute for the following:  
 CS/HB 617

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 617 was laid on the table.**

The Council for Lifelong Learning recommends council substitutes for the following:  
 CS/HB 267  
 CS/HB 1193  
 CS/HB 1509

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 267; CS/HB 1193; and CS/HB 1509 were laid on the table.**

The Council for Ready Infrastructure recommends council substitutes for the following:  
 CS/HB 807  
 CS/HB 1053

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 807 and CS/HB 1053 were laid on the table.**

The Council for Healthy Communities recommends the following pass:  
 HB 1879, with 21 amendments

**The above bill was referred to the Fiscal Responsibility Council.**

**Committee Reports**

**Received April 24:**

The Committee on State Administration recommends the following pass:  
 HB 899  
 HB 935  
 HB 941  
 HB 1849

**The above bills were placed on the Calendar.**

The Committee on Fiscal Policy & Resources recommends a committee substitute for the following:  
 HB 979 (fiscal note attached)

**The above committee substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 979 was laid on the table.**

The Committee on State Administration recommends the following pass:  
 CS/HB 1103, with 1 amendment

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on State Administration recommends the following pass:  
 HB 1695, with 1 amendment

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Fiscal Policy & Resources recommends committee substitutes for the following:  
 HB 1889 (fiscal note attached)

HB 1891 (fiscal note attached)

**The above committee substitutes were referred to the Council for Ready Infrastructure, subject to review under Rule 6.3, and, under the rule, HBs 1889 and 1891 were laid on the table.**

The Committee on State Administration recommends the following pass:

CS/HB 1369

**The above bill was referred to the Committee on Education Appropriations.**

The Committee on State Administration recommends the following pass:

HB 1169

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

**Excused**

Reps. Harrell, Pickens

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 6:20 p.m., to reconvene at 10:30 a.m., Wednesday, April 25.

**Pages and Messengers  
for the week of  
April 23-27**

PAGES—Brianna Barry, Tallahassee; Daniel Ben-Zadok, Weston; Taylor Bense, Panama City; Robert H. Berntsson II, Port Charlotte; Ryan Caldwell, Panama City; Orlando Cicilia, Miami; Courtney Corr, Jacksonville; Michael G. Eves, Tampa; Brittany Fishel, Panama City; John-Michael Gordon, Parkland; Matt Harringer, Palm Beach Gardens; Jared J. Hatchell, Deltona; Caleb Hawkes, Tallahassee; Amanda Holland, Orlando; Jeremy Johnson, Tallahassee; Elizabeth Lasher, Lutz; Timothy Daniel Meadows, Orlando; James Thomas Murphy, Jr., Naples; Dylan Smith, Alachua; Elizabeth Swanner, Chuluota; Jacqueline Tubaugh, Miami Springs; Ryan Lee Wacker, Orlando.

MESSENGERS—Adam H. Castellanos, Miami; Michael Stephen Cummons II, Jacksonville; Christina Marie Cusack, Orlando; Robbie Estevez, Tallahassee; Carlos Fleites, Miami; Mauricio Giraldo, Miami; Joshua Ryan Hicks, Tallahassee; Mike Jowers, Jacksonville; Jarrett Kime, Orlando; Veronica Leigh Lopez, Tallahassee; Holly Danielle Messer McFadden, Crawfordville; Allison Moore, Tallahassee; Ashley Moore, Tallahassee; John Steven Sheppard, Blountstown; Peter Joshua Tebow, Bryceville; Patricia Urban, Tampa; Christopher Wright, Tallahassee.





# The Journal OF THE House of Representatives

Number 17

Wednesday, April 25, 2001

The House was called to order by the Speaker at 10:30 a.m.

## Prayer

The following prayer was offered by the Reverend Father James Rousakis of Holy Trinity Greek Orthodox Church of Clearwater, upon invitation of Rep. Carassas:

Let us pray to the Lord. Lord, have mercy.

Almighty God, our help and refuge, fountain of wisdom, and tower of strength, who at all times and in every hour is glorified, who knows that we can do nothing without Your guidance and help. Assist us, we pray to You, and direct to divine wisdom and power the Members of the Florida House of Representatives, that they may accomplish their task and whatever they undertake to do, faithfully and diligently, according to Your will, so that it may be profitable to the great State of Florida and those citizens who live therein, young and old, and to the glory of Your Holy name. We pray to You to send Your blessings upon this session of the Florida State House. Bless them and those who put their trust in You. Sanctify and reward them with glory by Your divine power. We pray to You to be their light when the day is dark and they know not which way to turn; to be their fortress in the hour of temptation, a house of defense to save them; to be their strength when the flesh is weak and the spirit sore-troubled and depressed; to be their courage in the hour of danger and in the day of adversity; to be their hope when all other hope fails, and to be at all times their salvation.

Grant them perfect health of mind and body. Direct their thoughts, Lord, in the way of truth, that they may enact, order, and enforce those laws that are true, those laws that are just, tending toward excellence and virtue. Enlighten them to govern and to lead this State of Florida in the way of prosperity and righteousness. This we offer and pray in Your Holy Name. Amen.

The following Members were recorded present:

Session Vote Sequence: 161

The Chair	Baxley	Brutus	Diaz-Balart
Alexander	Bean	Bucher	Dockery
Allen	Bendross-Mindingall	Bullard	Farkas
Andrews	Bennett	Byrd	Fasano
Argenziano	Bense	Cantens	Fields
Arza	Benson	Carassas	Fiorentino
Attkisson	Berfield	Clarke	Flanagan
Atwater	Betancourt	Crow	Frankel
Ausley	Bilirakis	Cusack	Gannon
Baker	Bowen	Davis	Garcia
Ball	Brown	Detert	Gardiner
Barreiro	Brummer	Diaz de la Portilla	Gelber

Gibson	Kallinger	Meadows	Ryan
Goodlette	Kendrick	Mealor	Seiler
Gottlieb	Kilmer	Melvin	Simmons
Green	Kosmas	Miller	Siplin
Greenstein	Kottkamp	Murman	Slosberg
Haridopolos	Kravitz	Needelman	Smith
Harper	Kyle	Negron	Sobel
Harrington	Lacasa	Paul	Sorensen
Hart	Lee	Peterman	Spratt
Henriquez	Lerner	Pickens	Stansel
Heyman	Littlefield	Prieguez	Trovillion
Hogan	Lynn	Rich	Wallace
Holloway	Machek	Richardson	Waters
Jennings	Mack	Ritter	Weissman
Johnson	Mahon	Romeo	Wiles
Jordan	Mayfield	Ross	Wilson
Joyner	Maygarden	Rubio	Wishner
Justice	McGriff	Russell	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The Members, led by Ryan Caldwell of Panama City, Orlando Cicilia of Miami, Michael G. Eves of Tampa, John-Michael Gordon of Parkland, Matt Harringer of Palm Beach Gardens, Jared J. Hatchell of Deltona, Caleb Hawkes of Tallahassee, and James Thomas Murphy, Jr. of Naples, pledged allegiance to the Flag. Ryan Caldwell served at the invitation of Rep. Bense. Orlando Cicilia served at the invitation of Rep. Rubio. Michael G. Eves served at the invitation of Rep. Henriquez. John-Michael Gordon served at the invitation of Rep. Weissman. Matt Harringer served at the invitation of Rep. Harrington. Jared J. Hatchell served at the invitation of Rep. Baker. Caleb Hawkes served at the invitation of Speaker Feeney. James Thomas Murphy, Jr. served at the invitation of Rep. Goodlette.

## House Physician

The Speaker introduced Dr. David J. Becker of Clearwater, who served in the Clinic today upon invitation of Rep. Berfield.

## Correction of the Journal

The *Journal* of April 24 was corrected and approved as corrected.

## Reports of Councils and Standing Committees

### Report of the Procedural & Redistricting Council

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

April 24, 2001

*Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits as Special Orders for Wednesday, April 25, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):
  - CS/CS/681—Governmental Reorganization
  - CS/CS/1533—Education Governance Reorganization (Special Rule 01-14)
  - HB 1971—Water Supply Policy
  - HB 599—Public Record/Child Support Services
  - CS/83—Enterprise Zone Designations
  - CS/CS/247—Unfair Discrimination/Insurance
  - HB 531—Counterfeit Payment Instruments
  - HB 601—Judgment Liens on Personal Property
  - CS/CS/809—Health Insurers & HMOs
  - HB 953—Burglary
  - CS/991—Funeral & Cemetery Services
  - HB 1055—Workers' Comp./Law Enforcement
  - CS/1073—Behavioral Health Care Service
  - CS/1145—Foster Care/Residential Care
  - CS/187—Alcoholic Beverage Container Sizes
  - HB 1091—Fla. Golf License Plate
  - CS/1541—Public Records/Economic Development
  - HB 1585—Public Records/Abandoned Property
  - HB 1787—Warranty Associations/Motor Vehicles
  - HB 1811—Information Technology
  - CS/1829—Motor Vehicle Titles
  - HB 1833—Real Property Liens/Duration
  - HB 1861—Quality of Long-Term Care Facility
  - HB 477—Public Records/Parents ID/Newborns
  - CS/CS/411—Florida Mobile Home Act
  - CS/CS/453—Energy Performance Savings
  - CS/699—Rural Electric Cooperatives
  - HB 805—Pool/Spa Servicing Contractor
  - HB 1009—Excise Tax on Documents
  - HB 1077—Health Care/Alternative Treatment
  - HB 1125—Monroe Co./Water Quality Standards
  - HB 1415—Medicaid/Environmental Modification
  - HB 1429—Cardiac Arrest Survival Act
  - HB 1669—Harris Chain of Lakes Restoration
  - HB 1681—Pest Control Operators
  - HB 1915—Agric. & Consumer Services Dept.
  - CS/3—Citizens' Right to Honest Govt. Act
  - CS/211—Civil Actions/Admission of Liability
  - CS/437—Pharmacists/Licensure by Endorsement
  - CS/521—Financial Institutions
  - HJR 571—Economic Impact Statement/Voting
  - HB 575—Filing Fees/Corporate Fee
  - HB 593—Municipal Law Enforcement Officers
  - HB 757—Wrecker Liens
  - CS/767—Structured Settlements
  - HB 791—Property Exempt from Legal Process
  - HB 989—Universities Designations
  - HB 1111—Spaceport Infrastructure Act
  - HB 1491—Wastewater Residual Reduction Act
  - HB 1615—School District Guarantee Program
  - HB 1691—Law Enforcement Officers
  - CS/9—Solid Waste Management Facilities
  - CS/113—Construction/Prompt Payment Act
  - CS/379—Entertainment Industry
  - HB 465—Tuition/Residency/National Guard
  - CS/747—Credit Insurance
  - HB 961—Nursing Homes & Health Care Facility

- CS/1253—Limited Benefit Policies/Contracts
- CS/1425—Violent Crime & Drug Control Council
- HB 1565—Public Records/Archaeological/Culture
- HB 441—County Government/Property Sales
- CS/475—Public Health
- CS/605—Florida Alzheimer's Training Act
- HB 701—Correctional Officers Memorial Hwy.
- HB 1031—Durable Powers of Attorney
- CS/1219—Insurance Agents
- HB 1479—Insurance Examination/Exemptions
- CS/365—Public Records/Health/Financial Info
- HB 1059—NASA's Small Aircraft Transportation
- HB 1777—Schools/Adult Entertainment Location
- HB 1799—Children's Behavioral Crisis Unit
- HB 1845—Criminal Use of Personal ID Info.
- CS/789—Governmental Data Processing
- CS/19—Fair Housing Act
- CS/73—Fla. Customer Service Standards Act
- CS/131—Correctional Facilities
- CS/175—Reckless Driving
- CS/CS/179—Child Care Facilities
- HB 201—Moving Traffic Violation/Fees
- HB 259—Driver's Licenses/DUI Convictions
- CS/281—Higher Educational Facilities
- CS/293—Certified Capital Company Act
- HB 301—Testing of Inmates for HIV
- HB 315—Opticianry/Violations & Penalties
- CS/331—Physician Assistants
- CS/333—Cultural Endowment Program
- HB 351—Deferred Compensation Programs
- CS/371—Electric Utilities/Interruption
- CS/463—Florida Prepaid College Program
- HB 569—Probation or Community Control
- CS/687—Medically Essential Electric Service
- CS/715 & 1355—Mary Brogan/Breast & Cervical Cancer
- CS/717—Assessment of Agricultural Property
- HB 731—Public Records/Local Government/WMD
- HB 811—Criminal Records/Obscene Materials
- HB 863—North Springs Improvement District
- HB 959—Mortgage-Foreclosure Proceedings
- HB 967—Enterprise Zones/Boundaries
- HB 1039—Ad Val/Disabled Ex-Service Members
- HB 1067—Physician Records/Adverse Incidents
- HB 235—Dental Service Claims/Appeals
- HB 1203—Motor Vehicles
- HB 1221—Water Management Districts
- HB 1379—Emergency Telephone System
- HB 1395—Driver Lic. Div./Exclusionary Rule
- HB 1401—DUI
- HB 1419—Historic Preservation
- CS/1529—Controlled Substances
- HB 1535—Public Records/Educ. Professionals (pending committee action)
- HB 1547—Fla. Prepaid College Program
- HB 1601—Workforce Development
- HB 1603—Comprehensive Everglades Restoration
- HB 1635—Environmental Control
- CS/1765—Public Protection
- CS/1617 & 1487—Growth Management
- CS/729—Environmental Control
- CS/CS/719—Agri. Products/Damage or Destruction
- CS/CS/721—Public Records/Agricultural Records
- CS/1397—Florida Mobile Home Relocation TF
- HB 1147—Public Records/Personal/Medical

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
 Chair

Rep. Byrd moved the adoption of the above report.

**Point of Order**

Rep. Kosmas raised a point of order, under Rule 10.15, that the Special Order Calendar was not provided by 9:00 p.m. of the day prior to its consideration.

The Chair [Speaker Feeney] referred the point to the Chair of the Committee on Rules, Ethics & Elections. Pending a ruling, further consideration of the Special Order Calendar was temporarily postponed.

**Bills and Joint Resolutions on Third Reading**

Pursuant to adoption of Special Rule 01-11, consideration of Bills and Joint Resolutions on Third Reading was temporarily postponed.

**Point of Order**

Speaking to the point of order raised earlier by Rep. Kosmas under Rule 10.15, Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, recommended that the point be well taken.

The Chair [Speaker Feeney] ruled the point well taken.

Rep. Byrd moved that the rules be waived and the Special Order Calendar be adopted, which was not agreed to by the required two-thirds vote. The vote was:

Session Vote Sequence: 162

Yeas—75

The Chair	Brummer	Green	Mealor
Alexander	Byrd	Haridopolos	Melvin
Allen	Cantens	Harrington	Miller
Andrews	Carassas	Hart	Murman
Argenziano	Clarke	Hogan	Needelman
Arza	Crow	Johnson	Negron
Attkisson	Davis	Jordan	Paul
Atwater	Detert	Kallinger	Pickens
Baker	Diaz de la Portilla	Kilmer	Prieguez
Ball	Diaz-Balart	Kottkamp	Ross
Barreiro	Dockery	Kravitz	Rubio
Baxley	Farkas	Kyle	Russell
Bean	Fasano	Lacasa	Simmons
Bennett	Fiorentino	Littlefield	Sorensen
Bense	Flanagan	Lynn	Spratt
Benson	Garcia	Mack	Wallace
Bilirakis	Gardiner	Mahon	Waters
Bowen	Gibson	Mayfield	Wishner
Brown	Goodlette	Maygarden	

Nays—40

Ausley	Gelber	Kendrick	Romeo
Bendross-Mindingall	Gottlieb	Kosmas	Ryan
Betancourt	Greenstein	Lee	Seiler
Brutus	Harper	Lerner	Slosberg
Bucher	Henriquez	Machek	Smith
Bullard	Heyman	McGriff	Sobel
Cusack	Holloway	Meadows	Stansel
Fields	Jennings	Peterman	Weissman
Frankel	Joyner	Rich	Wiles
Gannon	Justice	Richardson	Wilson

Votes after roll call:

Nays—Siplin

**Motion**

Rep. Goodlette moved to revert to the unfinished portion of the Tuesday, April 24, Special Order Calendar.

**Waiver of the Rules for Committee and Council Meetings and Bills**

On motion by Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, the Procedural & Redistricting Council was given permission to meet Wednesday, April 25, at 11:00 a.m.

**Motion to Reconsider**

Rep. Byrd moved that the House reconsider the vote by which the Special Order Calendar failed of adoption by the required two-thirds vote.

Rep. Goodlette suggested the absence of a quorum. A quorum was present. [Session Vote Sequence: 163].

Subsequently, Rep. Byrd withdrew the motion that the House reconsider the vote by which the Special Order Calendar failed of adoption by the required two-thirds vote.

Rep. Goodlette withdrew the motion to revert to the unfinished portion of the Tuesday, April 24, Special Order Calendar.

**Recessed**

The House stood in informal recess at 11:02 a.m., to reconvene upon the call of the Chair.

**Reconvened**

The House was called to order by the Speaker at 11:11 a.m.

On motion by Rep. Byrd, Special Rule 01-11 was waived to read HB 1935 the third time by title which was agreed to. The vote was:

Session Vote Sequence: 164

Yeas—76

The Chair	Brummer	Green	Mealor
Alexander	Byrd	Haridopolos	Melvin
Allen	Cantens	Harrington	Miller
Andrews	Carassas	Hart	Murman
Argenziano	Clarke	Hogan	Needelman
Arza	Crow	Johnson	Negron
Attkisson	Davis	Jordan	Paul
Atwater	Detert	Kallinger	Pickens
Baker	Diaz de la Portilla	Kilmer	Prieguez
Ball	Diaz-Balart	Kottkamp	Ross
Barreiro	Dockery	Kravitz	Rubio
Baxley	Farkas	Kyle	Russell
Bean	Fasano	Lacasa	Simmons
Bennett	Fiorentino	Littlefield	Siplin
Bense	Flanagan	Lynn	Sorensen
Benson	Garcia	Mack	Spratt
Berfield	Gardiner	Mahon	Trovillion
Bowen	Gibson	Mayfield	Wallace
Brown	Goodlette	Maygarden	Waters

Nays—42

Ausley	Gottlieb	Lee	Seiler
Bendross-Mindingall	Greenstein	Lerner	Slosberg
Betancourt	Harper	Machek	Smith
Brutus	Henriquez	McGriff	Sobel
Bucher	Heyman	Meadows	Stansel
Bullard	Holloway	Peterman	Weissman
Cusack	Jennings	Rich	Wiles
Fields	Joyner	Richardson	Wilson
Frankel	Justice	Ritter	Wishner
Gannon	Kendrick	Romeo	
Gelber	Kosmas	Ryan	

On further motion by Rep. Byrd, the rules were waived and the House moved to the order of—

**Bills and Joint Resolutions on Third Reading**

**HB 1935**—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 165

Yeas—117

The Chair	Clarke	Holloway	Peterman
Alexander	Crow	Johnson	Pickens
Allen	Cusack	Jordan	Prieguez
Andrews	Davis	Joyner	Rich
Argenziano	Detert	Justice	Richardson
Arza	Diaz de la Portilla	Kallinger	Ritter
Attkisson	Diaz-Balart	Kendrick	Romeo
Atwater	Dockery	Kilmer	Ross
Ausley	Farkas	Kottkamp	Rubio
Baker	Fasano	Kravitz	Russell
Ball	Fields	Kyle	Ryan
Barreiro	Fiorentino	Lacasa	Seiler
Baxley	Flanagan	Lee	Simmons
Bean	Frankel	Lerner	Siplin
Bendross-Mindingall	Gannon	Littlefield	Slosberg
Bennett	Garcia	Lynn	Smith
Bense	Gardiner	Machek	Sobel
Benson	Gelber	Mack	Sorensen
Berfield	Gibson	Mahon	Spratt
Betancourt	Goodlette	Mayfield	Stansel
Bilirakis	Gottlieb	Maygarden	Trovillion
Bowen	Green	McGriff	Wallace
Brown	Greenstein	Meadows	Waters
Brummer	Haridopolos	Mealor	Weissman
Brutus	Harper	Melvin	Wiles
Bucher	Harrington	Miller	Wilson
Bullard	Hart	Murman	Wishner
Byrd	Henriquez	Needelman	
Cantens	Heyman	Negron	
Carassas	Hogan	Paul	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

**CS/CS/HB 503**—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to adopt rules to maintain the qualified status of the Optional Retirement Program in compliance with the Internal Revenue Code; providing a contingent effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 166

Yeas—116

The Chair	Bendross-Mindingall	Cantens	Flanagan
Alexander	Bennett	Carassas	Frankel
Allen	Bense	Clarke	Gannon
Andrews	Benson	Crow	Garcia
Argenziano	Berfield	Cusack	Gardiner
Arza	Betancourt	Davis	Gelber
Attkisson	Bilirakis	Detert	Gibson
Atwater	Bowen	Diaz de la Portilla	Goodlette
Ausley	Brown	Diaz-Balart	Gottlieb
Baker	Brummer	Dockery	Green
Ball	Brutus	Farkas	Greenstein
Barreiro	Bucher	Fasano	Haridopolos
Baxley	Bullard	Fields	Harper
Bean	Byrd	Fiorentino	Harrington

Henriquez	Kyle	Murman	Seiler
Heyman	Lacasa	Needelman	Simmons
Hogan	Lee	Negron	Siplin
Holloway	Lerner	Paul	Slosberg
Jennings	Littlefield	Peterman	Smith
Johnson	Lynn	Pickens	Sobel
Jordan	Machek	Prieguez	Sorensen
Joyner	Mack	Rich	Spratt
Justice	Mahon	Richardson	Stansel
Kallinger	Mayfield	Ritter	Trovillion
Kendrick	Maygarden	Romeo	Wallace
Kilmer	McGriff	Ross	Waters
Kosmas	Meadows	Rubio	Weissman
Kottkamp	Mealor	Russell	Wilson
Kravitz	Melvin	Ryan	Wishner

Nays—None

Votes after roll call:

Yeas—Miller

So the bill passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

**CS/HB 347**—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; creating the “Officer Malcolm Thompson Act”; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; amending ss. 175.191 and 185.18, F.S.; providing minimum retirement benefits payable to certain Special Risk Class members who are injured in the line of duty and who are totally and permanently disabled due to such injury; amending s. 121.4501, F.S.; redefining the term “approved provider”; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration; amending s. 121.4501, F.S.; providing additional definitions; providing for payment of benefits pursuant to s. 121.591, F.S.; amending s. 121.571, F.S.; revising employer contribution rates to disability accounts; creating s. 121.591, F.S.; providing for payment of normal benefits, disability retirement benefits, and death benefits under the Public Employee Optional Retirement Program; providing requirements, criteria, procedures, and limitations; providing for disability benefits for certain justices and judges; limiting application of legal process to such benefits; providing a declaration of important state interest; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 167

Yeas—118

The Chair	Bennett	Clarke	Garcia
Alexander	Bense	Crow	Gardiner
Allen	Benson	Cusack	Gelber
Andrews	Berfield	Davis	Gibson
Argenziano	Betancourt	Detert	Goodlette
Arza	Bilirakis	Diaz de la Portilla	Gottlieb
Attkisson	Bowen	Diaz-Balart	Green
Atwater	Brown	Dockery	Greenstein
Ausley	Brummer	Farkas	Harper
Baker	Brutus	Fasano	Harrington
Ball	Bucher	Fields	Hart
Barreiro	Bullard	Fiorentino	Henriquez
Baxley	Byrd	Flanagan	Heyman
Bean	Cantens	Frankel	Hogan
Bendross-Mindingall	Carassas	Gannon	Holloway

Jennings	Littlefield	Paul	Slosberg
Johnson	Lynn	Peterman	Smith
Jordan	Machek	Pickens	Sobel
Joyner	Mack	Prieguez	Sorensen
Justice	Mahon	Rich	Spratt
Kallinger	Mayfield	Richardson	Stansel
Kendrick	Maygarden	Ritter	Trovillion
Kilmer	McGriff	Romeo	Wallace
Kosmas	Meadows	Ross	Waters
Kottkamp	Mealor	Rubio	Weissman
Kravitz	Melvin	Russell	Wiles
Kyle	Miller	Ryan	Wilson
Lacasa	Murman	Seiler	Wishner
Lee	Needelman	Simmons	
Lerner	Negron	Siplin	

Nays—None

Votes after roll call:

Yeas—Haridopolos

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

**SB 412**—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

—was read the third time by title.

**Motion**

Rep. Rubio moved the previous question on the bill, which was agreed to. The vote was:

Session Vote Sequence: 168

Yeas—77

The Chair	Brummer	Haridopolos	Miller
Alexander	Byrd	Harrington	Murman
Allen	Cantens	Hart	Needelman
Andrews	Carassas	Hogan	Negron
Argenziano	Clarke	Johnson	Paul
Arza	Crow	Jordan	Pickens
Attkisson	Davis	Kallinger	Prieguez
Atwater	Detert	Kendrick	Ross
Baker	Diaz de la Portilla	Kilmer	Rubio
Ball	Diaz-Balart	Kottkamp	Russell
Barreiro	Dockery	Kravitz	Simmons
Baxley	Farkas	Kyle	Sorensen
Bean	Fasano	Littlefield	Spratt
Bennett	Fiorentino	Lynn	Stansel
Bense	Flanagan	Mack	Trovillion
Benson	Garcia	Mahon	Wallace
Berfield	Gardiner	Mayfield	Waters
Bilirakis	Gibson	Maygarden	
Bowen	Goodlette	Mealor	
Brown	Green	Melvin	

Nays—41

Ausley	Gottlieb	Lerner	Siplin
Bendross-Mindingall	Greenstein	Machek	Slosberg
Betancourt	Harper	McGriff	Smith
Brutus	Henriquez	Meadows	Sobel
Bucher	Heyman	Peterman	Weissman
Bullard	Holloway	Rich	Wiles
Cusack	Jennings	Richardson	Wilson
Fields	Joyner	Ritter	Wishner
Frankel	Justice	Romeo	
Gannon	Kosmas	Ryan	
Gelber	Lee	Seiler	

The question recurred on the passage of SB 412. The vote was:

Session Vote Sequence: 169

Yeas—78

The Chair	Brown	Haridopolos	Miller
Alexander	Brummer	Harrington	Murman
Allen	Brutus	Hart	Needelman
Andrews	Byrd	Hogan	Negron
Argenziano	Cantens	Johnson	Paul
Arza	Carassas	Jordan	Pickens
Attkisson	Clarke	Kallinger	Prieguez
Atwater	Detert	Kendrick	Ross
Baker	Diaz de la Portilla	Kilmer	Rubio
Ball	Diaz-Balart	Kottkamp	Russell
Barreiro	Dockery	Kravitz	Simmons
Baxley	Farkas	Kyle	Sorensen
Bean	Fasano	Lynn	Spratt
Bendross-Mindingall	Fiorentino	Mack	Stansel
Bennett	Flanagan	Mahon	Trovillion
Bense	Garcia	Mayfield	Wallace
Benson	Gardiner	Maygarden	Waters
Berfield	Gibson	McGriff	Wiles
Bilirakis	Goodlette	Mealor	
Bowen	Green	Melvin	

Nays—35

Ausley	Gelber	Kosmas	Seiler
Betancourt	Gottlieb	Lee	Siplin
Bucher	Greenstein	Lerner	Slosberg
Bullard	Harper	Meadows	Smith
Crow	Henriquez	Rich	Sobel
Cusack	Heyman	Richardson	Weissman
Fields	Holloway	Ritter	Wilson
Frankel	Jennings	Romeo	Wishner
Gannon	Joyner	Ryan	

Votes after roll call:

Yeas—Davis, Littlefield

Nays—Peterman

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

**HB 189**—A bill to be entitled An act relating to elections; creating the “Military and Overseas Voter Protection Act;” providing definitions; stating legislative intent; providing for registration of certain recently discharged or separated military personnel, or individuals separated from employment outside the territorial United States, and family members; requiring the Department of State to adopt rules specifying eligibility; providing a state write-in absentee ballot for overseas voters; providing for absentee ballots for overseas voters; providing for advance ballots; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; directing the promulgation of emergency rules to facilitate voting by overseas voters; providing a presumption that absentee ballots were mailed on the date stated on the outside of the absentee return envelopes of

absentee voters; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S., to conform, amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absentee voters; amending s. 102.112, F.S.; extending the deadline for submission of county returns to the Department of State; amending s. 102.111, F.S.; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 170

Yeas—119

The Chair	Clarke	Holloway	Negron
Alexander	Crow	Jennings	Paul
Allen	Cusack	Johnson	Peterman
Andrews	Davis	Jordan	Pickens
Argenziano	Detert	Joyner	Prieguez
Arza	Diaz de la Portilla	Justice	Rich
Attkisson	Diaz-Balart	Kallinger	Richardson
Atwater	Dockery	Kendrick	Ritter
Ausley	Farkas	Kilmer	Romeo
Baker	Fasano	Kosmas	Ross
Ball	Fields	Kottkamp	Rubio
Barreiro	Fiorentino	Kravitz	Russell
Baxley	Flanagan	Kyle	Ryan
Bean	Frankel	Lacasa	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

**HB 1757**—A bill to be entitled An act relating to absentee ballots; amending s. 97.021, F.S.; redefining the term “absent elector”; amending s. 101.62, F.S.; modifying the information persons requesting absentee ballots must disclose; amending s. 101.657, F.S.; allowing any qualified and registered elector to vote an absentee ballot in person in the office of the supervisor of elections; amending s. 101.64, F.S.; modifying the voter’s certificate on absentee ballots; amending s. 101.65, F.S.; modifying the instructions to absent electors; amending s. 101.68, F.S.; modifying the information that must be included on an absentee ballot; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and the penalty therefor; deleting a prohibition against returning more than two absentee ballots in violation of law and the penalty therefor; repealing s. 101.647, F.S., relating to requirements for the return of absentee ballots; repealing s. 101.685, F.S., relating to authorization for absentee ballot coordinators; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 171

Yeas—119

The Chair	Clarke	Holloway	Negron
Alexander	Crow	Jennings	Paul
Allen	Cusack	Johnson	Peterman
Andrews	Davis	Jordan	Pickens
Argenziano	Detert	Joyner	Prieguez
Arza	Diaz de la Portilla	Justice	Rich
Attkisson	Diaz-Balart	Kallinger	Richardson
Atwater	Dockery	Kendrick	Ritter
Ausley	Farkas	Kilmer	Romeo
Baker	Fasano	Kosmas	Ross
Ball	Fields	Kottkamp	Rubio
Barreiro	Fiorentino	Kravitz	Russell
Baxley	Flanagan	Kyle	Ryan
Bean	Frankel	Lacasa	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Wallace
Brutus	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	

Nays—None

So the bill passed and was immediately certified to the Senate.

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

**HB 1323**—A bill to be entitled An act relating to rulemaking authority of the Department of State (RAB); amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 99.061, F.S.; authorizing the department to prescribe rules for filing papers to qualify as a candidate for federal, state, county, or district office; amending s. 101.161, F.S.; providing for ballot initiatives to be numbered in the order of filing or certification and as provided by department rule; amending s. 101.62, F.S.; authorizing the department to adopt rules for preparing and mailing absentee ballots to electors who are overseas; amending s. 106.07, F.S.; authorizing the department to adopt requirements for filing campaign treasurers’ reports; amending s. 106.22, F.S.; providing for rules prescribing requirements for filing complaints of voter fraud and for investigating those complaints; amending s. 106.23, F.S.; requiring that requests for advisory opinions by the Division of Elections be submitted in accordance with department rule; amending s. 120.54, F.S.; authorizing the department to prescribe rules under which a state agency may incorporate materials by reference in adopting an agency rule; amending s. 267.061, F.S.; providing additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt procedures for reporting an unmarked human burial and determining jurisdiction of the burial; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 172

Yeas—118

The Chair	Clarke	Jennings	Paul
Alexander	Crow	Johnson	Peterman
Allen	Davis	Jordan	Pickens
Andrews	Detert	Joyner	Prieguez
Argenziano	Diaz de la Portilla	Justice	Rich
Arza	Diaz-Balart	Kallinger	Richardson
Attkisson	Dockery	Kendrick	Ritter
Atwater	Farkas	Kilmer	Romeo
Ausley	Fasano	Kosmas	Ross
Baker	Fields	Kottkamp	Rubio
Ball	Fiorentino	Kravitz	Russell
Barreiro	Flanagan	Kyle	Ryan
Baxley	Frankel	Lacasa	Seiler
Bean	Gannon	Lee	Simmons
Bendross-Mindingall	Garcia	Lerner	Siplin
Bennett	Gardiner	Littlefield	Slosberg
Bense	Gelber	Lynn	Smith
Benson	Gibson	Machek	Sobel
Berfield	Goodlette	Mack	Sorensen
Betancourt	Gottlieb	Mahon	Spratt
Bilirakis	Green	Mayfield	Stansel
Bowen	Greenstein	Maygarden	Trovillion
Brown	Haridopolos	McGriff	Wallace
Brummer	Harper	Meadows	Waters
Brutus	Harrington	Mealor	Weissman
Bucher	Hart	Melvin	Wiles
Bullard	Henriquez	Miller	Wilson
Byrd	Heyman	Murman	Wishner
Cantens	Hogan	Needelman	
Carassas	Holloway	Negron	

Nays—None

Votes after roll call:

Yeas—Cusack

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

**CS/HB 1921**—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; revising certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems; amending s. 101.151, F.S.; providing general specifications for ballots; deleting provisions specific to certain elections and voting systems; requiring the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system; amending s. 101.5603, F.S.; revising definitions relating to the Electronic Voting Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines; amending s. 101.5604, F.S.; requiring any electronic or electromechanical voting system used by a county to be a precinct tabulation system; amending s. 101.5606, F.S.; providing additional requirements for electronic or electromechanical voting systems; creating s. 101.56062, F.S.; establishing a loan program for counties to purchase voting equipment; providing the terms and conditions of such loans; providing for a priority system based on county need; providing penalties for default or delinquent payments; providing for suspension of payment of principal and penalties under certain financial emergency conditions; providing rulemaking authority; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations,

to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of “voting equipment,” applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

—was read the third time by title.

REPRESENTATIVE BALL IN THE CHAIR

THE SPEAKER IN THE CHAIR

On motion by Rep. Goodlette, further consideration of **CS/HB 1921** was temporarily postponed under Rule 11.10.

**CS/HB 1921**—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; revising certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems; amending s. 101.151, F.S.; providing general specifications for ballots; deleting provisions specific to certain elections and voting systems; requiring the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system; amending s. 101.5603, F.S.; revising definitions relating to the Electronic Voting Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines; amending s. 101.5604, F.S.; requiring any electronic or electromechanical voting system used by a county to be a precinct tabulation system; amending s. 101.5606, F.S.; providing additional requirements for electronic or electromechanical voting systems; creating s. 101.56062, F.S.; establishing a loan program for counties to purchase voting equipment; providing the terms and conditions of such loans; providing for a priority system based on county need; providing penalties for default or delinquent payments; providing for suspension of payment of principal and penalties under certain financial emergency conditions; providing rulemaking authority; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of “voting equipment,” applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting

machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

—was taken up.

Rep. Goodlette suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 173].

The question recurred on the passage of CS/HB 1921. The vote was:

Session Vote Sequence: 174

Yeas—114

The Chair	Crow	Jennings	Paul
Alexander	Cusack	Johnson	Peterman
Allen	Davis	Jordan	Pickens
Andrews	Detert	Joyner	Prieguez
Argenziano	Diaz de la Portilla	Justice	Rich
Arza	Diaz-Balart	Kallinger	Richardson
Attkisson	Dockery	Kendrick	Ritter
Atwater	Farkas	Kilmer	Romeo
Ausley	Fasano	Kosmas	Ross
Baker	Fields	Kottkamp	Rubio
Ball	Fiorentino	Kravitz	Russell
Barreiro	Flanagan	Kyle	Ryan
Baxley	Gannon	Lacasa	Seiler
Bennett	Garcia	Lee	Simmons
Bense	Gardiner	Lerner	Siplin
Benson	Gelber	Littlefield	Slosberg
Berfield	Gibson	Lynn	Sobel
Betancourt	Goodlette	Machek	Sorensen
Bilirakis	Gottlieb	Mack	Spratt
Bowen	Green	Mahon	Stansel
Brown	Greenstein	Mayfield	Trovillion
Brummer	Haridopolos	Maygarden	Wallace
Brutus	Harper	McGriff	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	
Clarke	Holloway	Negron	

Nays—3

Bendross-Mindingall Frankel Smith

Votes after roll call:

Yeas—Meadows

Nays to Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

#### Bill Subject to Special Rule

**CS/HB 1925**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms “error in the vote tabulation” and “provisional ballot”; revising the definition of “primary

election”; amending s. 100.061, F.S.; providing for a single primary election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; increasing campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for an appropriation; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s. 101.045, F.S.; requiring verification of an elector’s eligibility if the elector’s name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; providing a penalty for releasing the results of an election prior to the closing of the polls; amending s. 101.68, F.S.; allowing the processing of absentee ballots through electronic tabulating equipment prior to election day; prohibiting the release of the results of a canvassing or processing of absentee ballots prior to the closing of the polls; providing a penalty; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is the proper party to bring an election contest for certain elections; providing that any elector is the proper party to bring an election contest for elections involving a referendum; clarifying the circumstances under which a person may bring an election contest; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; amending s. 106.31, F.S.; providing legislative intent with respect to public campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; amending s. 106.35, F.S.; providing that certain contributions may not be used as qualifying matching contributions; repealing s. 98.0975, F.S., relating to list maintenance of the central voter file; amending s. 98.255, F.S.;



providing for nonpartisan voter education; requiring the supervisors of elections to report to the Division of Elections on voter-education programs; requiring the division to report to the Legislature on the effectiveness of voter-education programs; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012 (8) and (9), F.S., relating to pollworker training; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; providing severability; providing effective dates.

—was read the third time by title.

Under Rule 10.7, Rep. Frankel moved to read CS/HB 1925 the third time in full.

Rep. Byrd suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 175].

On motion by Rep. Byrd, by the required one-third vote, CS/HB 1925 was read the third time in full.

REPRESENTATIVE BALL IN THE CHAIR

REPRESENTATIVE DIAZ-BALART IN THE CHAIR

THE SPEAKER IN THE CHAIR

Rep. Byrd suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 176].

The question recurred on the passage of CS/HB 1925. The vote was:

Session Vote Sequence: 177

Yeas—78

The Chair	Byrd	Harrell	Miller
Alexander	Cantens	Harrington	Murman
Allen	Carassas	Hart	Needelman
Andrews	Clarke	Hogan	Negron
Argenziano	Crow	Johnson	Paul
Arza	Davis	Jordan	Pickens
Attkisson	Detert	Kallinger	Prieguez
Atwater	Diaz de la Portilla	Kendrick	Ross
Baker	Diaz-Balart	Kilmer	Rubio
Barreiro	Dockery	Kottkamp	Russell
Baxley	Farkas	Kravitz	Simmons
Bean	Fasano	Kyle	Sorensen
Bennett	Fiorentino	Littlefield	Spratt
Bense	Flanagan	Lynn	Stansel
Benson	Garcia	Mack	Trovillion
Berfield	Gardiner	Mahon	Wallace
Bilirakis	Gibson	Mayfield	Waters
Bowen	Goodlette	Maygarden	Wishner
Brown	Green	Mealor	
Brummer	Haridopolos	Melvin	

Nays—39

Ausley	Gelber	Kosmas	Romeo
Bendross-Mindingall	Gottlieb	Lee	Ryan
Betancourt	Greenstein	Lerner	Siplin
Brutus	Harper	Machek	Slosberg
Bucher	Henriquez	McGriff	Smith
Bullard	Heyman	Meadows	Sobel
Cusack	Holloway	Peterman	Weissman
Fields	Jennings	Rich	Wiles
Frankel	Joyner	Richardson	Wilson
Gannon	Justice	Ritter	

Votes after roll call:

Yeas—Seiler

So the bill passed, as amended, and was immediately certified to the Senate.

**Explanations of Vote**

HB 1925 ON PASSAGE: I cannot support House Bill 1925 in this version. My primary objection to this legislation is the increase in the amount of campaign contributions allowed. Over the past decade, campaign contributions were reduced. I see no reason to reverse course. I believe that our goal should be to restore trust and credibility to the political process. While there is a great deal of positive portions of this bill, I cannot support this version in its entirety. This is why I voted NO.

*Rep. Charlie Justice  
District 53*

This is the most important bill of session. This is probably the most important general bill of any of our careers. This is our chance to regain credibility with the voters. This is our chance to do what was right for Floridians. Unfortunately, Mr. Speaker and Members, I am afraid that in we have done much wrong. I refuse to go back to my constituents and tell them that I voted to put more money into a system that is already overflowing with cash. I refuse to tie the hands of unknown statewide candidates, fighting for their chance to enter public service. Fortunately, there are still several days of session left. We can say no today and come back tomorrow and do what is right. With that, I must vote no.

*Rep. Doug Wiles  
District 20*

**Reports of Councils and Standing Committees**

**Reports of the Committee on Rules, Ethics & Elections**

*The Honorable Tom Feeney  
Speaker, House of Representatives*

April 25, 2001

*Dear Mr. Speaker:*

**The Committee on Rules, Ethics & Elections met and recommends the following addition of House Rule 10.2(c) and revisions to House Rules 10.15 and 12.2:**

**10.2(c)** By majority vote of the members present, the House may on motion of the Chair of the Procedural and Redistricting Council move either to the Order of Business of Bills and Joint Resolutions on Third Reading or Special Orders. The motion may provide which matter on such order of business may be considered.

**10.15—Special Order Calendar**

(a) REGULAR SESSION.

(1) The Procedural & Redistricting Council shall periodically submit, as needed, a Special Order Calendar determining the priority for consideration of legislation. The Procedural & Redistricting Council may include on a Special Order Calendar specific sections for local bills, trust fund bills, bills to be taken up at a time certain, and bills subject to Special Rule. Any amendment of a report proposing a Special Order Calendar requires a two-thirds vote of the Members present and voting. Upon adoption of a Special Order Calendar, no other bills shall be considered for the time period set forth for that Special Order Calendar, except that any bill appearing on that Special Order Calendar may be stricken from it by a two-thirds vote of the Members present and voting or any bill may be added to it pursuant to Rule 10.16. A previously adopted Special Order Calendar shall expire upon adoption by the House of a new Special Order Calendar.

(2) Any committee, council, or Member may apply to the Procedural & Redistricting Council to place a bill on the Special Order Calendar. The Procedural & Redistricting Council may grant such requests by a majority vote.

(3) During the first 45 calendar days of a regular session, the Procedural & Redistricting Council shall publish the Special Order Calendar in two Calendars of the House, and it may be taken up on the day of the second published calendar.

(b) EXTENDED OR SPECIAL SESSION.

(1) If the Legislature extends a legislative session, all bills on the Calendar at the time of expiration of the regular session shall be placed in the Procedural & Redistricting Council.

(2) During any extended or special session, all bills upon being reported favorably by the last committee of reference shall be placed in the Procedural & Redistricting Council.

(3) During any extended or special session, the Procedural & Redistricting Council shall establish a Special Order Calendar and only those bills on such Special Order Calendar shall be placed on the Calendar of the House.

## 12.2 Filing

### (a) REGULAR SESSION.

(1) During the first 45 calendar days of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form prior to 3:00 p.m. of the day (excluding Saturday and Sunday) preceding the daily session at which the sponsor seeks to offer the amendment, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 5:00 p.m. of the day (excluding Saturday and Sunday) preceding the daily session at which the sponsor seeks to offer the main amendment.

(2) For calendar days 46 through 51 of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form at least 1 hour prior to the daily session at which the sponsor seeks to offer the amendment or 2 1/2 hours after the Special Order Calendar has been provided, whichever is later, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 30 minutes prior to the daily session at which the sponsor seeks to offer the main amendment or 3 hours after the Special Order Calendar has been provided, whichever is later.

(3) After the 51st day of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form not later than 30 minutes after the convening of the daily session at which the sponsor seeks to offer the amendment or 2 1/2 hours after the Special Order Calendar has been provided, whichever is later, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 1 hour after the convening of the daily session at which the sponsor seeks to offer the main amendment or 3 hours after the Special Order Calendar has been provided, whichever is later.

(b) EXTENDED OR SPECIAL SESSION. During any extended or special session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form at least 1 hour prior to the daily session at which the sponsor seeks to offer the amendment, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 30 minutes prior to the daily session at which the sponsor seeks to offer the main amendment.

(c) WAIVER OF DEADLINE. By a majority vote, the time limitation for filing any amendment may be waived.

A quorum of the Committee was present in person, and a majority of those present agreed to the above revisions.

Sincerely,  
J. Dudley Goodlette, Chair

Rep. Goodlette explained the addition of House Rule 10.2(c) and revisions to House Rules 10.15 and 12.2.

## Motion

Rep. Rubio moved the previous question on the report, which was agreed to.

On motion by Rep. Goodlette, the above report was adopted. The vote was:

Session Vote Sequence: 178

## Yeas—77

The Chair	Brummer	Haridopolos	Melvin
Alexander	Byrd	Harrell	Miller
Allen	Cantens	Harrington	Murman
Andrews	Carassas	Hart	Needelman
Argenziano	Clarke	Hogan	Negron
Arza	Crow	Johnson	Paul
Attkisson	Davis	Jordan	Pickens
Atwater	Detert	Kallinger	Prieguez
Baker	Diaz de la Portilla	Kilmer	Ross
Ball	Diaz-Balart	Kottkamp	Rubio
Barreiro	Dockery	Kravitz	Russell
Baxley	Farkas	Kyle	Simmons
Bean	Fasano	Lacasa	Sorensen
Bennett	Fiorentino	Littlefield	Spratt
Bense	Flanagan	Lynn	Trovillion
Benson	Garcia	Mack	Wallace
Berfield	Gardiner	Mahon	Waters
Bilirakis	Gibson	Mayfield	
Bowen	Goodlette	Maygarden	
Brown	Green	Mealor	

## Nays—43

Ausley	Gottlieb	Lee	Seiler
Bendross-Mindingall	Greenstein	Lerner	Siplin
Betancourt	Harper	Machek	Slosberg
Brutus	Henriquez	McGriff	Smith
Bucher	Heyman	Meadows	Sobel
Bullard	Holloway	Peterman	Stansel
Cusack	Jennings	Rich	Weissman
Fields	Joyner	Richardson	Wiles
Frankel	Justice	Ritter	Wilson
Gannon	Kendrick	Romeo	Wishner
Gelber	Kosmas	Ryan	

## Ruling on Question of Order Certified From Committee

*The Honorable Tom Feeney*  
*Speaker of the House of Representatives*

April 23, 2001

*Dear Mr. Speaker:*

I have received an appeal by Rep. Renier Diaz de la Portilla, under House Rule 7.5(b) regarding my decision as committee chair to refuse his motion to reconsider and leave pending during the committee's deliberation of House Bill 1189 on Thursday, April 12, 2001.

During the committee meeting, Rep. Haridopolos was recognized for a motion to reconsider House Bill 1189; the motion was subsequently defeated. After that motion was disposed of, Rep. Diaz de la Portilla made a motion to reconsider and leave the bill pending. Since the earlier reconsideration motion was clearly defeated by a voice vote of the committee, the second motion was ruled out of order based upon House Rule 7.17(d). Upon further review, it is my opinion that my ruling at the meeting was, in fact, correct and was made within the extended time limit provided for through the unanimous consent of the committee.

Thank you for your time and consideration of this matter.

Sincerely,  
Rob Wallace, Chair  
Committee on Fiscal Policy &  
Resources

**Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections:** Chairman Wallace has certified forward an appeal from Rep. Diaz de la Portilla regarding a sequence of events at the April 12, 2001, meeting of the Fiscal Policy & Resources Committee. The question outlined in Chairman Wallace's letter and Rep. Diaz de la Portilla's attached materials involved whether several motions made during the consideration of HB 1189 were disposed of in the proper order and during the committee's authorized meeting time.

The audio tape of the committee meeting documents the following series of events. After the vote on passage of HB 1189, the Chair recognized Rep. Haridopolos who moved to reconsider the vote by which the bill passed. Rep. Mack was then recognized and moved to lay that motion on the table. Rep. Diaz de la Portilla moved to reconsider the vote and leave the motion pending. Upon the defeat of the motion to lay the motion to reconsider on the table, the committee addressed the motion to reconsider, which was also defeated. Chairman Wallace then stated that the motion by Rep. Diaz de la Portilla was in order at that point and the motion would be left pending.

Following the subsequent consideration of several proposed committee bills and a third motion to extend, which was adopted without objection, Chairman Wallace readdressed Rep. Diaz de la Portilla's motion to reconsider and leave the motion pending, noted that the motion had been out of order, and announced that HB 1189 would be reported favorably by the committee.

While several issues have been raised in this appeal, the essential issue is the determination of which reconsideration motion has precedence. The motion to reconsider was properly made prior to the motion to reconsider and leave the motion pending. The two motions have equal precedence under House Rule 7.17(a), and should therefore be taken in the order made, as provided in a ruling by Speaker Pettigrew on February 10, 1972 (Precedent 134-7 of *Rulings and Opinions*, Florida House of Representatives, 2000). Rep. Diaz de la Portilla has also argued that unanimous consent was provided by the committee for his motion to reconsider and leave pending. Silence on the part of the committee without the chair asking if there is an objection does not constitute unanimous consent. Since such consent was not provided, this opinion does not reach the issue of whether a motion to reconsider and leave pending may be made when unanimous consent of the committee is received and once a motion to reconsider has been disposed of. It is my opinion that the final ruling by Chairman Wallace was properly reached.

The Chair [Speaker Feeney] concurred in the recommendation of Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, and ruled the final ruling by Chairman Wallace was properly reached.

On motion by Rep. Goodlette, Special Rule 01-11 was waived and—

**Bills and Joint Resolutions on Third Reading**

**CS/HB 1199**—A bill to be entitled An act relating to education; authorizing individual district school boards by resolution to allow invocation or benediction at specified secondary school-related events; providing legislative intent; providing for severability; providing an effective date.

—was read the third time by title.

**REPRESENTATIVE MAYGARDEN IN THE CHAIR**

**THE SPEAKER IN THE CHAIR**

The question recurred on the passage of CS/HB 1199. The vote was:

Session Vote Sequence: 179

Yeas—84

The Chair	Bense	Clarke	Gibson
Alexander	Benson	Crow	Goodlette
Allen	Berfield	Davis	Haridopolos
Andrews	Betancourt	Diaz de la Portilla	Harper
Arza	Bilirakis	Diaz-Balart	Harrell
Attkisson	Bowen	Dockery	Harrington
Atwater	Brown	Fasano	Hart
Baker	Brummer	Fields	Hogan
Ball	Bullard	Fiorentino	Holloway
Barreiro	Byrd	Flanagan	Johnson
Baxley	Cantens	Garcia	Jordan
Bean	Carassas	Gardiner	Kallinger

Kendrick	Mahon	Negron	Russell
Kilmer	Mayfield	Paul	Simmons
Kottkamp	Maygarden	Peterman	Siplin
Kravitz	McGriff	Pickens	Sorensen
Kyle	Mealor	Prieguez	Spratt
Lacasa	Melvin	Richardson	Stansel
Littlefield	Miller	Romeo	Trovillion
Lynn	Murman	Ross	Wallace
Mack	Needelman	Rubio	Waters

Nays—29

Ausley	Gannon	Justice	Smith
Bendross-Mindingall	Gelber	Kosmas	Sobel
Bennett	Gottlieb	Lerner	Weissman
Brutus	Greenstein	Machek	Wiles
Bucher	Henriquez	Rich	Wishner
Cusack	Heyman	Ritter	
Detert	Jennings	Ryan	
Frankel	Joyner	Slosberg	

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

**Reports of Councils and Standing Committees**

**Report of the Procedural & Redistricting Council**

On motion by Rep. Byrd, the Special Order Calendar for Wednesday, April 25 (shown in the *Journal* earlier today on page 662) was adopted.

On motion by Rep. Byrd, the rules were waived and the House moved to the order of—

**Motions Relating to Committee References**

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 285 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 291 was withdrawn from the Committee on General Government Appropriations and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 567 was withdrawn from the Committee on Economic Development & International Trade and remains referred to the Committee on Fiscal Policy & Resources and the Council for Smarter Government.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 751 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 773 was withdrawn from the Committee on Fiscal Policy & Resources and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 917 was withdrawn from the Committee on Fiscal Policy & Resources and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1129 was withdrawn from the Council for Lifelong Learning and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1187 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1255 was withdrawn from the Committee on Fiscal Policy & Resources and the Council for Smarter Government and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1361 was withdrawn from the Council for Lifelong Learning and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1367 was withdrawn from the Council for Smarter Government and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1371 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1431 was withdrawn from the Committee on Fiscal Policy & Resources and remains referred to the Council for Lifelong Learning.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1439 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1593 was withdrawn from the Committee on Crime Prevention, Corrections & Safety and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1607 was withdrawn from the Council for Competitive Commerce and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1673 was withdrawn from the Council for Smarter Government and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1699 was withdrawn from the Committee on State Administration and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1701 was withdrawn from the Council for Smarter Government and remains referred to the Committee on State Administration.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1869 was withdrawn from the Committee on Child & Family Security and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1967 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

Among the earlier motions to withdraw bills from Committees or Councils, Rep. Goodlette moved to withdraw CS/HB 1819 from the Council for Smarter Government.

Under Rule 11.4, Rep. Ritter requested a division of the question.

On motion by Rep. Goodlette, further consideration of the question on CS/HB 1819 was temporarily postponed.

## Resolutions

By Representatives Peterman, Joyner, Wilson, Harper, Smith, Cusack, Meadows, Richardson, Siplin, Jennings, Holloway, Bullard, Bendross-Mindingall, Brutus, Fields, Justice, Kendrick, Lee, Heyman, Slosberg, Gannon, Weissman, Bucher, Lerner, McGriff, Sobel, Henriquez, Betancourt, Ausley, Gottlieb, Romeo, Meador, Baxley, Prieguez, Waters, Brown, Detert, Murman, Mayfield, Ross, Allen, Benson, Hogan, Baker, Bean, Stansel, Kravitz, Simmons, Garcia, Paul, Arza, Wallace, Berfield, Argenziano, Russell, Littlefield, Needelman, Farkas, Ritter, and Wishner—

**HR 9073**—A resolution honoring the memory of Douglas Lee “Tim” Jamerson.

WHEREAS, remembered for his “great sense of humor, his booming voice for the underprivileged, and his kind heart,” Douglas Lee “Tim” Jamerson left no doubt as to where he stood on an issue, yet so adept was he at concealing the state of his health that many who were closest to

him were profoundly shocked when cancer claimed his life on Saturday, April 21, 2001, and

WHEREAS, Doug Jamerson was a teacher at St. Petersburg High School when he made his successful bid for the Legislature, quickly becoming recognized as a “tireless champion for public education” as he pushed for measures that put more control of schools in local hands, led in establishing school accountability in Florida, and promoted parental involvement in their children’s schools, and

WHEREAS, known as one of the most prominent black politicians in Florida, smart, passionate, and well-connected, Doug Jamerson served with uncommon distinction as the District 55 State Representative for 11 years after his election in 1982 until his resignation in 1993 to assume statewide positions, first as Commissioner of Education and, later, as Secretary of Labor, both by appointment of then-Governor Lawton Chiles, and

WHEREAS, service to his state kept him in Tallahassee for much of his political career, but in his heart Douglas Lee Jamerson never truly left St. Petersburg, where he was born on October 16, 1947, and remained intensely interested in its welfare, often visiting in the neighborhoods in which he grew up and, when racial violence broke out in the city in 1996, he walked the streets, attempting to cool emotions and restore order, the following year winning a national award for his efforts, and

WHEREAS, the first black legislator elected from Pinellas County and referred to as “one of the political pioneers of the African-American community” and as a statesman who “represented all that is right in public service,” Douglas Lee “Tim” Jamerson accomplished much in the relatively short span of his public service and has made a lasting impact on the lives of all Floridians, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to honor the memory of Douglas Lee “Tim” Jamerson and to reflect upon the contributions made by this dedicated public servant.

BE IT FURTHER RESOLVED that copies of this resolution be presented to Mrs. Leatha Jamerson and to Cedric Jamerson, wife and son of Doug Jamerson, as a tangible token of the esteem in which this body holds the memory of its former colleague.

—was read the first time by title and the second time by title. On motion by Rep. Peterman, the resolution was adopted.

Rep. Peterman, Rep. Frankel, and the Speaker each gave brief remarks.

In honor and appreciation of the Honorable Douglas L. “Tim” Jamerson’s life and service to the State of Florida, the Members stood and applauded.

On motion by Rep. Peterman, the board was opened [Session Vote Sequence: 0180] and the following Members were recorded as cosponsors of the resolution, along with Reps. Peterman, Joyner, Wilson, Harper, Smith, Cusack, Meadows, Richardson, Siplin, Jennings, Holloway, Bullard, Bendross-Mindingall, Brutus, Fields, Justice, Kendrick, Lee, Heyman, Slosberg, Gannon, Weissman, Bucher, Lerner, McGriff, Sobel, Henriquez, Betancourt, Ausley, Gottlieb, Romeo, Meador, Baxley, Prieguez, Waters, Brown, Detert, Murman, Mayfield, Ross, Allen, Benson, Hogan, Baker, Bean, Stansel, Kravitz, Simmons, Garcia, Paul, Arza, Wallace, Berfield, Argenziano, Russell, Littlefield, Needelman, Farkas, Ritter, and Wishner: Reps. Alexander, Andrews, Attkisson, Atwater, Ball, Barreiro, Bennett, Bense, Bilirakis, Bowen, Brummer, Byrd, Cantens, Carassas, Clarke, Crow, Davis, Diaz de la Portilla, Diaz-Balart, Dockery, Fasano, Feeney, Fiorentino, Flanagan, Frankel, Gardiner, Gelber, Gibson, Goodlette, Greenstein, Haridopolos, Harrell, Harrington, Hart, Jordan, Kallinger, Kilmer, Kosmas, Kottkamp, Kyle, Lacasa, Lynn, Macheck, Mack, Mahon, Maygarden, Melvin, Miller, Negron, Pickens, Rich, Rubio, Ryan, Seiler, Sorensen, Trovillion, and Wiles.

**Recessed**

On motion by Rep. Byrd, the House recessed at 4:34 p.m., to reconvene at 7:00 p.m. today.

**Reconvened**

The House was called to order by the Speaker at 7:04 p.m. A quorum was present [Session Vote Sequence: 181].

On motion by Rep. Byrd, the House moved to the order of—

**Special Orders**

**Special Order Calendar**

**CS/CS/HB 681**—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance, Commissioner of Financial Services, and Commissioner of Securities; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction for each commissioner’s office; transferring certain powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Insurance and Financial Services; specifying that such rules become rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the Office of Transition Management; specifying powers and duties thereof; requiring reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing an appropriation; providing effective dates.

—was read the second time by title. On motion by Rep. Flanagan, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 182

**Yeas—113**

The Chair	Betancourt	Fiorentino	Hogan
Alexander	Bilirakis	Flanagan	Jennings
Allen	Bowen	Frankel	Johnson
Andrews	Brown	Gannon	Jordan
Argenziano	Brummer	Garcia	Joyner
Arza	Bucher	Gardiner	Justice
Attkisson	Bullard	Gelber	Kallinger
Atwater	Byrd	Gibson	Kendrick
Ausley	Cantens	Goodlette	Kosmas
Baker	Carassas	Gottlieb	Kottkamp
Ball	Clarke	Green	Kravitz
Barreiro	Cusack	Greenstein	Kyle
Baxley	Davis	Haridopolos	Lacasa
Bean	Detert	Harper	Lee
Bendross-Mindingall	Diaz de la Portilla	Harrell	Lerner
Bennett	Dockery	Harrington	Littlefield
Bense	Farkas	Hart	Lynn
Benson	Fasano	Henriquez	Machek
Berfield	Fields	Heyman	Mack

Mahon	Negron	Rubio	Trovillion
Mayfield	Paul	Russell	Wallace
Maygarden	Peterman	Ryan	Waters
McGriff	Pickens	Seiler	Weissman
Meadows	Prieguez	Simmons	Wiles
Mealor	Rich	Slosberg	Wilson
Melvin	Richardson	Smith	Wishner
Miller	Ritter	Sobel	
Murman	Romeo	Sorensen	
Needelman	Ross	Stansel	

Nays—1

Spratt

Votes after roll call:

Yeas—Kilmer

Nays to Yeas—Spratt

So the bill passed and was immediately certified to the Senate.

**Bill Subject to Special Rule**

**CS/CS/HB 1533**—A bill to be entitled An act relating to education governance reorganization; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees and making appointees subject to Senate confirmation; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Center for Education Policy Research and Improvement, respectively; creating the Center for Education Policy Research and Improvement within OPPAGA; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Center for Education Policy Research and Improvement; providing duties of the center; establishing membership and duties of an advisory council to the center; providing for funding and staff; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and oversee the chancellors and the executive director; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization

Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, the chief transition officer, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission, goals, and systemwide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees and a Florida Board of Education; providing for appointment of a chief transition officer and specifying duties of the officer; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Florida Board of Education to appoint advisory bodies as necessary and develop and recommend a new School Code; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; creating s. 229.0073, F.S.; establishing the chief transition officer's Education Reorganization Workgroup to direct and oversee reorganization of the Department of Education; providing requirements for reorganization to include the establishment of offices and divisions; providing duties of the offices; transferring the SMART Schools Clearinghouse to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing for membership and duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing for membership and duties of the commission; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; providing for protections from civil liability; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; providing legislative intent regarding the School Readiness Act; clarifying and providing responsibilities of the Florida Partnership for School Readiness, the Agency for Workforce Innovation, the Department of Education, and parents relating to school readiness; providing for the addition of members to the Florida Partnership for School Readiness; providing for the development of minimum child care licensing standards; transferring the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; transferring the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program including statewide staff to the Agency for Workforce Innovation; transferring the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including statewide staff, to the Agency for Workforce Innovation; amending s. 216.136, F.S.; deleting certain duties of the Social Services Estimating Conference; adding staff of the Agency for Workforce Innovation to the School Readiness Program Estimating Conference; amending ss. 232.01, 236.08104, and 445.023, F.S.; conforming language and correcting cross references; effective January 1, 2002, repealing ss. 228.061(1) and (2), 230.23(4)(o), 230.2303, 230.2305, and 230.2306, F.S., relating to preschool and prekindergarten early intervention programs in the public schools, school board provision of early childhood and basic skills development, the Florida First Start Program, the prekindergarten early intervention program, and prekindergarten children service needs assessments; effective July 1, 2002, repealing ss. 230.23166, 232.01(1)(d), 234.01(1)(e), and 236.083(1)(f), F.S., relating to teenage parent programs, school attendance for married or pregnant students, transportation for pregnant students or student parents, and the annual allocation for such transportation; effective January 1, 2002, repealing ss. 402.28, 402.281(1), 402.3015, 402.3027, 402.3028, 402.305(18), 402.3052, 402.3135(2)(c), and 402.45(2) and (6), F.S., relating to Child Care Plus,

the Gold Seal Quality Care program rating system, the subsidized child care program, observation and assessment of young children in subsidized child care programs, referral for assessment, the child care technical review panel, the child development associate training grants program, provision of assistance to Child Care Plus facilities, and certain requirements for the community resource mother or father program; effective January 1, 2002, repealing ss. 391.304(1)(a), 411.01(4)(l), (q), (s), and (t), (5)(g), and (9)(c), 411.201, 411.202, 411.203, 411.205, 411.22, 411.221, 411.222, 411.223, 411.224, 411.23, and 411.231, F.S., relating to Department of Health coordination with the Department of Education and specified councils, specified duties of the Florida Partnership for School Readiness and school readiness coalition grants and bonuses, the Florida Prevention, Early Assistance, and Early Childhood Act, legislative intent for prevention and early assistance, the prevention and early assistance strategic plan, the State Coordinating Council for School Readiness Programs, uniform standards for preventive health care, a family support planning process, and the short title and legislative intent for the Children's Early Investment Program; creating s. 229.0084, F.S.; providing a statement of legislative findings and intent regarding liability for student achievement and the autonomy of independent K-12 schools and home education programs; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; effective June 30, 2002, repealing s. 229.8065, F.S., relating to expenditures for the Knott Data Center and projects, contracts, and grants programs; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; providing for recommendations on performance-based funding for the State University System; repealing s. 235.217(1)(b), (c), and (d), (2), (3)(a), (c), (d), and (e), (4), and (5), F.S., relating to membership and certain duties of the SMART Schools Clearinghouse; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; providing effective dates.

—was read the second time by title.

Under Rule 10.7, Rep. Frankel moved to read CS/CS/HB 1533 the second time in full, which was agreed to by the required one-third vote. The vote was:

Session Vote Sequence: 183

Yeas—41

Ausley	Gottlieb	Lerner	Slosberg
Bendross-Mindingall	Greenstein	Machek	Smith
Betancourt	Harper	McGriff	Sobel
Brutus	Henriquez	Meadows	Stansel
Bucher	Heyman	Peterman	Weissman
Bullard	Jennings	Rich	Wiles
Cusack	Joyner	Richardson	Wilson
Fields	Justice	Ritter	Wishner
Frankel	Kendrick	Romeo	
Gannon	Kosmas	Ryan	
Gelber	Lee	Seiler	

Nays—74

The Chair	Andrews	Attkisson	Ball
Alexander	Argenziano	Atwater	Barreiro
Allen	Arza	Baker	Baxley

Bean	Dockery	Jordan	Needelman
Bennett	Farkas	Kallinger	Negron
Bense	Fasano	Kottkamp	Paul
Benson	Fiorentino	Kravitz	Pickens
Berfield	Flanagan	Kyle	Prieguez
Bilirakis	Garcia	Lacasa	Ross
Bowen	Gardiner	Littlefield	Rubio
Brown	Gibson	Lynn	Russell
Brummer	Goodlette	Mack	Simmons
Byrd	Green	Mahon	Sorensen
Cantens	Haridopolos	Mayfield	Spratt
Carassas	Harrell	Maygarden	Trovillion
Clarke	Harrington	Mealor	Wallace
Davis	Hart	Melvin	Waters
Detert	Hogan	Miller	
Diaz de la Portilla	Johnson	Murman	

Lynn	Melvin	Pickens	Sorensen
Mack	Miller	Prieguez	Trovillion
Mahon	Murman	Ross	Wallace
Mayfield	Needelman	Rubio	Waters
Maygarden	Negron	Russell	
Mealor	Paul	Simmons	

On motion by Rep. Fasano, the Chamber was secured and no Members were allowed to leave during the reading of the bill.

Representative(s) Russell offered the following:

(Amendment Bar Code: 583105)

**Amendment 1 (with title amendment)—**  
Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 290.00555, Florida Statutes, is amended to read:

290.00555 Satellite enterprise zones.—~~Before December 31, 1999,~~ Any municipality an area of which has previously received designation as an enterprise zone in the population category described in s. 290.0065(3)(a)3. may create a satellite enterprise zone not exceeding 1.5 square miles in area outside of and, notwithstanding anything contained in s. 290.0055(4), or any other law, in addition to the previously designated enterprise zone boundaries. The Office of Tourism, Trade, and Economic Development shall amend the boundaries of the areas previously designated by any such municipality as enterprise zones upon receipt of a resolution adopted by the municipality describing the satellite enterprise zone areas, as long as the additional areas are consistent with the categories, criteria, and limitations imposed by s. 290.0055. However, the requirements imposed by s. 290.0055(4)(d) do not apply to such satellite enterprise zone areas.

Section 2. *Satellite enterprise zones may be created pursuant to s. 290.00555, Florida Statutes, effective retroactively to December 31, 1999. Resolutions adopted to create satellite enterprise zones under this section must be submitted to the Office of Tourism, Trade, and Economic Development no later than August 1, 2001. The Office of Tourism, Trade, and Economic Development must amend the boundaries of previously designated enterprise zones to create eligible satellite enterprise zones no later than September 1, 2001. Notwithstanding the time limitations contained in chapter 212, Florida Statutes, a business in a satellite enterprise zone designated under this section which was eligible to receive tax incentives pursuant to ss. 212.08(5)(g) and (h) and 212.096, Florida Statutes, during the period beginning December 31, 1999, and ending on the date of the creation of the satellite enterprise zone must submit an application for the tax incentives by December 1, 2001. All other requirements of the enterprise zone program apply to such a business.*

Section 3. Section 290.00694, Florida Statutes, is created to read:

290.00694 Enterprise zone designation for Sarasota County or Sarasota County and Sarasota.—Sarasota County, or Sarasota County and the City of Sarasota jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, or within both the county and the municipality, which zone encompasses an area that is south of the north county line, west of Tuttle Avenue, north of 10th Street, and east of U.S. Highway 41. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 4. Section 290.00695, Florida Statutes, is created to read:

290.00695 Enterprise zone designation for Hernando County or Hernando County and Brooksville.—Hernando County, or Hernando County and the City of Brooksville jointly, may apply to the Office of

Votes after roll call:

Yeas—Kilmer

On motion by Rep. Byrd, further consideration of CS/CS/HB 1533 was temporarily postponed under Rule 11.10.

On motion by Rep. Byrd, the House moved to the consideration of CS/HB 83 on Special Orders.

**CS/HB 83**—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within a described area of Hernando County or of Hernando County and the City of Brooksville jointly; providing requirements with respect thereto; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; providing an effective date.

On motion by Rep. Frankel, by the required one-third vote under Rule 10.7, CS/HB 83 was read the second time in full. The vote was:

Session Vote Sequence: 184

Yeas—41

Ausley	Gottlieb	Lerner	Slosberg
Bendross-Mindingall	Greenstein	Machek	Smith
Betancourt	Harper	McGriff	Sobel
Brutus	Henriquez	Meadows	Stansel
Bucher	Heyman	Peterman	Weissman
Bullard	Jennings	Rich	Wiles
Cusack	Joyner	Richardson	Wilson
Fields	Justice	Ritter	Wishner
Frankel	Kendrick	Romeo	
Gannon	Kosmas	Ryan	
Gelber	Lee	Seiler	

Nays—74

The Chair	Bennett	Detert	Harrell
Alexander	Bense	Diaz de la Portilla	Harrington
Allen	Benson	Dockery	Hart
Andrews	Berfield	Farkas	Hogan
Argenziano	Bilirakis	Fasano	Johnson
Arza	Fiorentino	Bowen	Jordan
Attkisson	Brown	Flanagan	Kallinger
Atwater	Brummer	Garcia	Kilmer
Baker	Byrd	Gardiner	Kottkamp
Ball	Cantens	Gibson	Kravitz
Barreiro	Carassas	Goodlette	Kyle
Baxley	Clarke	Green	Lacasa
Bean	Davis	Haridopolos	Littlefield

*Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, or within both the county and the city, which zone encompasses an area up to 10 contiguous square miles. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.*

Section 5. Section 290.00696, Florida Statutes, is created to read:

*290.00696 Enterprise zone designation for Holmes County.—Holmes County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within an area in Holmes County. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.*

Section 6. Section 290.00697, Florida Statutes, is created to read:

*290.00697 Enterprise zone designation for Calhoun County.—Calhoun County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within an area in Calhoun County. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055, except subsection (3) thereof. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.*

Section 7. Section 290.00698, Florida Statutes, is created to read:

*290.00698 Enterprise zone designation for Okaloosa County.—Okaloosa County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within an area in Okaloosa County, which zone encompasses an area up to 6 square miles. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055, except subsection (3) thereof. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.*

Section 8. This act shall take effect upon becoming a law.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to enterprise zones; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities; authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County or Sarasota County and the City of Sarasota jointly; providing requirements with respect thereto; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Hernando County or Hernando County

and the City of Brooksville jointly; providing requirements with respect thereto; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; providing an effective date.

Rep. Russell moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House moved to the consideration of HB 531 on Special Orders.

**HB 531**—A bill to be entitled An act relating to counterfeit payment instruments; providing a definition; making unlawful the counterfeiting of payment instruments with intent to defraud; providing a felony penalty; specifying prima facie evidence of intent to defraud; providing an exception for law enforcement agencies under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Crime Prevention, Corrections & Safety offered the following:

(Amendment Bar Code: 051781)

**Amendment 1 (with title amendment)**—On page 2, between lines 5 and 6,

insert:

Section 2. Section 817.625, Florida Statutes, is created to read:

*817.625 Use of scanning device or reencoder to defraud; penalties.—*

(1) *As used in this section, the term:*

(a) *“Scanning device” means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card.*

(b) *“Reencoder” means an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card.*

(c) *“Payment card” means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.*

(d) *“Merchant” means a person who receives from an authorized user of a payment card, or someone the person believes to be an authorized user, a payment card or information from a payment card, or what the person believes to be a payment card or information from a payment card, as the instrument for obtaining, purchasing, or receiving goods, services, money, or anything else of value from the person.*

(2)(a) *It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for a person to use:*

1. *A scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user.*

2. *A reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card without the permission of the authorized user of the card from*



which the information is being reencoded and with the intent to defraud the authorized user.

(b) Any person who violates subparagraph (a)1. or subparagraph (a)2. and who has been previously convicted of a violation of this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who violates subparagraph (a)1. or subparagraph (a)2. shall also be subject to the provisions of ss. 932.701-932.707.

Section 3. Paragraphs (d) and (e) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
			812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
			812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
			817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
			817.625(2)(a)	3rd	Fraudulent use of scanning device or re-encoder.
			828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
			837.02(1)	3rd	Perjury in official proceedings.
		(d) LEVEL 4	837.021(1)	3rd	Make contradictory statements in official proceedings.
316.1935(3)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
			843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
784.075	3rd	Battery on detention or commitment facility staff.	874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
784.081(3)	3rd	Battery on specified official or employee.	914.14(2)	3rd	Witnesses accepting bribes.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
784.083(3)	3rd	Battery on code inspector.	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.	918.12	3rd	Tampering with jurors.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.			(e) LEVEL 5
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.	316.1935(4)	2nd	Aggravated fleeing or eluding.
			322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
790.115(2)(c)	3rd	Possessing firearm on school property.	790.01(2)	3rd	Carrying a concealed firearm.
800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.	790.162	2nd	Threat to throw or discharge destructive device.
			790.163	2nd	False report of deadly explosive.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
			790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
810.06	3rd	Burglary; possession of tools.	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.			

Florida Statute	Felony Degree	Description	
800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.	authorized user of the payment card; providing a penalty; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming the offense severity ranking chart to changes made by the act;
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	Rep. Bilirakis moved the adoption of the amendment, which failed of adoption.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.	The Council for Competitive Commerce offered the following: (Amendment Bar Code: 885749)
812.131(2)(b)	3rd	Robbery by sudden snatching.	<b>Amendment 2 (with title amendment)—</b> Remove from the bill: Everything after the enacting clause
812.16(2)	3rd	Owning, operating, or conducting a chop shop.	and insert in lieu thereof:
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.	Section 1. Section 812.012, Florida Statutes, is amended to read:
817.625(2)(b)	2nd	<i>Second or subsequent fraudulent use of scanning device or reencoder.</i>	812.012 Definitions.—As used in ss. 812.012-812.037:
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.	(1) <i>“Cargo” means partial or entire shipments, containers, or cartons of property which are contained in or on a trailer, motortruck, aircraft, vessel, warehouse, freight station, freight consolidation facility, or air navigation facility.</i>
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.	(2)(4) <i>“Dealer in property” means any person in the business of buying and selling property.</i>
843.01	3rd	Resist officer with violence to person; resist arrest with violence.	(3)(8) <i>“Enterprise” means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity.</i>
874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.	(4)(2) <i>“Obtains or uses” means any manner of:</i>
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).	(a) Taking or exercising control over property.
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility or school.	(b) Making any unauthorized use, disposition, or transfer of property.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.	(c) Obtaining property by fraud, willful misrepresentation of a future act, or false promise.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.	(d)1. Conduct previously known as stealing; larceny; purloining; abstracting; embezzlement; misapplication; misappropriation; conversion; or obtaining money or property by false pretenses, fraud, or deception; or
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.	2. Other conduct similar in nature.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).	(5)(3) <i>“Property” means anything of value, and includes:</i>

And the title is amended as follows:

On page 1, line 9, after the semicolon,

insert: creating s. 817.625, F.S.; providing definitions; prohibiting the use of a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; prohibiting the use of a reencoder to place information onto a payment card without the permission of, and with intent to defraud, the

(7)(5) *“Services” means anything of value resulting from a person’s physical or mental labor or skill, or from the use, possession, or presence of property, and includes:*

- (a) Repairs or improvements to property.
- (b) Professional services.
- (c) Private, public, or government communication, transportation, power, water, or sanitation services.

(d) Lodging accommodations.

(e) Admissions to places of exhibition or entertainment.

(8)(6) "Stolen property" means property that has been the subject of any criminally wrongful taking.

(9)(7) "Traffic" means:

(a) To sell, transfer, distribute, dispense, or otherwise dispose of property.

(b) To buy, receive, possess, obtain control of, or use property with the intent to sell, transfer, distribute, dispense, or otherwise dispose of such property.

(10)(9) "Value" means value determined according to any of the following:

(a)1. Value means the market value of the property at the time and place of the offense or, if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the offense.

2. The value of a written instrument that does not have a readily ascertainable market value, in the case of an instrument such as a check, draft, or promissory note, is the amount due or collectible or is, in the case of any other instrument which creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation, the greatest amount of economic loss that the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

3. The value of a trade secret that does not have a readily ascertainable market value is any reasonable value representing the damage to the owner, suffered by reason of losing an advantage over those who do not know of or use the trade secret.

(b) If the value of property cannot be ascertained, the trier of fact may find the value to be not less than a certain amount; if no such minimum value can be ascertained, the value is an amount less than \$100.

(c) Amounts of value of separate properties involved in thefts committed pursuant to one scheme or course of conduct, whether the thefts are from the same person or from several persons, may be aggregated in determining the grade of the offense.

Section 2. Paragraphs (a) and (b) of subsection (2) of section 812.014, Florida Statutes, are amended, and paragraph (f) is added to said subsection, to read:

812.014 Theft.—

(2)(a)1. If the property stolen is valued at \$100,000 or more or

2. *The property stolen is cargo valued at \$50,000 or more that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock; or*

3. ~~2.~~ If the offender commits any grand theft and:

a. In the course of committing the offense the offender uses a motor vehicle as an instrumentality, other than merely as a getaway vehicle, to assist in committing the offense and thereby damages the real property of another; or

b. In the course of committing the offense the offender causes damage to the real or personal property of another in excess of \$1,000, the offender commits grand theft in the first degree, punishable as a felony of the first degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

(b)1. If the property stolen is valued at \$20,000 or more, but less than \$100,000, or

2. *The property stolen is cargo valued at less than \$50,000 that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock, or*

3. *The property stolen is emergency medical equipment, valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401,*

the offender commits grand theft in the second degree, punishable as a felony of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084. *Emergency medical equipment means mechanical or electronic apparatus used to provide emergency services and care as defined in s. 395.002(10) or to treat medical emergencies.*

(f) *Upon a second or subsequent conviction for stealing cargo pursuant to subparagraph (a)2. or subparagraph (b)2., the offender shall be sentenced to a minimum mandatory term of no less than 3 years' imprisonment.*

Section 3. Paragraphs (d) and (h) of subsection (1) and subsections (5) and (7) of section 812.015, Florida Statutes, are amended, and subsections (8) and (9) are added to said section, to read:

812.015 Retail and farm theft; transit fare evasion; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—

(1) As used in this section:

(d) "Retail theft" means the taking possession of or carrying away of merchandise, *property*, money, or negotiable documents; altering or removing a label, *universal product code*, or price tag; transferring merchandise from one container to another; or removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.

(h) "Antishoplifting or inventory control device" means a mechanism or other device designed and operated for the purpose of detecting the removal from a mercantile establishment or similar enclosure, or from a protected area within such an enclosure, of specially marked or tagged merchandise. *The term includes any electronic or digital imaging or any video recording or other film used for security purposes and the cash register tape or other record made of the register receipt.*

(5)(a) A merchant, merchant's employee, farmer, or a transit agency's employee or agent who takes a person into custody, as provided in subsection (3), or who causes an arrest, as provided in subsection (4), of a person for retail theft, farm theft, transit fare evasion, or trespass shall not be criminally or civilly liable for false arrest or false imprisonment when the merchant, merchant's employee, farmer, or a transit agency's employee or agent has probable cause to believe that the person committed retail theft, farm theft, transit fare evasion, or trespass.

(b) *If a merchant or merchant's employee takes a person into custody as provided in this section, or acts as a witness with respect to any person taken into custody as provided in this section, the merchant or merchant's employee may provide his or her business address rather than home address to any investigating law enforcement officer.*

(7) It is unlawful to possess, or use or attempt to use, any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise. Any person who possesses any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise commits a ~~felony misdemeanor~~ *felony* of the third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. Any person who uses or attempts to use any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) *If a person commits retail theft, it is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is valued at \$300 or more and the person:*

(a) *Individually, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense, in which case the amount of each individual theft shall be aggregated to determine the value of the property stolen;*

(b) Commits theft from more than one location within a 48-hour period, in which case the amount of each individual theft shall be aggregated to determine the value of the property stolen;

(c) Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense or acts in other ways to coordinate efforts to carry out the offense; or

(d) Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box.

(9) Any person who violates subsection (8), and who has previously been convicted of a violation of subsection (8), commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Section 812.0155, Florida Statutes, is created to read:

812.0155 Suspension of driver's license following an adjudication of guilt for retail theft.—

(1) Except as provided in subsections (2) and (3), the court may order the suspension of the driver's license of each person adjudicated guilty of any misdemeanor violation of s. 812.014 or s. 812.015, regardless of the value of the property stolen. The court shall order the suspension of the driver's license of each person adjudicated guilty of any misdemeanor violation of s. 812.014 or s. 812.015 who has previously been convicted of such an offense. Upon ordering the suspension of the driver's license of the person adjudicated guilty, the court shall forward the driver's license of the person adjudicated guilty to the Department of Highway Safety and Motor Vehicles in accordance with s. 322.25.

(a) The first suspension of a driver's license under this subsection shall be for a period of up to 6 months.

(b) A second or subsequent suspension of a driver's license under this subsection shall be for 1 year.

(2) The court may revoke, suspend, or withhold issuance of a driver's license of a person less than 18 years of age who violates s. 812.014 or s. 812.015 as an alternative to sentencing the person to:

(a) Probation as defined in s. 985.03 or commitment to the Department of Juvenile Justice, if the person is adjudicated delinquent for such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

(b) Probation as defined in s. 985.03, commitment to the Department of Juvenile Justice, probation as defined in s. 948.01, community control, or incarceration, if the person is convicted as an adult of such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

(3) As used in this subsection, the term "department" means the Department of Highway Safety and Motor Vehicles. A court that revokes, suspends, or withholds issuance of a driver's license under subsection (2) shall:

(a) If the person is eligible by reason of age for a driver's license or driving privilege, direct the department to revoke or withhold issuance of the person's driver's license or driving privilege for not less than 6 months and not more than 1 year;

(b) If the person's driver's license is under suspension or revocation for any reason, direct the department to extend the period of suspension or revocation by not less than 6 months and not more than 1 year; or

(c) If the person is ineligible by reason of age for a driver's license or driving privilege, direct the department to withhold issuance of the person's driver's license or driving privilege for not less than 6 months and not more than 1 year after the date on which the person would otherwise become eligible.

(4) Subsections (2) and (3) do not preclude the court from imposing any sanction specified or not specified in subsection (2) or subsection (3).

Section 5. Section 812.017, Florida Statutes, is created to read:

812.017 Use of a fraudulently obtained or false receipt.—

(1) Any person who requests a refund of merchandise, money, or any other thing of value through the use of a fraudulently obtained receipt or false receipt commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who obtains merchandise, money, or any other thing of value through the use of a fraudulently obtained receipt or false receipt commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 6. Section 812.0195, Florida Statutes, is created to read:

812.0195 Dealing in stolen property by use of the Internet.—Any person in this state who uses the Internet to sell or offer for sale any merchandise or other property that the person knows, or has reasonable cause to believe, is stolen commits:

(1) A misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if the value of the property is less than \$300; or

(2) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the value of the property is \$300 or more.

Section 7. Section 817.625, Florida Statutes, is created to read:

817.625 Use of scanning device or reencoder to defraud; penalties.—

(1) As used in this section, the term:

(a) "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card.

(b) "Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card.

(c) "Payment card" means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

(d) "Merchant" means a person who receives from an authorized user of a payment card, or someone the person believes to be an authorized user, a payment card or information from a payment card, or what the person believes to be a payment card or information from a payment card, as the instrument for obtaining, purchasing, or receiving goods, services, money, or anything else of value from the person.

(2)(a) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for a person to use:

1. A scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user.

2. A reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user.

(b) Any person who violates paragraph (a) a second or subsequent time commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who violates paragraph (a) shall also be subject to the provisions of ss. 932.701-932.707.

Section 8. Section 831.07, Florida Statutes, is amended to read:

831.07 Forging bank bills, checks, drafts, or promissory notes.—Whoever falsely makes, alters, forges, or counterfeits a bank bill, check,

*draft*, or promissory note payable to the bearer thereof, or to the order of any person, issued by an incorporated banking company established in this state, or within the United States, or any foreign province, state, or government, with intent to injure any person, ~~commits shall be guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Section 831.08, Florida Statutes, is amended to read:

831.08 Possessing certain forged notes, ~~or~~ bills, checks, or drafts.—Whoever has in his or her possession 10 or more similar false, altered, forged, or counterfeit notes, bills of credit, bank bills, checks, drafts, or notes, such as are mentioned in any of the preceding sections of this chapter, payable to the bearer thereof or to the order of any person, knowing the same to be false, altered, forged, or counterfeit, with intent to utter and pass the same as true, and thereby to injure or defraud any person, ~~commits shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Section 831.09, Florida Statutes, is amended to read:

831.09 Uttering forged bills, checks, drafts, or notes.—Whoever utters or passes or tenders in payment as true, any such false, altered, forged, or counterfeit note, or any bank bill, check, draft, or promissory note, payable to the bearer thereof or to the order of any person, issued as aforesaid, knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud any person, ~~commits shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. For the purposes of incorporating the amendment to s. 831.09, Florida Statutes, section 831.10, Florida Statutes, is reenacted to read:

831.10 Second conviction of uttering forged bills.—Whoever, having been convicted of the offense mentioned in s. 831.09 is again convicted of the like offense committed after the former conviction, and whoever is at the same term of the court convicted upon three distinct charges of such offense, shall be deemed a common utterer of counterfeit bills, and shall be punished as provided in s. 775.084.

Section 12. Section 831.11, Florida Statutes, is amended to read:

831.11 Bringing into the state forged bank bills, checks, drafts, or notes.—Whoever brings into this state or has in his or her possession a false, forged, or counterfeit bill, check, draft, or note in the similitude of the bills or notes payable to the bearer thereof or to the order of any person issued by or for any bank or banking company established in this state, or within the United States, or any foreign province, state or government, with intent to utter and pass the same or to render the same current as true, knowing the same to be false, forged, or counterfeit, ~~commits shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 13. Section 831.12, Florida Statutes, is amended to read:

831.12 Fraudulently connecting parts of genuine instrument.—Whoever fraudulently connects together parts of several banknotes, checks, drafts, or other genuine instruments in such a manner as to produce one additional note, check, draft, or instrument, with intent to pass all of them as genuine, ~~commits shall be deemed guilty of forgery in like manner~~ as if each of them had been falsely made or forged.

Section 14. Section 831.28, Florida Statutes, is created to read:

831.28 Counterfeiting a payment instrument; possessing a counterfeit payment instrument; penalties.—

(1) As used in this section, the term “counterfeit” means the manufacture of or arrangement to manufacture a payment instrument, as defined in s. 560.103, without the permission of the financial institution, account holder, or organization whose name, routing number, or account number appears on the payment instrument, or the manufacture of any payment instrument with a fictitious name, routing number, or account number.

(2)(a) It is unlawful to counterfeit a payment instrument with the intent to defraud a financial institution, account holder, or any other person or organization or for a person to have any counterfeit payment instrument in such person’s possession. Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The printing of a payment instrument in the name of a person or entity or with the routing number or account number of a person or entity without the permission of the person or entity to manufacture or reproduce such payment instrument with such name, routing number, or account number is prima facie evidence of intent to defraud.

(3) This section does not apply to a law enforcement agency that produces or displays counterfeit payment instruments for investigative or educational purposes.

Section 15. Subsection (10) is added to section 832.05, Florida Statutes, to read:

832.05 Giving worthless checks, drafts, and debit card orders; penalty; duty of drawee; evidence; costs; complaint form.—

(10) CONSTRUCTION; PAYEE OR HOLDER; INSUFFICIENT FUNDS.—For purposes of construction of this section, a payee or holder does not have knowledge, express notification, or reason to believe that the maker or drawer has insufficient funds to ensure payment of a check, draft, or debit card solely because the maker or drawer has previously drawn or issued a worthless check, draft, or debit card order to the payee or holder.

Section 16. Paragraphs (b), (c), (d), (e), (f), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(b) LEVEL 2
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus required.
590.28(1)	3rd	Willful, malicious, or intentional burning.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
812.015(7)	3rd	Possession, use, or attempted use of an antishiplifting or inventory control device countermeasure.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
817.52(3)	3rd	Failure to redeliver hired vehicle.	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
817.60(5)	3rd	Dealing in credit cards of another.	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
831.01	3rd	Forgery.	817.233	3rd	Burning to defraud insurer.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes <del>note</del> .	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.08	3rd	<del>Possessing Possession of</del> 10 or more forged notes, bills, checks, or drafts.	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes; <del>passes as bank bill or promissory note</del> .	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.	843.19	3rd	Injure, disable, or kill police dog or horse.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.	870.01(2)	3rd	Riot; inciting or encouraging.
843.08	3rd	Falsely impersonating an officer.	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of university or public park.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of public housing facility.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.			(d) LEVEL 4
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.	316.1935(3)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.
697.08	3rd	Equity skimming.			
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.			
796.05(1)	3rd	Live on earnings of a prostitute.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
784.075	3rd	Battery on detention or commitment facility staff.	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.	874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
784.081(3)	3rd	Battery on specified official or employee.	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
784.082(3)	3rd	Battery by detained person on visitor or other detainee.	914.14(2)	3rd	Witnesses accepting bribes.
784.083(3)	3rd	Battery on code inspector.	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.	918.12	3rd	Tampering with jurors.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.			(e) LEVEL 5
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
			316.1935(4)	2nd	Aggravated fleeing or eluding.
			322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
790.115(2)(c)	3rd	Possessing firearm on school property.	790.01(2)	3rd	Carrying a concealed firearm.
800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.	790.162	2nd	Threat to throw or discharge destructive device.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	790.163	2nd	False report of deadly explosive.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
810.06	3rd	Burglary; possession of tools.	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
812.0195(2)	3rd	<i>Dealing in stolen property by use of the Internet; property stolen \$300 or more.</i>	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
817.625(2)(a)	3rd	<i>Fraudulent use of scanning device or reencoder.</i>	812.131(2)(b)	3rd	Robbery by sudden snatching.
			812.16(2)	3rd	Owning, operating, or conducting a chop shop.
			817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.	817.625(2)(b)	2nd	<i>Second or subsequent fraudulent use of scanning device or reencoder.</i>
837.02(1)	3rd	Perjury in official proceedings.	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
837.021(1)	3rd	Make contradictory statements in official proceedings.	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.	843.01	3rd	Resist officer with violence to person; resist arrest with violence.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility or school.	794.05(1)	2nd	Unlawful sexual activity with specified minor.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	(f)	LEVEL 6	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.	812.014(2)(b)2.	2nd	Property stolen cargo valued at less than \$50,000, grand theft in 2nd degree.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.	812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
775.0875(1)	3rd	Taking firearm from law enforcement officer.	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
784.041	3rd	Felony battery.	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
784.048(3)	3rd	Aggravated stalking; credible threat.	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
784.048(5)	3rd	Aggravated stalking of person under 16.	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.	827.03(1)	3rd	Abuse of a child.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.	827.03(3)(c)	3rd	Neglect of a child.
784.081(2)	2nd	Aggravated assault on specified official or employee.	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.	836.05	2nd	Threats; extortion.
784.083(2)	2nd	Aggravated assault on code inspector.	836.10	2nd	Written threats to kill or do bodily injury.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	843.12	3rd	Aids or assists person to escape.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
			944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
			944.40	2nd	Escapes.
			944.46	3rd	Harboring, concealing, aiding escaped prisoners.
			944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
			951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.



Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
		(g) LEVEL 7	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
409.920(2)	3rd	Medicaid provider fraud.	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
456.065(2)	3rd	Practicing a health care profession without a license.	784.081(1)	1st	Aggravated battery on specified official or employee.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
458.327(1)	3rd	Practicing medicine without a license.	784.083(1)	1st	Aggravated battery on code inspector.
459.013(1)	3rd	Practicing osteopathic medicine without a license.	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
460.411(1)	3rd	Practicing chiropractic medicine without a license.	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
461.012(1)	3rd	Practicing podiatric medicine without a license.	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
462.17	3rd	Practicing naturopathy without a license.	796.03	2nd	Procuring any person under 16 years for prostitution.
463.015(1)	3rd	Practicing optometry without a license.	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
464.016(1)	3rd	Practicing nursing without a license.	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
465.015(2)	3rd	Practicing pharmacy without a license.	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
467.201	3rd	Practicing midwifery without a license.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
468.366	3rd	Delivering respiratory care services without a license.	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000, or more; property stolen while causing other property damage; 1st degree grand theft
483.901(9)	3rd	Practicing medical physics without a license.	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
484.053	3rd	Dispensing hearing aids without a license.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	812.131(2)(a)	2nd	Robbery by sudden snatching.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).			
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.			

Florida Statute	Felony Degree	Description
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135(1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

Section 17. *Local task force on retail crime.—The Legislature encourages local law enforcement agencies to establish a task force on retail crime. The task force should act as an advisory body to study the problem of retail crime and develop recommendations for handling retail crime and theft in an expeditious and uniform manner. The task force should submit its recommendations to the sheriff or chief officer of the local law enforcement agency, the state attorney, and the chief judge of the judicial circuit. The sheriff or chief officer of the local law enforcement agency should appoint the members of the task force. A majority of the membership of the task force should consist of persons actively engaged in a retail business or employees of persons actively engaged in a retail business. The task force should terminate existence upon completing its assignment.*

Section 18. *If any provision of this act or the applications thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 19. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1,  
remove from the title of the bill: the entire title

and insert in lieu thereof:

An act relating to property crimes; amending s. 812.014, F.S.; providing second-degree felony penalties for theft of certain emergency medical equipment and theft of certain cargo; amending s. 812.015, F.S.; revising certain definitions; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; providing a felony penalty for unlawfully possessing antishiplifting or inventory control device countermeasures; providing a third-degree felony penalty for certain commission of retail theft; providing a second-degree felony penalty for second or subsequent violations of such retail theft; creating s. 812.0155, F.S.; authorizing a court to suspend the driver's license of certain persons under certain circumstances; requiring a court to suspend the driver's license of such persons for second or subsequent offenses; providing for increased periods of suspension for second or subsequent adjudications; providing requirements of court for revoking, suspending, or withholding issuance of the driver's license of certain persons; providing construction; creating s. 812.017, F.S.; providing misdemeanor penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing criminal penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; providing a felony penalty for using a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing a felony penalty for using a reencoder to place information onto a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, and 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to second conviction of uttering forged bills, to incorporate a reference; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; making unlawful the counterfeiting of payment instruments with intent to defraud or possessing counterfeit payment instruments; providing a felony penalty; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S.; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 921.0022, F.S.; conforming provisions of the Offense Severity Ranking Chart of the Criminal Punishment Code to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition, operation, and termination of such a task force; providing severability; providing an effective date.

Rep. Gardiner moved the adoption of the amendment.

Representative(s) Betancourt offered the following:

(Amendment Bar Code: 274425)

**Amendment 1 to Amendment 2**—On page 5, lines 16 - 19  
remove from the amendment: all of said lines

Rep. Betancourt moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Betancourt, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Betancourt offered the following:  
(Amendment Bar Code: 723845)

**Amendment 2 to Amendment 2**—On page 4, lines 9 and 10 remove from the amendment: , and paragraph (f) is added to said subsection,

Rep. Betancourt moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Gardiner, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Gardiner offered the following:  
(Amendment Bar Code: 882153)

**Amendment 3 to Amendment 2**—On page 12, lines 2 and 8 ,of the amendment

after “user” insert: , *the issuer of the authorized user’s payment card, or a merchant*

Rep. Gardiner moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Gardiner, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Gardiner offered the following:  
(Amendment Bar Code: 181687)

**Amendment 4 to Amendment 2**—On page 26, between lines 21 and 22 of the amendment

insert:  
*812.015(8) 3rd Retail theft; property stolen is valued at \$300 or more other specified acts.*

Rep. Gardiner moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 2**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House moved to the consideration of CS/CS/HB 809 on Special Orders.

**CS/CS/HB 809** was taken up. On motion by Rep. Murman, the rules were waived and CS for SB 836 was substituted for CS/CS/HB 809. Under Rule 5.15, the House bill was laid on the table and—

**CS for SB 836**—A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.; prohibiting health insurers from requiring certain contracted health care practitioners to accept the terms of other health care contracts as a condition of continuation or renewal; providing exceptions; amending s. 627.662, F.S.; applying this prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying this prohibition to health maintenance organizations; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**CS/HB 187** was taken up. On motion by Rep. Kyle, the rules were waived and—

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 202 and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Agriculture and Consumer Services and Senator Lee—

**CS for SB 202**—A bill to be entitled An act relating to the size of individual containers of malt beverages; amending s. 563.06, F.S.; removing current restrictions on containers under a specified size; creating s. 564.055, F.S.; providing certain size restrictions on containers in which cider is packaged and sold; providing an effective date.

—was taken up, read the first time by title, and substituted for CS/HB 187. Under Rule 5.15, the House bill was laid on the table. On motion by Rep. Kyle, the rules were waived and CS for SB 202 was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House moved to the consideration of CS/CS/HB 1533 on Special Orders.

**Motion to Reconsider**

On motion by Rep. Byrd, the House reconsidered the vote by which the motion to read CS/CS/HB 1533 the second time in full was agreed to.

The question recurred on the motion to read CS/CS/HB 1533 the second time in full, which was not agreed to by the required one-third vote. The vote was:

Session Vote Sequence: 185

Yeas—34

Ausley	Gelber	Lerner	Slosberg
Bendross-Mindingall	Gottlieb	Machek	Smith
Brutus	Harper	McGriff	Sobel
Bucher	Heyman	Peterman	Stansel
Bullard	Jennings	Rich	Weissman
Cusack	Joyner	Richardson	Wiles
Fields	Kendrick	Romeo	Wilson
Frankel	Kosmas	Ryan	
Gannon	Lee	Seiler	

Nays—75

The Chair	Bowen	Green	Mealor
Alexander	Brown	Haridopolos	Melvin
Allen	Brummer	Harrell	Miller
Andrews	Byrd	Harrington	Murman
Argenziano	Cantens	Hart	Needelman
Arza	Carassas	Hogan	Negron
Attkisson	Clarke	Johnson	Paul
Atwater	Davis	Jordan	Pickens
Baker	Detert	Kallinger	Prieguez
Ball	Diaz de la Portilla	Kilmer	Ross
Barreiro	Diaz-Balart	Kottkamp	Rubio
Baxley	Dockery	Kravitz	Russell
Bean	Farkas	Kyle	Simmons
Bennett	Fasano	Littlefield	Siplin
Bense	Fiorentino	Lynn	Sorensen
Benson	Flanagan	Mack	Spratt
Berfield	Garcia	Mahon	Trovillion
Betancourt	Gardiner	Mayfield	Wallace
Bilirakis	Goodlette	Maygarden	

Votes after roll call:

Yeas—Henriquez, Ritter, Wishner  
Nays to Yeas—Betancourt

**CS/CS/HB 1533**—A bill to be entitled An act relating to education governance reorganization; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees and making appointees subject to Senate confirmation; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Center for Education Policy Research and Improvement, respectively; creating the Center for Education Policy Research and Improvement within OPPAGA; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Center for Education Policy Research and Improvement; providing duties of the center; establishing membership and duties of an advisory council to the center; providing for funding and staff; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and oversee the chancellors and the executive director; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, the chief transition officer, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission, goals, and systemwide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees and a Florida Board of Education; providing for appointment of a chief transition officer and specifying duties of the officer; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Florida Board of Education to appoint advisory bodies as necessary and develop and recommend a new School Code; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence

reorganization of the department as required by the act; creating s. 229.0073, F.S.; establishing the chief transition officer's Education Reorganization Workgroup to direct and oversee reorganization of the Department of Education; providing requirements for reorganization to include the establishment of offices and divisions; providing duties of the offices; transferring the SMART Schools Clearinghouse to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing for membership and duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing for membership and duties of the commission; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; providing for protections from civil liability; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; providing legislative intent regarding the School Readiness Act; clarifying and providing responsibilities of the Florida Partnership for School Readiness, the Agency for Workforce Innovation, the Department of Education, and parents relating to school readiness; providing for the addition of members to the Florida Partnership for School Readiness; providing for the development of minimum child care licensing standards; transferring the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; transferring the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program including statewide staff to the Agency for Workforce Innovation; transferring the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including statewide staff, to the Agency for Workforce Innovation; amending s. 216.136, F.S.; deleting certain duties of the Social Services Estimating Conference; adding staff of the Agency for Workforce Innovation to the School Readiness Program Estimating Conference; amending ss. 232.01, 236.08104, and 445.023, F.S.; conforming language and correcting cross references; effective January 1, 2002, repealing ss. 228.061(1) and (2), 230.23(4)(o), 230.2303, 230.2305, and 230.2306, F.S., relating to preschool and prekindergarten early intervention programs in the public schools, school board provision of early childhood and basic skills development, the Florida First Start Program, the prekindergarten early intervention program, and prekindergarten children service needs assessments; effective July 1, 2002, repealing ss. 230.23166, 232.01(1)(d), 234.01(1)(e), and 236.083(1)(f), F.S., relating to teenage parent programs, school attendance for married or pregnant students, transportation for pregnant students or student parents, and the annual allocation for such transportation; effective January 1, 2002, repealing ss. 402.28, 402.281(1), 402.3015, 402.3027, 402.3028, 402.305(18), 402.3052, 402.3135(2)(c), and 402.45(2) and (6), F.S., relating to Child Care Plus, the Gold Seal Quality Care program rating system, the subsidized child care program, observation and assessment of young children in subsidized child care programs, referral for assessment, the child care technical review panel, the child development associate training grants program, provision of assistance to Child Care Plus facilities, and certain requirements for the community resource mother or father program; effective January 1, 2002, repealing ss. 391.304(1)(a), 411.01(4)(l), (q), (s), and (t), (5)(g), and (9)(c), 411.201, 411.202, 411.203, 411.205, 411.22, 411.221, 411.222, 411.223, 411.224, 411.23, and 411.231, F.S., relating to Department of Health coordination with the Department of Education and specified councils, specified duties of the Florida Partnership for School Readiness and school readiness coalition grants and bonuses, the Florida Prevention, Early Assistance, and Early Childhood Act, legislative intent for prevention and early assistance, the prevention and early assistance strategic plan, the State Coordinating Council for School Readiness Programs, uniform standards for preventive health care, a family support planning process, and the short title and legislative intent for the Children's Early Investment Program; creating s. 229.0084, F.S.; providing a statement of legislative findings

and intent regarding liability for student achievement and the autonomy of independent K-12 schools and home education programs; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; effective June 30, 2002, repealing s. 229.8065, F.S., relating to expenditures for the Knott Data Center and projects, contracts, and grants programs; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; providing for recommendations on performance-based funding for the State University System; repealing s. 235.217(1)(b), (c), and (d), (2), (3)(a), (c), (d), and (e), (4), and (5), F.S., relating to membership and certain duties of the SMART Schools Clearinghouse; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; providing effective dates.

—was taken up, having been read the second time by title earlier today.

#### REPRESENTATIVE MAYGARDEN IN THE CHAIR

#### THE SPEAKER IN THE CHAIR

#### Motion

Rep. Atwater moved that the questions and answers relating to **CS/CS/HB 1533** be spread upon the *Journal*. Under Rule 8.2(b), the motion was referred to the Committee on Rules, Ethics & Elections.

On motion by Rep. Byrd, further consideration of **CS/CS/HB 1533** was temporarily postponed under Rule 11.10.

#### Messages from the Senate

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HBs 659, 661, 663, 665, 667, 669, and 671.

*Faye W. Blanton, Secretary*

The above bills were ordered enrolled.

#### First Reading by Publication

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 94; CS for CS for SB 248; CS for SB 252; and CS for CS for CS for SB 446, as amended; passed SB 532; passed SB 708; CS for SB 838; CS for CS for SB 912; and CS for SB 1018, as amended; passed SB 1126 and CS for CS for SB 1180; passed SB 1198, as amended; passed SB 1424; passed SB 1840, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Judiciary and Senator Laurent—

**CS for SB 94**—A bill to be entitled An act relating to consumer collection practices; amending s. 559.72, F.S.; prohibiting certain communications with a debtor who is represented by an attorney; prohibiting the causing of charges to be made to a debtor; amending s. 559.77, F.S.; revising civil remedies for engaging in prohibited collection

practices; providing for damages in class actions; prescribing circumstances under which liability does not attach; providing a limitation on bringing an action for a remedy for unlawful collection practices; providing for application of federal precedent regarding corresponding federal laws; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Judiciary, Children and Families and Senator Saunders—

**CS for CS for SB 248**—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, 943.171, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; amending s. 741.281, F.S.; deleting requirement that a court order certain defendants to attend a batterers’ intervention program; amending s. 741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; providing for recording of proceedings; amending s. 28.101, F.S.; increasing an additional charge on a dissolution of marriage petition to \$36; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Commerce and Economic Opportunities and Senator King—

**CS for SB 252**—A bill to be entitled An act relating to release of employee information by employers; providing specified requirements of employers with respect to a background investigation of an applicant for employment or appointment as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer; providing requirements relating to an authorization to release information; defining the terms “employing agency” and “employment information”; providing for injunctive relief; providing qualified immunity from civil liability for release; providing for fees to cover certain costs incurred by the employer; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Appropriations, Children and Families, Comprehensive Planning, Local and Military Affairs and Senator Constantine and others—

**CS for CS for CS for SB 446**—A bill to be entitled An act relating to homelessness; amending s. 228.041, F.S.; redefining the term “homeless child”; amending ss. 232.03, 232.0315, 232.032, F.S.; revising the deadline for submission of documents for school registration; amending s. 420.5087, F.S.; relating to the State Apartment Incentive Loan Program; revising the requirements for qualifying to participate in the program; adding the homeless to the list of eligible tenant groups; amending s. 420.5092, F.S.; increasing the amount of revenue bonds the Florida Housing Finance Corporation may issue for the corporation's guarantee fund; amending s. 420.511, F.S.; revising reporting requirements of the Florida Housing Finance Corporation; amending s. 420.609, F.S.; relating to the Affordable Housing Study Commission; revising the membership of the commission; requiring the commission to analyze how to address the acute need for housing for the homeless; amending s. 420.621, F.S.; redefining the term “homeless”; creating s. 420.622, F.S.; creating the State Office on Homelessness within the Department of Children and Family Services; authorizing the Governor to appoint an executive director for the State Office on Homelessness; creating the Council on Homelessness; providing for council membership; providing for council members to be reimbursed for travel expenses; providing for grants for homeless assistance continuums of care; providing grants for homeless housing assistance; prescribing duties and responsibilities of the State Office of Homelessness; requiring the Department of Children and Family Services to adopt rules with input from the Council on Homelessness; requiring an annual

report; amending s. 420.623, F.S.; revising the list of organizations that may participate in local homeless coalitions; revising the functions of local homeless coalitions; creating s. 420.624, F.S.; establishing guidelines for local homeless continuum of care; creating s. 420.626, F.S.; establishing guidelines for discharging persons at risk for homelessness from facilities serving persons with mental illness or substance abuse; amending s. 420.9075, F.S.; expanding the list of partners that counties and cities are encouraged to involve in developing housing assistance plans; amending s. 445.009, F.S.; revising regional workforce boards' one-stop delivery system; requiring the Office of Program, Policy Analysis, and Government Accountability to report on homelessness; dedicating December 21 as the Homeless Persons' Memorial Day; providing an appropriation for Challenge Grants; providing an appropriation for positions in local homeless coalitions; providing appropriations for the Department of Children and Family Services; providing an effective date.

Referred to the Calendar of the House.

By Senator Posey—

**SB 532**—A bill to be entitled An act creating the Outcome-Based Total Accountability Act; amending s. 216.023, F.S.; requiring state agencies to submit additional information in legislative budget requests; providing an effective date.

Referred to the Calendar of the House.

By Senator Sullivan—

**SB 708**—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; providing for payment to the employee's beneficiary under specified conditions; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Judiciary and Senator Saunders—

**CS for SB 838**—A bill to be entitled An act relating to landlord and tenant; amending s. 83.67, F.S.; exempting certain landlords from a requirement to give notice to former tenants regarding personal property; amending s. 475.011, F.S.; providing an exemption from the real estate brokers and salespersons regulatory law; amending ss. 715.105, 715.106, 715.109, F.S.; increasing the value of abandoned personal property that may be kept, sold, or destroyed by a landlord; conforming notice provisions; providing for termination of a rental agreement by a member of the United States Armed Forces; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Appropriations, Criminal Justice and Senator Villalobos—

**CS for CS for SB 912**—A bill to be entitled An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.026, F.S.; requiring the department to designate a certain number of beds to be used for transition assistance; expanding the types of offenders who are eligible for nonsecure community-based residential drug treatment; amending s. 944.473, F.S.; requiring certain inmates to participate in substance-abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the

Addiction-Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance-abuse-transition housing programs; providing program requirements; requiring prerelease screening; providing requirements for offenders who participate in the program; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703, 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition-assistance specialists at institutions; creating s. 944.7031, F.S.; providing for inmates released from private correctional facilities to be eligible for the same transition-assistance services that are provided to inmates in state correctional facilities; requiring that such inmates be given access to placement consideration in substance-abuse-transition housing programs, including programs that have a faith-based component; amending ss. 944.705, 944.706, 944.707, F.S.; authorizing the department to contract with faith-based service groups for release-assistance programs and postrelease services; amending s. 944.803, F.S.; providing additional requirements for faith-based programs for inmates; requiring the department to assign chaplains to certain community correctional centers; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; amending s. 947.141, F.S.; providing revocation process for offenders on addiction-recovery supervision; amending s. 948.08, F.S.; providing that specified offenders are eligible for certain pretrial intervention programs; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the Department of Corrections to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management before release; providing an appropriation; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Education and Senators Pruitt and Crist—

**CS for SB 1018**—A bill to be entitled An act relating to prevention and amelioration of learning problems and learning disabilities in young children; authorizing a 3-year demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in three counties; authorizing designated agencies to share confidential information with Learning Gateway programs; amending s. 228.093, F.S.; providing access to student records by Learning Gateway programs and the Learning Gateway steering committee; providing for funding; providing an effective date.

Referred to the Calendar of the House.

By Senator Latvala—

**SB 1126**—A bill to be entitled An act relating to nonprofit civic organizations; amending s. 561.422, F.S.; authorizing nonprofit civic organizations to purchase alcoholic beverage permits for three events per calendar year; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Appropriations, Education and Senator Pruitt—

**CS for CS for SB 1180**—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts; establishing criteria for private school eligibility; establishing obligations for program participants; providing for funding; authorizing the State Board of Education to adopt rules; providing an effective date.

Referred to the Calendar of the House.

By Senators Webster and Crist—

**SB 1198**—A bill to be entitled An act relating to criminal offenses; creating s. 934.215, F.S.; providing that the use of a two-way communications device to facilitate or further the commission of any felony offense is a felony of the third degree; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; ranking the offense of unlawfully using a two-way communications device on the offense severity ranking chart; providing an effective date.

Referred to the Calendar of the House.

By Senator Posey—

**SB 1424**—A bill to be entitled An act relating to real estate professionals; amending s. 475.25, F.S.; providing an exception to provisions governing the return of escrowed personal property; amending s. 475.22, F.S.; requiring supervisors of registered assistant real estate appraisers to sign appraisals and make certain disclosures; creating s. 475.6221, F.S.; requiring registered assistant real estate appraisers to be supervised by licensed or certified appraisers; providing supervisory guidelines; prohibiting direct payments for services to registered assistant real estate appraisers with the supervising appraiser's agreement; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

**SB 1840**—A bill to be entitled An act relating to school board service programs; creating the "David Levitt School Food Anti-Hunger Act of 2001"; amending s. 228.195, F.S.; requiring school districts to donate surplus or excess canned or perishable foods to food recovery or hunger assistance programs; providing exemptions; authorizing rules; providing an effective date.

Referred to the Calendar of the House.

**Conference Committee Changes**

The Speaker advised that he had made the following changes to the membership of the Conference Committee on SBs 2000 and 2002 (general appropriations and implementing bills):

At Large:

Rep. Sobel (alternate), appointed

The Committee on Transportation & Economic Development Appropriations:

Rep. Hogan (alternate), appointed

The Committee on Criminal Justice Appropriations:

Rep. Mahon, appointed

Rep. Cantens, removed

The Committee on General Government Appropriations:

Rep. Spratt, appointed

Rep. Goodlette, removed

**Motion to Adjourn**

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 10:30 a.m., Thursday, April 26. The motion was agreed to.

**Recorded Votes**

Rep. Justice:

Nays—SB 412

Rep. Seiler:

Nays—CS/HB 1199

**Prime Sponsors**

HB 25—Fiorentino

HB 291—Waters

CS/CS/HB 1053—Slosberg

HB 1439—Murman

HB 1747—Murman

HB 1971—Baxley, Bendross-Mindingall, Bense, Byrd, Greenstein,

Machek, McGriff, Murman, Needelman, Paul, Russell, Sorensen

HR 9073—Peterman

**Cosponsors**

CS/HB 3—Bullard

HM 37—Bullard

CS/HB 147—Heyman

HB 193—Farkas, Fiorentino, Rich, Sobel

HB 251—Haridopolos, Mack

HB 301—Wishner

CS/HB 427—Ritter

HB 485—Kallinger

HB 489—Hogan, Lynn, Melvin, Slosberg, Spratt

HB 529—Haridopolos, Mack

HB 651—Farkas

HJR 689—Haridopolos, Mack

HB 701—Haridopolos

CS/HBs 715 & 1355—Bullard

HB 985—Wishner

HB 1111—Haridopolos

CS/HB 1145—Farkas

HB 1371—Benson, Gelber, Green, Justice, Littlefield, Murman, Rich,

Romeo, Sobel

HB 1429—Murman

HB 1505—Justice

HB 1581—Bullard, Gelber, Holloway

HB 1603—Haridopolos, Wishner

HB 1681—Heyman

HB 1747—Farkas, Green, Heyman, Littlefield, Needelman

HB 1873—Flanagan

CS/HB 1889—Haridopolos, Lee

HB 1943—Arza, Baxley, Bowen, Flanagan, Kallinger, Mack,

Maygarden, Rubio

**First Reading of Council and Committee Substitutes by Publication**

By the Council for Lifelong Learning; Representatives Wallace and McGriff—

**CS/HB 443**—A bill to be entitled An act relating to the State University System; creating s. 240.6065, F.S.; establishing the industrial partnership professorship program within the State University System; providing that certain professorships shall be established by contract; providing for contribution by sponsoring corporations; specifying percentage of such contribution; providing for credit against the corporate income tax for contributions made by a sponsoring corporation; creating s. 220.192, F.S.; providing a credit against the corporate income tax for contributions made by a corporation sponsoring an industrial partnership professorship; providing for carryover of the credit; authorizing rules; providing a limitation on the credit; amending s. 220.15, F.S.; providing that a recipient of an industrial partnership professorship tax credit shall not exclude compensation for specified research and development activities when computing adjusted federal income; amending s. 220.02, F.S.; providing order of credits against the tax; providing for future repeal of ss. 240.6065 and 220.192, F.S.; providing an effective date.

By the Council for Smarter Government; Committee on State Administration; Representatives Kallinger, Bense, Melvin, and Brown—

**CS/CS/HB 615**—A bill to be entitled An act relating to surety bonds; amending ss. 235.32 and 255.05, F.S.; prohibiting boards or public

entities from requiring certain contractors to obtain surety bonds from a specific agent or bonding company; providing an effective date.

By the Council for Healthy Communities; Representatives Littlefield and Fiorentino—

**CS/HB 997**—A bill to be entitled An act relating to persons with disabilities; creating s. 413.402, F.S.; directing the Florida Association of Centers for Independent Living to develop a personal care attendant pilot program to serve persons with spinal cord injuries; providing for memorandums of understanding with specified entities; providing eligibility for pilot program participation; providing for selection and training of participants and personal care attendants; providing for assessment of participants for work-related training programs; providing for development of a plan for program implementation; requiring a report to the Legislature; providing for implementation on a specified date; directing the Department of Revenue to develop and implement a tax collection enforcement diversion program; providing for coordination with the Florida Association of Centers for Independent Living, the Florida Prosecuting Attorneys Association, and the state attorneys' offices; providing for deposit and use of funds collected; directing the Revenue Estimating Conference to make certain annual projections; providing an appropriation; providing an effective date.

By the Council for Smarter Government; Committee on Local Government & Veterans Affairs; Representative Byrd—

**CS/CS/HB 1121**—A bill to be entitled An act relating to driver licenses; amending s. 322.02, F.S.; providing legislative intent with regard to the delivery of driver license services; authorizing county tax collectors to serve as exclusive agents of the Department of Highway Safety and Motor Vehicles; amending s. 322.135, F.S.; providing an application process for county tax collectors to serve as exclusive agents; creating the Cost Determination and Allocation Task Force; establishing the duties and responsibilities of the task force; providing for the development of transition plans to transfer certain responsibilities to tax collectors; providing an effective date.

By the Council for Smarter Government; Representatives Diaz-Balart, Murman, and Greenstein—

**CS/HB 1189**—A bill to be entitled An act relating to brownfield redevelopment economic incentives; amending s. 376.84, F.S.; providing definitions; providing that a county that constructs, renovates, or expands a significant new facility on a qualifying brownfield site is entitled to a sales tax increment rebate if the facility is leased to, licensed to, or operated by a private entity for the operation of a professional sports franchise; providing requirements with respect thereto; providing that, if the franchise is relocated or sold, a portion of the proceeds of the sale shall be remitted to the state; requiring such county to submit certain information to the Department of Revenue; providing for certification of the county by the department; providing for rules; providing for use of the rebate funds; providing requirements with respect to certain excess funds; providing for computation of the amount of the rebate; requiring repayment of rebate proceeds to the state if the county sells or otherwise conveys the facility or the real property on which it is located to a private entity; providing conditions under which eligibility for the rebate terminates; amending s. 212.20, F.S.; providing for distribution of the sales tax increment rebate to such counties; creating s. 186.5053, F.S.; authorizing the South Florida Regional Planning Council to undertake certain responsibilities and activities; providing effective dates.

By the Committee on State Administration; Representatives Joyner, Richardson, Cusack, Bendross-Mindingall, Smith, Bullard, Holloway, and Henriquez—

**CS/HB 1385**—A bill to be entitled An act relating to public meetings and public records; creating s. 414.106, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by the Department of Children and Family Services, Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to

temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; creating s. 414.295, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board, a local committee, or service providers under contract with any of these entities; authorizing release of such information under specified circumstances; amending s. 445.007, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Council for Lifelong Learning; Committee on Education Innovation; Representative Mealor—

**CS/CS/HB 1661**—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the John M. McKay Scholarships for Students with Disabilities Program; providing for eligibility; establishing obligations of school districts and the Department of Education; establishing criteria for private school eligibility; establishing obligations of program participants; providing for funding and payment; limiting liability of the state; authorizing the State Board of Education to adopt rules; providing an effective date.

By the Council for Competitive Commerce; Committee on Insurance; Representatives Waters, Melvin, Brown, Berfield, Kallinger, McGriff, Clarke, Simmons, Sobel, Ross, Negron, Fields, and Wiles—

**CS/HB 1803**—A bill to be entitled An act relating to workers' compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising



requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney's fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

### Resolutions Adopted by Publication

At the request of Rep. Melvin—

**HR 9025**—A resolution honoring the Plew Elementary Knowledge Masters team.

WHEREAS, begun in 1981, the Knowledge Master Open is a challenging, low-cost academic competition in which teams of students compete on an international level without leaving their own schools, and

WHEREAS, elementary-level Knowledge Master teams compete, using a computer at their own schools, by answering 100 questions in the areas of American history, world history, government, recent events, geography, literature, English, math, physical science, biology, earth science, health and psychology, fine arts, and useless trivia within a 1 1/2-hour time period, and

WHEREAS, on January 24, 2001, students at Plew Elementary School in Niceville participated in the Knowledge Masters Open, and

WHEREAS, the Plew Elementary Knowledge Masters team answered 99 out of 100 questions correctly, earning a score of 798 and placing first in the State of Florida, and

WHEREAS, in addition to their remarkable showing among Florida schools, the Plew Elementary Knowledge Masters team achieved the second highest score out of all teams participating, earning a number-2 ranking internationally, and

WHEREAS, it is fitting and proper that Ben Rast, captain; Esther Hsiang, co-captain; Jacquelyn Babe; Patrick Tully; Tyler Williams; Kyle Ulrich; Dana Ziegler; Paul Smith; Alex Sincore; Jennifer Flowers; Daniel Elsesser; Melissa McCown; and Ryan Rodriguez be recognized for their accomplishment as the members of the Plew Elementary Knowledge Masters team, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to honor the outstanding achievement of the young men and women of the Plew Elementary Knowledge Masters team and extends heartiest congratulations on their remarkable performance and sincerest best wishes for success in future competitions.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Littlefield—

**HR 9031**—A resolution designating the month of March 2001 as "Colorectal Cancer Awareness Month."

WHEREAS, colorectal cancer is the third most commonly diagnosed cancer among both men and women, and is the second leading cause of cancer death in the United States each year, and

WHEREAS, research has shown not only that regular screening practices prevent colorectal cancer, but that, when localized colorectal cancer is diagnosed early, there is a 91-percent survival rate among its victims, and

WHEREAS, advancing age has been found to be the greatest risk factor leading to colorectal cancer, yet nationally, less than half of individuals above 50 years of age receive annual screenings for the disease, and

WHEREAS, it is recognized that dietary factors greatly influence the risk of developing this type of cancer and that a healthy diet plays a significant role in the prevention of the disease, and

WHEREAS, inasmuch as early detection is crucial to the successful treatment and cure of colorectal cancer, and the value of regular screenings and a proper diet in the prevention of the disease cannot be overemphasized, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to designate the month of March 2001 as "Colorectal Cancer Awareness Month," a time in which to stress to the public the importance of becoming knowledgeable of the risks, symptoms, and prevention of colorectal cancer, and to urge all Florida residents to become better informed concerning the practices they may adopt to avoid this disease or to lessen its devastating effect on their lives.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Waters—

**HR 9037**—A resolution recognizing April 22-29, 2001, as "Shaken Baby Syndrome Awareness Week."

WHEREAS, government figures show that more than 1 million children were victims of abuse and neglect in 1997, causing unspeakable pain and suffering to our most vulnerable citizens, and

WHEREAS, of the children who are victims of abuse and neglect, more than three die each day in this country, and

WHEREAS, the rate of child fatalities rose by 37 percent between 1985 and 1997, and children who were 3 years old or younger accounted for 77 percent of the fatalities, and

WHEREAS, the leading cause of death of abused children is head trauma, including the trauma known as Shaken Baby Syndrome, and

WHEREAS, Shaken Baby Syndrome, which results from a caregiver's losing control and shaking a baby, usually less than 1 year of age, and which can cause loss of vision, brain damage, paralysis, seizures, or death, is a totally preventable form of child abuse, and

WHEREAS, an estimated 3,000 children are diagnosed with Shaken Baby Syndrome every year, and thousands more are misdiagnosed and undetected, and

WHEREAS, Shaken Baby Syndrome often causes permanent, irreparable brain damage or death to an infant, and may result in more than \$1 million in medical costs for the care of a single disabled child during the first few years of life, and

WHEREAS, the most effective way to end Shaken Baby Syndrome is by preventing such abuse, and it is clear that the minimal costs of educational and preventive programs may avert enormous medical and disability costs and untold grief for many families, and

WHEREAS, prevention programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives, and

WHEREAS, prevention of Shaken Baby Syndrome is supported by groups such as the Shaken Baby Alliance, an organization started by three mothers of children who had been diagnosed with Shaken Baby Syndrome, and whose mission is to educate the general public and professionals about the syndrome and to increase support for victims and their families in the health care and criminal justice systems, and

WHEREAS, a year 2000 survey by Prevent Child Abuse America shows that half of all Americans believe that child abuse and neglect is the most important issue facing this country, compared to other public health issues, and

WHEREAS, the Florida House of Representatives strongly supports efforts to protect children from abuse and neglect, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives recognizes the week of April 22-29, 2001, as "Shaken Baby Syndrome Awareness Week."

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Baxley—

**HR 9045**—A resolution acknowledging May 3, 2001, as the National Day of Prayer in Florida.

WHEREAS, the Congress of the United States has passed a law proclaiming the first Thursday of each May as the "National Day of Prayer," and

WHEREAS, May 3 is the first Thursday in May of 2001, and

WHEREAS, it is fitting and appropriate that the House of Representatives acknowledge May 3, 2001, as the National Day of Prayer in Florida, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives joyfully acknowledges May 3, 2001, as the National Day of Prayer in Florida and joins Floridians of all faiths in celebrating this occasion.

BE IT FURTHER RESOLVED that we express our faith with gladness, knowing that we are protected in our ability to worship devoutly, and that we be thankful and enjoy and exercise our religious beliefs, secure in the knowledge that in this great country we shall always be free to do so.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Murman—

**HR 9053**—A resolution acknowledging May 6-12, 2001, as National Nurses Week.

WHEREAS, there are 2.2 million registered nurses in the United States, comprising the nation's largest group of health care professionals, and

WHEREAS, the skills of highly trained professional nurses are indispensable in the care of hospitalized patients, as well as in providing for the complex health care needs emerging in a wide range of settings among the populations of our communities all across America, and

WHEREAS, demand for the safe, high-quality, cost-effective health care provided by registered nurses is becoming noticeably more evident in light of an ever-increasing and aging population, the continuing development of life-sustaining technology, and the explosive growth in home health services, and

WHEREAS, the education and holistic focus of the registered nurse is geared toward the restoration and maintenance of health in the individual and the family and, as the voice for the nation's registered nurses, the American Nurses Association is promoting a renewed emphasis on the provision of primary health care and preventive health care measures, and

WHEREAS, while devoting more attention to primary and preventive health care services will greatly benefit the health and well-being of the public, such a direction will require better utilization of the nation's existing force of nursing professionals and will create a demand for increased numbers of registered nurses to meet future needs, and

WHEREAS, the American Nurses Association, joined by the Florida Nurses' Association, has declared the week of May 6-12, 2001, to be National Nurses Week, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to honor the nation's registered nurses, extending particular recognition and gratitude to those skilled professionals serving within the State of Florida, and requests that all residents unite with this body, the American Nurses Association, and the Florida Nurses' Association in celebrating the week of May 6-12, 2001, as National Nurses Week.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Bullard—

**HR 9057**—A resolution expressing affection for and gratitude to all fathers.

WHEREAS, Sunday, June 17, 2001, has been designated as Father’s Day in the United States, and

WHEREAS, the greatest education in honesty, decency, integrity, industry, and fidelity is to see these qualities embodied in the life and works of a parent, and

WHEREAS, the American tradition of a productive society and a secure home has depended in great part on the hard work and sacrifice of fathers who tirelessly seek for their children a better life and greater opportunity than they knew, and

WHEREAS, fulfilling the demanding roles of fatherhood, as provider, teacher, role model, comforter, and protector, is an act of true heroism in today’s world, and

WHEREAS, each new generation looks to its fathers for courage, strength, and understanding, and

WHEREAS, the enduring affection between a father and his family is recognized and appreciated as one of the most positive elements upon which our future as a nation depends, and

WHEREAS, it is fitting and appropriate that the members and staff of the House of Representatives recognize the immeasurable debt of gratitude owed to fathers for their strength, guidance, understanding, and love, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the members of the House of Representatives do hereby express to their own fathers and to all fathers, on behalf of the citizens of the State of Florida, deep personal affection and abiding gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the House of Representatives as a tangible token of the love and respect that the members hold for all fathers.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Bullard—

**HR 9059**—A resolution expressing gratitude and affection to all mothers.

WHEREAS, Sunday, May 13, 2001, has been designated Mother’s Day, and

WHEREAS, the highest ideals and noblest principles of humanity find their most exemplary expression in the sacrifice and devotion of mothers, and

WHEREAS, mothers exemplify enduring courage and conviction, charity without condescension, and emotion with sanity, and

WHEREAS, mothers are characterized by unconditional love for their offspring, are slow to lose patience, and serve as the anchors that bond the family, and

WHEREAS, a mother’s love is like a flame that is always burning but intensifies each time a child is born, and

WHEREAS, a mother is a gift bestowed on man, never more dear than when bringing forth life in the form of a child, and

WHEREAS, it is proper that the members and staff of the Florida House of Representatives recognize the immeasurable debt of gratitude owed to all mothers for their strength, guidance, understanding, and love, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the members of the House of Representatives do hereby express to their own mothers and to all mothers, on behalf of the citizens of the State of Florida, personal affection and heartfelt gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the House of Representatives as a tangible token of the love and respect that the members hold for all mothers.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Murman—

**HR 9061**—A resolution recognizing Florida’s Healthy Start coalitions and designating April 11, 2001, as “Healthy Start Coalitions Day.”

WHEREAS, there are 32 Healthy Start coalitions throughout the state, each charged with the mission of reducing infant mortality, and these coalitions have played a large part in improving Florida’s rank in infant mortality to 24th in the nation, and

WHEREAS, Healthy Start coalitions, comprised of community volunteers who are uniquely positioned to assess and respond to maternal and child health needs and to direct funding toward services that address those needs, have created a seamless system of care that benefited more than 85,000 women and their families in Florida in the year 2000, and

WHEREAS, in one recent year, Healthy Start coalitions collectively leveraged almost \$13 million, including 100,000 volunteer hours of in-kind services and resources, cash, grants, and projects related to maternal and infant health, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to applaud the outstanding efforts of, and recognize the remarkable benefits afforded by, the state’s dedicated Healthy Start coalitions and to designate April 11, 2001, as “Healthy Start Coalitions Day” in Florida.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Rubio—

**HR 9063**—A resolution designating April 18, 2001, “University of Florida Day.”

WHEREAS, the state’s oldest land-grant university and its largest university, the University of Florida was the first Florida institution to achieve university status, is the most comprehensive university in the state, and is among the nation’s most academically diverse universities, and

WHEREAS, the University of Florida is the state’s only member of the Association of American Universities, is the only university with extension programs in every county of the state and, through the extension’s 4-H branches, on five Seminole Tribe reservations, has awarded more than 300,000 degrees, with an estimated 150,000 alumni currently living and working in Florida, and is exceeded by only two other public universities in the nation in the number of National Merit Scholars to its credit, and

WHEREAS, the University of Florida’s Health Science Center is the most all-inclusive academic health center in the Southeast, and, through its Institute of Food and Agricultural Sciences, the university reaches more than 1.3 million participants throughout the state, thanks to more than 41,000 volunteers in the areas of urban horticulture, youth and family development, nutrition education, and natural resources enhancement, and

WHEREAS, the University of Florida has just concluded a five-year “It’s Performance that Counts” campaign that raised more than \$850 million toward the furtherance of academic excellence, has been awarded \$339 million in funding for sponsored research, and has a total annual impact on the state of almost \$3.2 billion, more than six times

the \$511 million comprising the state's investment in the university,  
NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to recognize the University of Florida for its superlative accomplishments in the State of Florida and to designate April 18, 2001, "University of Florida Day."

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Meadows—

**HR 9065**—A resolution honoring the Black Affairs Advisory Council.

WHEREAS, formed in 1979 and officially recognized by the Social Security Administration in 1981, the Black Affairs Advisory Council (BAAC) is a voluntary organization which works to improve employment opportunities and training programs for African Americans, and

WHEREAS, the mission of the BAAC is to continue the efforts and goals of the Social Security Administration in providing equal employment opportunity, training, and upward mobility for African Americans and to help find ways to ensure that the African-American community receives the full range of quality services available through programs administered by the administration, and

WHEREAS, the BAAC serves to advise the Commissioner of the Social Security Administration on ways to promote and stimulate the development and monitoring of affirmative action and career development programs for African Americans and to monitor, encourage, and improve services to the African-American community, and

WHEREAS, the BAAC works together with other advisory groups and forms coalitions in order to effect and facilitate changes in Social Security Administration policy that are of mutual concern, translating matters of wide applicability into recommendations in meetings with the Commissioner of the Social Security Administration, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives extends sincerest appreciation to the Black Affairs Advisory Council for its service to the African-American community in Florida and nationwide as it strives to enhance and improve opportunities for African Americans.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Hogan—

**HR 9071**—A resolution recognizing March 6 as "Lymphedema D-Day" in Florida and expressing support for those who have lymphedema.

WHEREAS, lymphedema is an accumulation of lymphatic fluid which causes swelling in the arms, legs, or other areas of the body and affects both men and women, and

WHEREAS, the swelling caused by lymphedema can lead to severe infection or loss of the use of limbs, and patients who suffer from lymphedema must endure physical discomfort and disfigurement and must cope with the distress caused by these symptoms, and

WHEREAS, the single largest group of people who get lymphedema are cancer patients, including those who have breast, prostate, gynecological, head, neck, and lung cancer, sarcoma, and melanoma, and

WHEREAS, recent studies have indicated that 15-20 percent of breast cancer patients will get lymphedema after surgery and radiation, and

WHEREAS, according to the National Cancer Institute, there are a reported 8.5 million Americans living after a diagnosis of cancer, of whom about 2 million are breast cancer survivors, and

WHEREAS, no drug or effective surgical treatment for lymphedema currently exists, and

WHEREAS, research in all areas of lymphedema has been notably limited, and

WHEREAS, lymphedema, which has no cure and can occur any time, has a severe financial, physical, and psychological impact on patients, and

WHEREAS, each year on March 6, the National Lymphedema Network sponsors Lymphedema D-Day to honor patients and to raise awareness of the treatment and severity of this condition, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives recognizes March 6, 2001, as "Lymphedema D-Day" in Florida.

BE IT FURTHER RESOLVED that the Florida House of Representatives encourages the residents of this state to honor and support the courageous patients who are living with and coping with this debilitating condition.

—was read and adopted by publication pursuant to Rule 10.20.

## Reports of Councils and Standing Committees

### Council Reports

#### Received April 25:

The Council for Competitive Commerce recommends the following pass:

CS/HB 255  
CS/HB 309  
CS/HB 337  
HB 1157, with 1 amendment  
HB 1215  
HB 1539, with 2 amendments  
HB 1663, with 1 amendment

#### The above bills were placed on the Calendar.

The Fiscal Responsibility Council recommends the following pass:

CS/HB 85  
HB 1127  
HB 1241  
HJR 1451  
HB 1523  
HB 1551  
HB 1937  
HB 1939

#### The above bills were placed on the Calendar.

The Council for Lifelong Learning recommends the following pass:

HB 423  
CS/HB 523, with 1 amendment  
CS/HB 1405  
HB 1695

#### The above bills were placed on the Calendar.

The Council for Smarter Government recommends the following pass:

HJR 99  
CS/HB 199  
CS/HB 341, with 2 amendments  
HB 349, with 2 amendments  
HB 1197, with 2 amendments  
HB 1223, with 1 amendment  
HB 1413, with 3 amendments  
HB 1469  
HB 1513

HB 1771, with 1 amendment  
 HB 1907, with 1 amendment  
 HB 1923, with 8 amendments  
 HB 1947

**The above bills were placed on the Calendar.**

The Council for Competitive Commerce recommends a council substitute for the following:  
 HB 1803

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1803 was laid on the table.**

The Council for Healthy Communities recommends a council substitute for the following:  
 HB 997

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 997 was laid on the table.**

The Council for Lifelong Learning recommends council substitutes for the following:  
 HB 443  
 CS/HB 1661

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 443 and CS/HB 1661 were laid on the table.**

The Council for Smarter Government recommends council substitutes for the following:  
 CS/HB 615  
 CS/HB 1121  
 HB 1189

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 615; CS/HB 1121; and HB 1189 were laid on the table.**

The Council for Competitive Commerce recommends the following pass:  
 HB 1929, with 4 amendments

**The above bill was referred to the Fiscal Responsibility Council.**

The Fiscal Responsibility Council recommends the following pass:  
 HB 1949

**The above bill was referred to the Council for Ready Infrastructure.**

**Committee Reports**

**Received April 25:**

The Committee on Fiscal Policy & Resources recommends the following pass:  
 HB 457 (fiscal note attached)  
 HB 1225, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Competitive Commerce.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
 HB 1151 (fiscal note attached)  
 HB 1229 (fiscal note attached)

**The above bills were referred to the Fiscal Responsibility Council.**

The Committee on Criminal Justice Appropriations recommends the following pass:

HB 285 (fiscal note attached)

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Health & Human Services Appropriations recommends the following pass:  
 HB 193 (fiscal note attached)  
 HB 751 (fiscal note attached)  
 HB 1371, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
 CS/HB 1361, with 7 amendments (fiscal note attached)

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
 HB 1063 (fiscal note attached)  
 HB 1367, with 1 amendment (fiscal note attached)  
 HB 1471 (fiscal note attached)  
 HB 1911 (fiscal note attached)

**The above bills were referred to the Council for Smarter Government.**

The Committee on General Government Appropriations recommends the following pass:  
 HB 1519, with 3 amendments (fiscal note attached)

**The above bill was referred to the Council for Smarter Government.**

The Committee on Health & Human Services Appropriations recommends the following pass:  
 HB 1823, with 5 amendments (fiscal note attached)

**The above bill was referred to the Council for Smarter Government.**

The Committee on State Administration recommends the following pass:  
 HB 1383, with 1 amendment

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on State Administration recommends the following pass:  
 HB 1135, with 1 amendment

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on State Administration recommends a committee substitute for the following:  
 HB 1385

**The above committee substitute was referred to the Committee on Workforce & Technical Skills, subject to review under Rule 6.3, and, under the rule, HB 1385 was laid on the table.**

**Communications**

The Governor advised that he had filed in the Office of the Secretary of State HB 407, which he approved on April 25.

**Excused**

Rep. Harrell until 1:17 p.m.

**Conference Committee Managers Excused**

The following Conference Committee Managers were excused from time to time:

SBs 2000 and 2002 (appropriations): Rep. Lacasa, Chair; At Large—Reps. Fasano, Greenstein, Murman, Wallace, Wilson, and Sobel (alternate); Transportation & Economic Development Appropriations—Rep. Johnson, Chair, Reps. Bense, Hart, Jennings, Ritter, Rubio, Berfield (alternate), and Hogan (alternate); Health & Human Services Appropriations—Rep. Maygarden, Chair, Reps. Brummer, Farkas, Green, Rich, Slosberg, Benson (alternate), Brutus (alternate), and

Garcia (alternate); Education Appropriations—Rep. Lynn, Chair, Reps. Alexander, Flanagan, Justice, Melvin, Stansel, Arza (alternate), Bucher (alternate), and Mealor (alternate); Criminal Justice Appropriations—Rep. Ball, Chair, Reps. Barreiro, Bilirakis, Mahon, Meadows, Seiler, and Bowen (alternate); General Government Appropriations—Rep. Dockery, Chair, Reps. Holloway, Kilmer, Miller, Siplin, Spratt, and Brown (alternate).

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 9:04 p.m., to reconvene at 10:30 a.m., Thursday, April 26.



# The Journal OF THE House of Representatives

Number 18

Thursday, April 26, 2001

The House was called to order by the Speaker at 10:30 a.m.

## Prayer

The following prayer was offered by the Reverend Henry D. Cribb, Jr. of First United Methodist Church of Apopka, upon invitation of Rep. Brummer:

Lord, we take a moment as we begin another day, to give You thanks and praise for the gift of life and every opportunity we are given to serve. Let Your favor rest upon us as we stop and ask for Your blessings for each of us, each family that we represent, each community represented here today, and for all the people of our state and our nation.

We seek Your wisdom and grace because we are aware of the important work still before each of our state leaders as they gather here today. Help them in all their debating, planning, and decision making, to be wise, and just, and compassionate as they fulfill their responsibilities. Help each of us to see ourselves as part of a larger community, larger than the communities that we come from or those that we represent as state leaders. Encourage us and help us to find ways in which we can be vehicles of Your love reaching out to all people across the state of Florida and around the world. Remind us of our greater responsibilities and of Your never-ending grace and help. Lord, may the work accomplished here today be pleasing in Your sight. Amen.

The following Members were recorded present:

Session Vote Sequence: 186

The Chair	Brown	Garcia	Kallinger
Alexander	Brummer	Gardiner	Kendrick
Allen	Brutus	Gelber	Kilmer
Andrews	Bucher	Gibson	Kosmas
Argenziano	Bullard	Goodlette	Kottkamp
Arza	Byrd	Gottlieb	Kravitz
Atwater	Cantens	Green	Kyle
Ausley	Clarke	Greenstein	Lacasa
Baker	Crow	Haridopolos	Lee
Ball	Cusack	Harper	Lerner
Barreiro	Detert	Harrell	Littlefield
Baxley	Diaz de la Portilla	Harrington	Lynn
Bean	Diaz-Balart	Hart	Machek
Bendross-Mindingall	Dockery	Heyman	Mack
Bennett	Farkas	Hogan	Mahon
Bense	Fasano	Holloway	Mayfield
Benson	Fields	Jennings	Maygarden
Berfield	Florentino	Johnson	McGriff
Betancourt	Flanagan	Jordan	Meadows
Bilirakis	Frankel	Joyner	Mealor
Bowen	Gannon	Justice	Melvin

Miller	Rich	Seiler	Stansel
Murman	Richardson	Simmons	Trovillion
Needelman	Ritter	Siplin	Wallace
Negron	Romeo	Slosberg	Waters
Paul	Ross	Smith	Weissman
Peterman	Rubio	Sobel	Wiles
Pickens	Russell	Sorensen	Wilson
Prieguez	Ryan	Spratt	Wishner

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The Members, led by Amanda Holland of Orlando, Jeremy Johnson of Tallahassee, Elizabeth Lasher of Lutz, Dylan Smith of Alachua, Elizabeth Swanner of Chuluota, Jacqueline Tubaugh of Miami, and Ryan Wacker of Orlando, pledged allegiance to the Flag. Amanda Holland served at the invitation of Rep. Gardiner. Jeremy Johnson served at the invitation of Speaker Feeney. Elizabeth Lasher served at the invitation of Rep. Wallace. Dylan Smith served at the invitation of Rep. McGriff. Elizabeth Swanner and Jacqueline Tubaugh served at the invitation of Speaker Feeney. Ryan Wacker served at the invitation of Rep. Trovillion.

## House Physician

The Speaker introduced Dr. Charles A. Morgan of Apopka, who served in the Clinic today upon invitation of Rep. Brummer.

## Correction of the *Journal*

The *Journal* of April 25 was corrected and approved as follows: On page 689, column 1, line 28 from the bottom, delete "read the second time by title", and insert in lieu thereof: taken up, having been read the second time by title earlier today.

## Messages from the Senate

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 782, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senators Sanderson and Cowin—

**SB 782**—A bill to be entitled An act relating to nursing education; amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the

fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

## Reports of Councils and Standing Committees

### Report of the Procedural & Redistricting Council

*The Honorable Tom Feeney* April 25, 2001  
*Speaker, House of Representatives*

*Dear Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits as Special Orders for Thursday, April 26, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

#### I. Consideration of the attached list of bills:

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
Chair

#### Special Orders for Thursday, April 26, 2001

1861	Green	Quality of Long-Term Care Facility	109	Cantens	Collection of Consumer Debts
1617	Dockery	Growth Management	427	Fiorentino	Homelessness
1055	Needelman	Worker's Comp/Law Enforcement	489	Johnson	High Speed Rail Study Commission
1927	Waters	Worker's Comp	1485	Kravitz	Sexual Offenders Release Supervision
1881	Green	Public Records/Nursing Homes	973	Davis	Property Tax/Disabled/Physicians
1915	Spratt	Agri. & Consumer Services Dept.	601	Pickens	Judgment Liens on Personal Property
1805	Waters	Public Records/Motor Vehicle Crash	573	Gibson	Homestead Assessment /Elderly Living
953	Bilirakis	Burglary	295	Gibson	Ad Val Tax Exemption/Elderly Living
1395	Needelman	Driver Lic. Div./Exclusionary Rule	991	Mayfield	Funeral & Cemetery Services
1131	Barreiro	Criminal Rehabilitation	1205	Diaz-Balart	School Employee/Unused Sick Leave
1937	Byrd	State Revenue Collections/Court Clerk	1255	Diaz-Balart	Florida Building Code
1939	Byrd	Dept of Revenue Clerks of Court TF	987	Rubio	Cultural Affairs Division / Grants
365	Hogan	Public Records/Health/Financial Info.	1411	Pickens	District School Tax (Pending Committee Action)
1971	Harrington	Water Supply Policy	1519	Berfield	Clearinghouse on Disability Info. (Pending Committee Action)
807	Bense	Hwy Safety/Motor Vehicle/Vessels	1541	Prieguez	Public Records/Economic Development
1429	Byrd	Cardiac Arrest Survival Act	1585	Detert	Public Records/Abandoned Property
1053	Russell	Transportation	1785	Haridopolos	Brevard Co/City of Satellite Beach
1885	Littlefield	Health Care	1759	Hart	Stalking Offense/Cyberstalk (Pending Committee Action)
475	Hogan	Public Health	345	Johnson	Sports Industry Economic Development
477	Hogan	Public Records/Parents ID/Newborns	1695	Alexander	Public Records/Student Assessments
37	Paul	Absentee Ballots (Memorial)	159	Rubio	HMO/Physicians/Adverse Determination
1799	Detert	Children's Behavioral Crisis Unit	1633	Attkisson	Student Assessment
1145	Murman	Foster Care/Residential Care	1545	Lynn	Schools/Performance Reporting
1073	Murman	Behavioral Health Care Services	1533	Lynn	Education Governance Reorg
179	Lynn	Child Care Facilities	1509	Diaz-Balart	Student Financial Assistance
1895	Farkas	Health Care	1193	Arza	Teacher Quality
1867	Farkas	Health Care Practitioner Regulation	1043	Kilmer	Sewer, Water, & Stormwater Systems
1067	Kyle	Physician Records/Adverse Incidents	463	Baxley	Florida Prepaid College Program
605	Gibson	Florida Alzheimer's Training Act	267	Kravitz	School Attendance/Violent Offenders
1403	Mealor	Health Care	281	Alexander	Higher Educational Facilities
649	Bilirakis	Law Enforcement Officers Disability	1089	Bilirakis	Real Estate professionals
437	Farkas	Pharmacists/Licensure by Endorsement	599	Mack	Public Record/Child Support Services
1415	Kallinger	Medicaid/Environmental Modification	1091	Wishner	Fla. Golf License Plate
1253	Farkas	Limited Benefit Policies/Contracts	1787	Berfield	Warranty Associations / Motor Vehicles
1529	Simmons	Controlled Substances	1811	Hart	Information Technology
715	Lerner	Mary Brogan/Breast & Cervical Cancer	1829	Russell	Motor Vehicle Titles
1765	Melvin	Public Protection	329	Baxley	Drug Free Legislators
1777	Murman	Schools/Adult Entertainment Location	1833	Crow	Real Property Liens/Duration
1845	Hart	Criminal Use of Personal ID Info.	411	Kyle	Florida Mobile Home Act
1691	Atwater	Law Enforcement Officers	453	Prieguez	Energy Performance Savings
137	Goodlette	Probate	1207	Carassas	Nonprofit Civic Organization/Alcohol
1341	Benson	Ad Val Tax / Refund of Filing Fees	699	Goodlette	Rural Electric Cooperatives
163	Prieguez	Tax/Collegiate Facility Renovation	805	Benson	Pool/Spa Servicing Contractor
247	Harrell	Unfair Discrimination/Insurance	209	Maygarden	Taxes/Property/Airports & Seaports
			1009	Baxley	Excise Tax on Documents
			1077	Mack	Health Care/Alternative Treatment
			1125	Sorensen	Monroe Co./Water Quality Standards
			1889	Ritter	Taxation/Communication Services
			1891	Ritter	Public Records/Communications Tax
			1893	Ritter	Local Communications Services Tax TF
			1669	Paul	Harris Chain of Lakes Restoration
			1681	Miller	Pest Control Operators
			1957	Hart	State Technology/Property & Services
			3	Ball	Citizens' Right to Honest Gov't Act
			211	Maygarden	Civil Actions/Admission of Liability
			529	Wallace	Outcome-Based Total Accountability
			521	Green	Financial Institutions
			571	Johnson	Economic Impact Statement/Voting
			575	Baker	Filing Fees/Corporate Fee
			955	Bean	Correctional Officers / Job Protection
			593	Bowen	Municipal Law Enforcement Officers
			757	Barreiro	Wrecker Liens
			767	Brown	Structured Settlements
			1959	Hart	Technology Enterprise Operating TF
			791	Hogan	Property Exempt from Legal Process
			989	Mealor	Universities Designations
			1111	Allen	Spaceport Infrastructure Act
			1763	Hart	DEP/Public Notices/Internet Costs
			1491	Attkisson	Wastewater Residual Reduction Act



1803	Waters	Workers Compensation
251	Kilmer	Sales Tax Exemption/Clothing
9	Ball	Solid Waste Management Facilities
113	Trovillion	Construction / Prompt Payment Act
379	Allen	Entertainment Industry
1955	Hart	Law Enforcement Radio Operating TF
747	Brown	Credit Insurance
961	Carassas	Nursing Homes & Health Care Facility
1969	Harrington	Land Acquisition & Mgmt
1425	Bowen	Violent Crime & Drug Control Council
1565	Hogan	Public Records/Archaeological/Culture
625	Bean	Security for Public Deposits
441	Baker	County Government/Property Sales
701	Bean	Correctional Officers Memorial Hwy
595	Haridopolos	Landlord & Tenant
1031	Carassas	Durable Powers of Attorney
1611	Arza	Relief/Mary Beth Wiggers/DOC
1219	Brown	Insurance Agents
1479	Bowen	Insurance Examination/Exemptions
1059	Baker	NASA's Small Aircraft Transportation
789	Mealor	Governmental Data Processing
167	Littlefield	Domestic Violence
19	Greenstein	Fair Housing Act
73	Wallace	Fla. Customer Service Standards Act
579	Crow	Uniform commercial Code
131	Harrington	Correctional Facilities
175	Machek	Reckless Driving
201	Rubio	Moving Traffic Violation/Fees
259	Slosberg	Driver's Licenses/DUI Convictions
689	Wallace	Taxes/Limitations
293	Crow	Certified Capital Company Act
301	Wilson	Testing of Inmates for HIV
315	Kottkamp	Opticianry/Violations & Penalties
331	Baxley	Physician Assistants
333	Kosmas	Cultural Endowment Program
93	Harrington	Road & Bridge Designations
351	Mayfield	Deferred Compensation Programs
371	Spratt	Electric Utilities/Interruption
1349	Mealor	Crimes/Using 2-way communications
1569	Garcia	Probation or Community Control
687	Romeo	Medically Essential Electric Service
717	Stansel	Assessment of Agricultural Property
1835	Crow	Excise Tax/Real Property
731	Kottkamp	Public Records/Local Govt/WMD
811	Clarke	Criminal Records/Obscene Materials
863	Ritter	North Springs Improvement District (LB)
959	Gottlieb	Mortgage-Foreclosure Proceedings
967	Gardiner	Enterprise Zones/Boundaries
497	Andrews	Homicide of an Unborn Child
1039	Paul	Ad Val/Disabled Ex-Service Members
235	Prieguez	Dental Service Claims/Appeals
1203	Mealor	Motor Vehicles
1221	Cantens	Water Mgmt Districts
1379	Flanagan	Emergency Telephone System
1401	Pickens	DUI
1419	Trovillion	Historic Preservation
1547	Kottkamp	Fla. Prepaid College Program
1603	Mayfield	Comprehensive Everglades Restoration
1635	Goodlette	Environmental Control
147	Ball	DNA Evidence
729	Argenziano	Environmental Control
261	Jordan	Law Officer/Background Investigators
719	Stansel	Agri.Products/Damage or Destruction
721	Stansel	Public Records/Agricultural Records
1397	Greenstein	Florida Mobile Home Relocation TF
1147	Kendrick	Public Records/Personal/Medical
1437	Ball	Public Records/Communications Systems
1615	Brummer	School District Guarantee Program
545	Carassas	David Levitt School Anti Hunger Act
1433	Bennett	Growth Management
1601	Jennings	Workforce Development
465	Baker	Tuition/Residency/National Guard

1661	Mealor	John McKay Scholarships/Students /Disabilities
1015	Harrell	Young Children/Learning Gateway (Pending Committee Action)
1339	Farkas	State University System (Pending Committee Action)

On motion by Rep. Byrd, the above report was adopted.

**Motions Relating to Committee or Council References**

On motion by Rep. Goodlette, agreed to by two-thirds vote, HBs 193 and 653 and CS/HB 793 were withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 457 was withdrawn from the Council for Competitive Commerce and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 795 was withdrawn from the Procedural & Redistricting Council and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1017 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1101 was withdrawn from the Committee on Judicial Oversight and remains referred to the Council for Ready Infrastructure.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1169 was withdrawn from the Committee on Crime Prevention, Corrections & Safety and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1225 was withdrawn from the Council for Competitive Commerce and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1385 was withdrawn from the Committee on Workforce & Technical Skills and remains referred to the Council for Smarter Government.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1431 was withdrawn from the Council for Lifelong Learning and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1587 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1869 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

**Motion**

Among the earlier motions to withdraw bills from Committees or Councils, Rep. Goodlette moved to withdraw CS/HB 1819 from the Council for Smarter Government.

Under Rule 11.4, Rep. Ritter requested a division of the question.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1819 was withdrawn from the Council for Smarter Government and placed on the Calendar of the House.

**Bills and Joint Resolutions on Third Reading**

Pursuant to adoption of Special Rule 01-11, consideration of Bills and Joint Resolutions on Third Reading was temporarily postponed.

**Special Orders**

**Special Order Calendar**

**HB 1861**—A bill to be entitled An act relating to trust funds; creating the Quality of Long-Term Care Facility Improvement Trust Fund within

the Agency for Health Care Administration; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Representative(s) Green offered the following:

(Amendment Bar Code: 372501)

**Amendment 1**—On page 1, line 21 through 23  
remove from the bill: said lines

and insert in lieu thereof: *and 400.430, Florida Statutes,*

Rep. Green moved the adoption of the amendment, which was adopted.

Representative(s) Green offered the following:

(Amendment Bar Code: 564449)

**Amendment 2**—On page 2, lines 19 and 20  
remove from the bill: all said lines

and insert in lieu thereof:

(3) *The agency shall carry out through the trust fund the priorities and*

Rep. Green moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HBs 1617 & 1487**—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that local planning agencies include a representative of the district school board; repealing s. 163.3177(12), F.S., which provides requirements for a public school facilities element of a local government comprehensive plan adopted to implement a school concurrency program; amending s. 163.3177, F.S.; revising requirements for the future land use element and intergovernmental coordination element with respect to planning for schools; creating s. 163.31776, F.S.; providing legislative intent and findings; requiring that a local government comprehensive plan include a public educational facilities element; providing that the state land planning agency shall establish a schedule for adoption of such elements; exempting certain municipalities from adopting such elements; requiring local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; specifying the effect of a local government's failure to enter into an interlocal agreement or transmit such element according to the adopted schedule and of a school board's failure to provide certain information or to enter into an interlocal agreement; creating s. 163.31777, F.S.; requiring that local governments consider public school facilities when considering certain comprehensive plan amendments and rezonings; requiring that the school board provide a school capacity report; requiring denial of such amendments or rezoning requests under certain conditions; providing requirements for proportionate share mitigation of public school facility impacts; providing for development agreements with respect thereto; providing for certain credits; amending s. 163.3180, F.S.; providing requirements with respect to the public educational facilities element when school concurrency is imposed by local option; removing school concurrency requirements relating to intergovernmental coordination and exemption for certain municipalities; revising requirements relating to an interlocal agreement for school concurrency; amending s. 163.3184, F.S.; including requirements for plan amendments relating to the public educational facilities element in the process for adoption of comprehensive plan amendments; amending s. 163.3187, F.S.; providing that plan amendments to adopt such elements and future land use map amendments for school siting are not subject to the statutory limits on the frequency of plan amendments; amending s.

163.3191, F.S.; conforming language; creating s. 163.3198, F.S.; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of proposed development; providing requirements with respect thereto; creating a commission to oversee such development; providing for field tests of the models developed; directing the commission to make recommendations to the Governor and Legislature regarding statewide implementation of a uniform model and other growth management issues; providing an appropriation; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be submitted as part of the district's educational facilities plan; revising provisions relating to certain deviation from space need standards; providing for review and validation of surveys by the Office of Educational Facilities; revising requirements relating to certifications necessary for expenditure of PECO funds; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for the district's facilities 5-year work program; providing for submittal of the tentative plan to local governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; removing provisions relating to 10-year and 20-year work programs; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S., relating to site planning and selection; providing that said section is superseded by an interlocal agreement between a school board and local government and the school board and local government plans under certain conditions; revising site selection requirements; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; requiring the school board to provide a local government certain information when it is considering certain comprehensive plan amendment or rezoning applications; revising requirements relating to school board responsibilities in planning with local governments; revising requirements relating to location of educational facilities; revising a notice requirement regarding proposed use of property for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; conforming language; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending ss. 235.218, 235.321, and 236.25, F.S.; conforming language; providing an effective date.

—was read the second time by title.

Representative(s) Alexander and Diaz-Balart offered the following:

(Amendment Bar Code: 925427)

**Amendment 1 (with title amendment)**—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (1) of section 163.3174 is amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. *Notwithstanding any special act to the contrary, no later than January 1, 2002, each local planning agencies shall include a representative of the district school board as a member of the local planning agency.* The governing body may designate itself as the local planning agency pursuant to this subsection *with the addition of a school board representative.* The governing body shall notify the state land planning agency of the establishment of its local planning

agency. All local planning agencies shall provide opportunities for involvement by ~~district school boards and~~ applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

Section 2. Paragraphs (a) and (h) of Subsection (6) and subsection (11) of section 163.3177 is amended, and subsection (12) is repealed:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)- (5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. The future land use plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of public services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999. The failure by a local government to comply with these school siting requirements by October 1, 1999, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. ~~An amendment Amendments~~

proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use *or for adopting or amending the school siting maps pursuant to s. 163.3177(6) are* exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria which encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools ~~to the extent possible and to encourage using elementary schools as focal points for neighborhoods.~~ *For schools serving predominantly rural counties, defined as a county with a population of less than 75,000, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria, and the location is consistent with such criteria.*

5. *Intergovernmental coordination between local governments and the district school board shall be governed by ss. 163.31776 and 163.31777 for local governments subject to the requirements of those sections and is encouraged for local governments exempt from such requirements.*

(11)(a) The Legislature recognizes the need for innovative planning and development strategies which will address the anticipated demands of continued urbanization of Florida's coastal and other environmentally sensitive areas, and which will accommodate the development of less populated regions of the state which seek economic development and which have suitable land and water resources to accommodate growth in an environmentally acceptable manner. The Legislature further recognizes the substantial advantages of innovative approaches to development which may better serve to protect environmentally sensitive areas, maintain the economic viability of agricultural and other predominantly rural land uses, and provide for the cost-efficient delivery of public facilities and services.

(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and which also allows for the conversion of rural lands to other uses, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development, and sector planning.

(c) It is the further intent of the Legislature that local government comprehensive plans and implementing land development regulations shall provide strategies which maximize the use of existing facilities and services through redevelopment, urban infill development, and other strategies for urban revitalization.

*(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, shall provide assistance to local governments in the implementation of this paragraph and s. 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize up to five local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained in Rule 9J-5.006(5)(l), Florida Administrative Code.*

2. *The department shall encourage participation by local governments of different sizes and rural characteristics. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of*

the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida.

3. A local government may apply to the department in writing requesting consideration for authorization to designate a rural land stewardship area and shall describe its reasons for applying for the authorization with supporting documentation regarding its compliance with criteria set forth in this section.

4. In selecting a local government, the department shall, by written agreement:

a. Ensure that the local government has expressed its intent to designate a rural land stewardship area pursuant to the provisions of this subsection and clarify that the rural land stewardship area is intended.

b. Ensure that the local government has the financial and administrative capabilities to implement a rural land stewardship area.

5. The written agreement shall include the basis for the authorization and provide criteria for evaluating the success of the authorization including the extent the rural land stewardship area enhances rural land values; control urban sprawl; provides necessary open space for agriculture and protection of the natural environment; promotes rural economic activity; and maintains rural character and the economic viability of agriculture. The department may terminate the agreement at any time if it determines that the local government is not meeting the terms of the agreement.

6. A rural land stewardship area shall be not less than 50,000 acres and shall not exceed 400,000 acres in size, shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184, F.S., and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural and stewardship are through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, an policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and s. 9J-5.006(5)(1), Florida Administrative code, which provide for a functional mix of land uses and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rural 9J-5.006(5)(1), Florida Administrative Code.

7. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for

consistency with the rural land stewardship area plan amendment and to provide comments to the local government.

8. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, assign to the area a certain number of credits, to be known as "transferable rural land use credits," which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferrable rural land use credits assigned to the rural land stewardship area must correspond to the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

9. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies,

water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

- a. Opportunity to accumulate transferable mitigation credits.
- b. Extended permit agreements.
- c. Opportunities for recreational leases and ecotourism.
- d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.
- e. Option agreements for sale to government, in either fee or easement, upon achievement of conservation objectives.

10. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph. It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implementation occurs on a statewide basis.

(e)(d) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(f)(e) The department is authorized to adopt rules as required to ~~shall~~ implement the provisions of this subsection ~~by rule~~.

Section 3. Create new Section 163.31776:

163.31776 Public Educational Facilities Element.—

(1) The intent of the Legislature is:

(a) To establish a systematic process of sharing information between school boards and local governments on the growth and development trends in their communities in order to forecast future enrollment and school needs;

(b) To establish a systematic process for school boards and local governments to cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system population, including the needs placed on the public education system as a result of growth and development decisions by local government;

(c) To establish a systematic process for local governments and school boards to cooperatively identify and meet the infrastructure needs of public schools to assure healthy school environments and safe school access;

(2) The Legislature finds that:

(a) Public schools are a linchpin to the vitality of our communities and play a significant role in thousands of individual housing decisions which result in community growth trends;

(b) Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(3) A public educational facilities element shall be adopted in cooperation with the applicable school district by all local governments meeting the criteria identified in paragraph (a). All local governments are encouraged to adopt a public educational facilities element regardless of whether it meets the criteria of paragraph (a) or is exempted by subparagraph (c). The public educational facilities elements shall be transmitted no later than January 1, 2003, for those local governments initially meeting the criteria in paragraph (a).

(a) A local government must adopt a public educational facilities element if the local government is located in a county where the districtwide number of actual public school students:

- 1. are 80 percent or greater of the most current year's school capacity and the projected five-year student growth is 1,000 students or greater, or
- 2. the projected five-year student growth rate is 10 percent or greater.

(b) The Department of Education shall issue a report notifying the state land planning agency and each county and school district that meets the criteria in (a) on June 1 of each year. Local governments and school boards will have 18 months following notification to comply with the requirements of ss. 163.31776 and 163.31777.

(c) Each municipality shall adopt its own element or adopt a plan amendment accepting the public educational facilities element adopted by the county which includes the municipality's area of authority as defined in s. 163.3171. However, a municipality is exempt from this requirement if it does not contain a public school within its jurisdiction or none is scheduled in the five year district facilities work program of the school board's education facilities plan adopted pursuant to s. 235.185, and if the residents of the municipality have generated less than 50 additional public school students during the last five years.

Any municipality currently exempt shall notify the county and the school board of any planned annexations into residential or proposed residential areas or other change in condition and shall comply with the provisions of this subsection no later than one year following a change in conditions which render the municipality no longer eligible for exemption or the identification of a proposed public school in the school board's five-year district facilities work program in the municipality's jurisdiction.

(d) The Department of Education and the Department of Community Affairs will submit a report to the Governor, the President of the Senate, and Speaker of the House of Representative by January 2003, that evaluates the criteria in s. 163.31776(3)(a) and makes any recommendations for changes to the criteria as needed to meet the intent of this part.

(4) No later than six months prior to the deadline for transmittal of a public educational facilities element, the county, the non-exempt municipalities, and the school board shall enter into an interlocal agreement which establishes a process to develop coordinated and consistent local government public educational facilities elements and district education facilities plan, including a process:

(a) By which each local government and the school district agree and base the local government comprehensive plan and educational facilities plan on uniform projections of the amount, type, and distribution of population growth and student enrollment.

(b) To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment.

(c) To ensure school siting decisions by the school board are consistent with the local comprehensive plan and future land use maps, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting, and for early involvement by the local government as the school board identifies potential school sites.

(d) To coordinate and provide timely formal comments during the development, adoption, and amendment of each local government's public educational facilities element and the educational facilities plan of the school district to ensure a uniform countywide school facility planning system.

(e) For school district participation in the review of comprehensive plan amendments and rezonings which increase residential density and which are reasonably expected to have an impact on public school facility demand pursuant to s. 163.31777. The interlocal agreement shall express how the school board and local governments will develop the methodology and the criteria for determining if school facility capacity will not be reasonably available at the time of projected school impacts, including uniform, districtwide level-of-service standards for all public schools of the same type and availability standards for public schools.

The interlocal agreement shall ensure that consistent criteria and capacity determination methodologies, including student generation multipliers are adopted into the school board's district education facilities plan and the local government's public educational facilities element. The interlocal agreement shall also set forth the process and uniform methodology for determining proportionate share mitigation pursuant to s. 163.31777; and,

(f) For the resolution of disputes between the school district and local governments.

(g) That determines the "true cost of school needs." This analysis must provide the number of schools and the funding needed to meet any current backlog and future needs based on uniform projections of population and student growth and development trends. This analysis should also identify how the current and future needs are funded.

(5) The public educational facilities element shall be based on data and analysis, including the interlocal agreement required by subsection (4), and the education facilities plan required by section 235.185. All local government public educational facilities elements within a county must be consistent with each other and shall address the following:

(a) The need for, strategies, and commitments to address improvements to infrastructure, safety, and community conditions in areas proximate to existing public schools.

(b) The need for and strategies for the provision of adequate infrastructure necessary to support proposed schools, including potable water, wastewater, drainage, and transportation; and other actions needed to assure safe access to schools, including sidewalks, bicycle paths, turn lanes and signalization.

(c) Co-location of other public facilities such as parks, libraries and community centers with public schools.

(d) Location of schools proximate to residential areas and for public schools to complement patterns of development including using elementary schools as focal points for neighborhoods.

(e) Use of public schools to serve as emergency shelters.

(f) A uniform methodology for consideration of the existing and planned capacity of public schools when reviewing comprehensive plan amendments and rezonings which would increase residential development, and that are reasonably expected to have an impact on the demand for public school facilities pursuant to s. 163.31777, with the review based on uniform districtwide level-of service standards for all public schools of the same type and availability standards for public schools, and the financially feasible five-year district facilities work program adopted by the school board pursuant to s. 235.185. "Financially feasible" means that a capital improvements programs will be financed for each year of the planning period, without a deficit, based on projected revenues from existing or committed revenue sources so that the adopted level-of service standard will be achieved and maintained throughout the planning period. Revenue sources may include ad valorem taxes, state revenue distributions, proceeds from the sale of bonds, sales tax proceeds, or other general tax sources. Local-option revenue sources requiring approval by a referendum of the electors shall be deemed an existing or committed revenue source only after approval in the required referendum. The current level and amount of impact fees collected by a local government may be included in the calculation of financial feasibility. However, new impact fees or expansion of existing impact fees may not be adopted until the statewide implementation of the uniform account model occurs.

(g) A uniform methodology for determining school capacity needs and proportionate share mitigation consistent with the requirements of s. 163.31777(4) and the interlocal agreement.

(h) The "true cost of school needs." This analysis must provide the number of schools and the funding needed to meet any current backlog and future needs based on local governments' population and growth trends. This analysis should also identify how the current and future needs are funded.

(i) As part of the public education facilities element, the school board shall provide its response to the independent third-party financial management audit as required by s. 235.185, as it relates to educational facility planning and construction. The response shall be part of the data and analysis needed to support the element.

(6) The future land use map series shall either incorporate maps which are the result of a collaborative process for identifying school sites and adopted in the educational facilities plan promulgated by the school board pursuant to s. 235.185 showing the locations of existing public schools and the general locations of improvements to existing schools or construction of new schools anticipated over the five, ten and twenty year time periods, or such maps shall be data and analysis in support of the future land use map series. Maps indicating general locations of future schools or school improvements shall not be deemed to prescribe a land use on a particular parcel of land.

(7) The process for adoption of a public educational facilities element shall be as provided for in s. 163.3184. The state land planning agency shall submit a copy of the proposed public school facilities element pursuant to the procedures outlined in s. 163.3184(4) to the Office of Educational Facilities of the Commissioner of Education for review and comment.

(8) The interlocal agreement must be entered into by the county, the school board, and the non-exempt municipalities within the county. If such parties cannot reach agreement, the matter shall be resolved by binding arbitration through the regional planning council. The failure of such parties to enter an interlocal agreement within 60 days of referral to binding arbitration shall result in the prohibition of the local governments' ability to amend the local comprehensive plan until the dispute is resolved. The failure of a school board to provide the required plans, information or to enter into the interlocal agreement under this subsection shall subject the school board to sanctions pursuant to s. 235.193(3). Any local government that has executed an interlocal agreement to implement school concurrency pursuant to the requirements of s. 163.3180 prior to the effective date of this act shall not be required to amend the public school element or any interlocal agreement to conform with the provisions of this section, if such amendment is ultimately determined to be in compliance.

Section 4. Create a new section 163.31777:

163.31777 Public School Capacity for Plan Amendments and Rezonings.—

(1) Local governments shall consider public school facilities when reviewing proposed comprehensive plan amendments and rezonings that increase residential densities and which are reasonably expected to have an impact on public school facility demand.

(2) For each proposed comprehensive plan amendment or rezoning, which increases residential densities and is reasonably expected to have an impact on the demand for public school facilities, the school board shall provide the local government with a school capacity report based on the district educational facilities plan adopted by the school board pursuant to s. 235.185, which shall provide data and analysis on the capacity and enrollment of affected schools based on standards established by state or federal law or judicial orders, projected additional enrollment attributable to the density increase from the amendment or rezoning, programmed and financially feasible new public school facilities or improvements for affected schools identified in the educational facilities plan of the school board and the expected date of availability of such facilities or improvements, and available reasonable options for providing public school facilities to students if the rezoning or comprehensive plan amendment is approved. The options shall include but not be limited to the school board's evaluation of school schedule modification, school attendance zones modification, school facility modification, and creation of charter schools. The report shall be consistent with this section, any adopted interlocal agreement and public educational facilities element, and must be submitted no later than three working days prior to the first public hearing by the local government to consider the comprehensive plan amendment or rezoning.

(3) *Within a jurisdiction, following the effective date of an interlocal agreement between the local governments and the school board entered into pursuant to s. 163.31776, the determination that an adopted public education facilities element required under s. 163.31776 is in compliance and is financially feasible, and the revision by the school board of its district education facilities plan to comply with s. 235.185, then the local government shall deny a comprehensive plan amendment or rezoning request which would increase residential development if the school facility capacity of the district as a whole will not be reasonably available at the time of projected school impacts as determined by the methodology established in the public education facilities element; however, the application for a comprehensive plan amendment or rezoning shall not be disapproved based on lack of school capacity if the applicant executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including but not limited to the options described in subsection (4).*

(4)(a) *Options for proportionate share mitigation of public school facility impacts from actual development of property subject to a plan amendment or rezoning that increases residential density shall be established in the educational facilities plan and the public educational facilities element. Such options shall include execution by the applicant and the local government of a binding development agreement pursuant to ss 163.3220-163.3243 which shall constitute a legally binding commitment to pay proportionate share mitigation for the additional residential units when approved by the local government in a development order and actually developed on the property, but shall not require payment pursuant to this section for residential density allowed on the property prior to the plan amendment or rezoning which increased overall residential density. The district school board may be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.*

(b) *If the educational facilities plan and the public educational facilities element authorize a contribution of land or construction, expansion, or payment for land acquisition or construction or expansion of a public school facility, or a portion thereof, as proportionate share mitigation, the local government shall credit such a contribution, construction, expansion or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.*

(c) *Any proportionate share mitigation shall be directed by the school board toward a school capacity improvement within the affected area which is identified in the financially feasible five year district work plan.*

(5) *Nothing in this section prohibits a local government from using its home rule powers to deny a comprehensive plan amendment or rezoning.*

Section 5. Paragraphs (a) and (b) of subsection (1), and subsection (4) of section 163.3184 are amended to read:

Section 6. Section 163.3184 Process for adoption of comprehensive plan or plan amendment.—

(1) DEFINITIONS.—As used in this section:

(a) “Affected person” includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property which is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or

plan amendment. (b) “In compliance” means consistent with the requirements of ss. 163.3177, 163.31776, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern.

(4) INTERGOVERNMENTAL REVIEW.—If review of a proposed comprehensive plan amendment is requested or otherwise initiated pursuant to subsection (6), the state land planning agency within 5 working days of determining that such a review will be conducted shall transmit a copy of the proposed plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Protection, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency. *If the plan or plan amendment includes or relates to the public educational facilities element required by s.163.31776, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment.* These governmental agencies shall provide comments to the state land planning agency within 30 days after receipt of the proposed plan amendment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt of the proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

Section 7. Effective October 1, 2001, subsections (3), (4), (6), (7), (8), and (15) and paragraph (d) of subsection (16) of said section are amended, to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(1) DEFINITIONS.—As used in this section:

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.—

(a) Each local governing body shall transmit the complete proposed comprehensive plan or plan amendment to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county, and, in the case of county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, immediately following a public hearing pursuant to subsection (15) as specified in the state land planning agency’s procedural rules. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment. *The local government may request a review by the state land planning agency pursuant to subsection (6) at the time of transmittal of an amendment.*

(b) A local governing body shall not transmit portions of a plan or plan amendment unless it has previously provided to all state agencies designated by the state land planning agency a complete copy of its adopted comprehensive plan pursuant to subsection (7) and as specified in the agency’s procedural rules. In the case of comprehensive plan amendments, the local governing body shall transmit to the state land planning agency, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and, in the case of municipal plans, to the appropriate county, and, in the case of

county plans, to the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, the materials specified in the state land planning agency's procedural rules and, in cases in which the plan amendment is a result of an evaluation and appraisal report adopted pursuant to s. 163.3191, a copy of the evaluation and appraisal report. Local governing bodies shall consolidate all proposed plan amendments into a single submission for each of the two plan amendment adoption dates during the calendar year pursuant to s. 163.3187.

(c) A local government may adopt a proposed plan amendment previously transmitted pursuant to this subsection, unless review is requested or otherwise initiated pursuant to subsection (6).

(d) In cases in which a local government transmits multiple individual amendments that can be clearly and legally separated and distinguished for the purpose of determining whether to review the proposed amendment, and the state land planning agency elects to review several or a portion of the amendments and the local government chooses to immediately adopt the remaining amendments not reviewed, the amendments immediately adopted and any reviewed amendments that the local government subsequently adopts together constitute one amendment cycle in accordance with s. 163.3187(1).

(4) INTERGOVERNMENTAL REVIEW.—~~If review of a proposed comprehensive plan amendment is requested or otherwise initiated pursuant to subsection (6), the state land planning agency within 5 working days of determining that such a review will be conducted shall transmit a copy of the proposed plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Protection, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency. The~~ These governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(6) STATE LAND PLANNING AGENCY REVIEW.—

(a) The state land planning agency shall review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment. ~~The request from the regional planning council or affected person must be if the request is received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). The agency shall issue a report of its objections, recommendations, and comments regarding the proposed plan amendment.~~ A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

(b) The state land planning agency may review any proposed plan amendment regardless of whether a request for review has been made, if the agency gives notice to the local government, and any other person who has requested notice, of its intention to conduct such a review within ~~35~~ 30 days after receipt by the state land planning agency of transmittal of the complete proposed plan amendment pursuant to subsection (3).

(c) The state land planning agency shall establish by rule a schedule for receipt of comments from the various government agencies, as well as written public comments, pursuant to subsection (4). *If the state land*

*planning agency elects to review the amendment or the agency is required to review the amendment as specified in paragraph (a), the agency shall issue a report of its objections, recommendations, and comments regarding the proposed amendment within 60 days after receipt of the complete proposed amendment by the state land planning agency. Proposed comprehensive plan amendments from small counties or rural communities for the purpose of job creation, economic development, or strengthening and diversifying the economy shall receive priority review by the state land planning agency. The state land planning agency shall have 30 days to review comments from the various government agencies along with a local government's comprehensive plan or plan amendment. During that period, the state land planning agency shall transmit in writing its comments to the local government along with any objections and any recommendations for modifications.* When a federal, state, or regional agency has implemented a permitting program, the state land planning agency shall not require a local government to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. Nothing contained herein shall prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments or making compliance determinations regarding densities and intensities consistent with the provisions of this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments, from any source.

(d) The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. If the state land planning agency does not issue such a review, it shall identify in writing to the local government all written communications received 30 days after transmittal. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document. The list of documents must be made a part of the public records of the state land planning agency.

(7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN OR AMENDMENTS AND TRANSMITTAL.—

(a) The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply to them shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have 120 days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have 60 days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection (15). The local government shall transmit the complete adopted comprehensive plan or ~~adopted~~ plan amendment to the state land planning agency as specified in the agency's procedural rules within 10 working days after adoption, *including the names and addresses of persons compiled pursuant to paragraph (15)(c).* The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to the regional planning agency and to any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of the plan or plan amendment.

(b) *A local government that has adopted a comprehensive plan amendment to which no timely written objection from the state land planning agency, any agency, any government, or any person has been received may submit the comprehensive plan amendment and a certification to the state land planning agency within 10 days after*



*adoption of the comprehensive plan amendment. This certification must certify that the adopted comprehensive plan amendment did not differ from the proposed comprehensive plan amendment submitted pursuant to subsection (3), and that no timely objections were received.*

(8) NOTICE OF INTENT.—

(a) Except as provided in s. 163.3187(3), the state land planning agency, upon receipt of a local government's complete adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b) During the time period provided for in this subsection, the state land planning agency shall issue, through a senior administrator or the secretary, as specified in the agency's procedural rules, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. A notice of intent shall be issued by publication in the manner provided by this paragraph and by mailing a copy to the local government ~~and to persons who request notice. The required advertisement shall be no less than 2 columns wide by 10 inches long, and the headline in the advertisement shall be in a type no smaller than 12 point.~~ The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper which meets the size and circulation requirements set forth in paragraph (15)(e)(e) and which has been designated in writing by the affected local government at the time of transmittal of the amendment. Publication by the state land planning agency of a notice of intent in the newspaper designated by the local government shall be prima facie evidence of compliance with the publication requirements of this section.

(c) *Notwithstanding the provisions of this subsection, within 20 days after receipt of an accurate certification submitted pursuant to paragraph (7)(b), the state land planning agency shall issue a notice of intent to find the the plan amendment in compliance without further review.*

(d) *The state land planning agency shall post a copy of the notice of intent on the agency's Internet site. The agency shall, no later than the date the notice of intent is transmitted to the newspaper, mail a courtesy informational statement to the persons whose names and mailing addresses were compiled pursuant to paragraph (15)(c). The informational statement shall include the identity of the newspaper in which the notice of intent will appear, the approximate date of publication of the notice of intent, the ordinance number of the plan or plan amendment, and a statement that the informational statement is provided as a courtesy to the person and that affected persons have 21 days after the actual date of publication of the notice to file a petition. The informational statement shall be sent by regular mail and shall not affect the timeframes in subsections (9) and (10).*

(e) *A local government that has an Internet site shall post a copy of the state land planning agency's notice of intent on its Internet site within 5 days after receipt of the mailed copy of the agency's notice of intent.*

(15) PUBLIC HEARINGS.—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subsection (3) and for adoption of a comprehensive plan or plan amendment pursuant to subsection (7) shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption

of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage pursuant to subsection (3). It shall be held on a weekday at least 7 days after the day that the first advertisement is published.

2. The second public hearing shall be held at the adoption stage pursuant to subsection (7). It shall be held on a weekday at least 5 days after the day that the second advertisement is published.

(c) *The local government shall provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and mailing addresses. The sign-in form shall state that any person providing the requested information will receive a courtesy informational statement concerning publication of the state land planning agency's notice of intent. The local government shall add to the sign-in form the name and address of any person who submits written comments concerning the proposed plan or plan amendment during the time period between the commencement of the transmittal hearing and the end of the adoption hearing. It shall be the responsibility of the person completing the form or providing written comments to accurately, completely, and legibly provide all information required to receive the courtesy informational statement.*

(d) *The agency shall provide a model sign-in form and the format for providing the list to the agency which may be used by the local government to satisfy the requirements of this paragraph by August 1, 2001.*

(e)(e) If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by s. 125.66(4)(b)2. for a county or by s. 166.041(3)(c)2.b. for a municipality.

(16) COMPLIANCE AGREEMENTS.—

(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (15)(a). The plan amendment shall be exempt from the requirements of subsections (2) through (7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (15)(b)2. and paragraph (15)(e)(e). Within 10 working days after adoption of a plan amendment, the local government shall transmit the amendment to the state land planning agency as specified in the agency's procedural rules, and shall submit one copy to the regional planning agency and to any other unit of local government or government agency in the state that has filed a written request with the governing body for a copy of the plan amendment, and one copy to any party to the proceeding under ss. 120.569 and 120.57 granted intervenor status.

Section 8. Paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, is amended and new paragraph (h) of subsection (1) of said section is created to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer, *except that a proposed amendment may involve a use of 20 acres or fewer if located within an area designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e), and:*

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government *does shall* not exceed:

(I) A maximum of ~~150~~ 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of ~~200~~ 120 acres in a county established pursuant to s. 9, Art. VIII of the *Constitution of 1885, as preserved by s. 6(e), Art. VIII of the revised State Constitution.*

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. ~~If~~ The proposed amendment *does not involve* involves a residential land use *within the coastal high-hazard area with, the residential land use has a density exceeding of 10 units or less per acre, except that this limitation does not apply to small-scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).*

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(e)(e) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) ~~unless the local government elects to have them subject to those requirements.~~

*(h) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.31776, and future land use map amendments for school siting may be approved without regard to statutory limits on the frequency of adoption of plan amendments.*

Section 9. Paragraph (k) of subsection (2) of section 163.3191, Florida Statutes, is amended to read:

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable ~~educational 5-year school district~~ facilities ~~plan work program~~ adopted pursuant to ss. 235.185. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. If the issues are not relevant, the local government shall demonstrate that they are not relevant.

Section 10. Section 163.3198 is created to read:

*163.3198 Development of a uniform fiscal impact analysis model for evaluating the cost of infrastructure to support development.—*

*(1) The Legislature finds that the quality of growth in Florida could benefit greatly by the adoption of a uniform fiscal impact analysis tool that could be used by local governments to determine the costs and benefits of new development. To facilitate informed decisionmaking and accountability by local governments, the analysis model would itemize and calculate the costs and fiscal impacts of infrastructure needs created by proposed development, as well as the anticipated revenues utilized for infrastructure associated with the project. It is intended that the model be a minimum base model for implementation by all local governments. Local governments shall not be required to implement the model until the Legislature approves such implementation, nor shall local governments be prevented from utilizing other fiscal or economic analysis tools before or after adoption of the uniform fiscal analysis model. The Legislature intends that the analysis will provide local government decisionmakers with a clearer understanding of the fiscal impact of the new development on the community and its resources.*

*(2)(a) To oversee the development of a fiscal analysis model by the state land planning agency, there is created a commission consisting of nine members. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint three members to the commission, and the Governor shall designate one of his appointees as chair. Appointments must be made by July 1, 2001, and each appointing authority shall consider ethnic and gender balance when making appointments. The members of the commission must have technical or practical expertise to bring to bear on the design or implementation of the model. The commission shall include representatives of municipalities, counties, school boards, the development community, and public interest groups.*

*(b) The commission shall have the responsibility to:*

1. Direct the state land planning agency, and others, in developing a fiscal analysis model.

2. Select one or more models to test through six pilot projects conducted in six regionally diverse local government jurisdictions selected by the commission.

3. Make changes to the models during the testing period as needed.

4. Report to the Governor and the Legislature with implementation recommendations.

(c) Each member may receive per diem and expenses for travel, as provided in s. 112.061, while carrying out the official business of the commission.

(d) The commission is assigned, for administrative purposes, to the Department of Community Affairs.

(e) The commission shall meet at the call of the chair and shall be dissolved upon the submittal of the report and recommendations required by subsection (6).

(3)(a) The state land planning agency, as directed by the commission, shall develop one or more fiscal analysis models for determining the estimated costs and revenues of proposed development. The analysis provided by the model shall be a tool for government decisionmaking, shall not constitute an automatic approval or disapproval of new development, and shall apply to all public and private projects and all land use categories. The model or models selected for field testing shall be approved by the commission.

(b) The model shall be capable of estimating the capital, operating, and maintenance expenses and revenues for infrastructure needs created by new development based on the type, scale, and location of various land uses. For the purposes of developing the model, estimated costs shall include those associated with provision of school facilities, transportation facilities, water supply, sewer, stormwater, public safety, and solid waste services, and publicly provided telecommunications services. Estimated revenues shall include all revenues attributable to the proposed development which are utilized to construct, operate, or maintain such facilities and services. The model may be developed with capabilities of estimating other costs and benefits directly related to new development, including economic costs and benefits. The Legislature recognizes the potential limitations of such models in fairly quantifying important quality of life issues such as the intangible benefits and costs associated with development, including, but not limited to, overall impact on community character, housing costs, compatibility, and impacts on natural and historic resources, and therefore affirms its intention that the model not be used as the only determinate of the acceptability of new development. In order to develop a model for testing through pilot projects, the Legislature directs the commission to focus on the infrastructure costs expressly identified in this paragraph. The commission may authorize a local government selected to conduct a pilot project to apply the fiscal analysis model being tested to a public facility or service other than those identified in this paragraph; however, appropriately related revenues and benefits must also be considered.

(c) The model shall be capable of identifying infrastructure deficits or backlogs, and costs associated with addressing such needs.

(d) As part of its development of a fiscal analysis model, and as directed by the commission, the state land planning agency shall develop a format by which the local government shall report to its citizens, at least annually, the cumulative fiscal impact of its local planning decisions.

(4) One or more fiscal analysis models shall be tested in the field to evaluate their technical validity and practical usefulness and the financial feasibility of local government implementation. The field tests shall be conducted as demonstration projects in six regionally diverse local government jurisdictions, which may include multi-jurisdictional local planning agencies.

(5) Data, findings, and feedback from the field tests shall be presented to the commission at least every 3 months following the

initiation of each demonstration project. Based on the feedback provided by the state land planning agency and the local government partner of a demonstration project, the commission may require the state land planning agency to adjust or modify one or more models, including consideration of appropriate thresholds and exemptions, and conduct additional field testing if necessary.

(6) No later than February 1, 2003, the commission shall transmit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report detailing the results of the demonstration projects. The commission shall report its recommendations for statewide implementation of a uniform fiscal analysis model. Any recommendation to implement the model must be based on the commission's determination that the model is technically valid, financially feasible for local government implementation, and practically useful for implementation as a uniform fiscal analysis model. Should the commission determine that a uniform fiscal analysis model is not technically valid, financially feasible for local government implementation, and practically useful for implementation as a uniform fiscal analysis model, it shall recommend that the model or its application be modified or not implemented. The report shall also include recommendations for changes to any existing growth management laws and policies necessary to implement the model; recommendations for repealing existing growth management laws, such as concurrency, that may no longer be relevant or effective once the model is implemented; recommendations for state technical and financial assistance to help local governments in the implementation of the uniform fiscal analysis model; recommendations addressing state and local sources of additional infrastructure funding; and recommendations for incentives to local governments to encourage identification of areas in which infrastructure development will be encouraged.

Section 11. There is appropriated to the Department of Community Affairs from the General Revenue Fund \$500,000 to implement s. 163.3198, Florida Statutes.

Section 12. Subsection (6) of Section 163.3202, Florida Statutes, is created to read:

(6)(a) The legislature finds that electric utilities have a statutory duty pursuant to this chapter to provide reasonably sufficient, adequate, and efficient service. The legislature further finds that electric substations are an indispensable component of the grid system by which electric utilities deliver reliable electric service to all public and private persons as required by law. The legislature further finds that electric utility substations are essential services for the public health, safety and welfare and therefore are in the public interest.

(b) Nothing in this part shall prohibit a local government from adopting land development regulations which establish reasonable standards for setbacks, buffering, and landscaping for a substation to be operated by an electric utility. Compliance with any such adopted standards shall render a substation compatible with adjacent land uses.

(c) Notwithstanding any other law, after an electric utility demonstrates by competent substantial evidence that it meets all criteria for approval of an application for a development permit for the location, construction, and operation of a substation, the local government may not deny the application on grounds of incompatibility with adjacent land uses or adverse impacts on property values without clear and convincing competent evidence.

Section 13. Section 163.3215, Florida Statutes, is amended to read:

163.3215 Standing to enforce local comprehensive plans through development orders.—

(1) Any aggrieved or adversely affected party may maintain an action for declaratory and injunctive or other relief against any local government to challenge any decision of local government granting or denying an application for, or to prevent such local government from taking any action on a development order, as defined in s. 163.3164, which materially alters the use or density or intensity of use on a particular piece of property that is not consistent with the comprehensive plan adopted under this part. Such action shall be filed

no later than 30 days following rendition of a development order or other written decision, or when all local administrative appeals, if any, are exhausted, whichever is later.

(2) "Aggrieved or adversely affected party" means any person or local government which will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons. The term shall include the owner, developer or applicant for a development order.

~~(3)(a) No suit may be maintained under this section challenging the approval or denial of a zoning, rezoning, planned unit development, variance, special exception, conditional use, or other development order granted prior to October 1, 1985, or applied for prior to July 1, 1985.~~

~~(b) Suit under subsections (1) or (4) this section shall be the sole action available to challenge the consistency of a development order with a comprehensive plan adopted under this part. The local government that issues that development order shall be named as the respondent.~~

~~(4) As a condition precedent to the institution of an action pursuant to this section, the complaining party shall first file a verified complaint with the local government whose actions are complained of setting forth the facts upon which the complaint is based and the relief sought by the complaining party. The verified complaint shall be filed no later than 30 days after the alleged inconsistent action has been taken. The local government receiving the complaint shall respond within 30 days after receipt of the complaint. Thereafter, the complaining party may institute the action authorized in this section. However, the action shall be instituted no later than 30 days after the expiration of the 30 day period which the local government has to take appropriate action. Failure to comply with this subsection shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the actions complained of. If a local government elects to adopt or has adopted an ordinance establishing, at a minimum, the requirements listed in this subsection, then the sole action for an aggrieved and adversely affected party to challenge consistency of a development order with the comprehensive plan shall be by a petition for certiorari filed in circuit court no later than 30 days following rendition of a development order or other written decision of the local government, or when all local administrative appeals, if any, are exhausted, whichever is later. An action for injunctive or other relief may be joined with the petition for certiorari. Principles of judicial or administrative res judicata and collateral estoppel shall apply to these proceedings. Minimum components of the local process shall be as follows:~~

~~(a) Notice by publication and by mailed notice to all abutting property owners within 10 days of the filing of an application for development review, provided that notice under this subsection shall not be required for an application for a building permit. The notice must delineate that aggrieved or adversely affected persons have the right to request a quasi-judicial hearing, that the request need not be a formal petition or complaint, how to initiate the quasi-judicial process and the time-frames for initiating the process. The local government shall include an opportunity for an alternative dispute resolution process and may include a stay of the formal quasi-judicial hearing for this purpose.~~

~~(b) A point of entry into the process consisting of a written preliminary decision, at a time and in a manner to be established in the local ordinance, with the time to request a quasi-judicial hearing running from the written preliminary decision; provided that the local government is not bound by the preliminary decision. A party may request a hearing to challenge or support a preliminary decision.~~

~~(c) An opportunity to participate in the process for an aggrieved or adversely affected party which provides a reasonable time to prepare and present a case for a quasi-judicial hearing.~~

~~(d) An opportunity for reasonable discovery prior to a quasi-judicial hearing.~~

~~(e) A quasi-judicial hearing before an independent special master who shall be an attorney with at least five years experience and who shall, at the conclusion of the hearing, recommend written findings of fact and conclusions of law.~~

~~(f) At the quasi-judicial hearing all parties shall have the opportunity to respond, present evidence and argument on all issues involved that are related to the development order and to conduct cross-examination and submit rebuttal evidence.~~

~~(g) The standard of review applied by the special master shall be strict scrutiny in accordance with Florida law.~~

~~(h) A duly noticed public hearing before the local government at which public testimony shall be allowed. At the hearing the local government shall be bound by the special master's findings of fact unless the findings of fact are not supported by competent substantial evidence. The governing body may modify the conclusions of law if it finds that the special master's application or interpretation of law is erroneous. The governing body may make reasonable interpretations of its comprehensive plan and land development regulations without regard to whether the special master's interpretation is labeled as a finding of fact or a conclusion of law. The local government's final decision shall be reduced to writing, including the findings of fact and conclusions of law, and shall not be considered rendered or final until officially date stamped by the city or county clerk.~~

~~(i) No ex parte communication relating to the merits of the matter under review shall be made to the special master. No ex parte communication relating to the merits of the matter under review shall be made to the governing body after a time to be established by the local ordinance, but no later than receipt of the recommended order by the governing body.~~

~~(j) At the option of the local government this ordinance may require actions to challenge the consistency of a development order with land development regulations to be brought in the same proceeding.~~

~~(k) Authority by the special master to issue and enforce subpoenas and compel entry upon land.~~

~~(5) Venue in any cases brought under this section shall lie in the county or counties where the actions or inactions giving rise to the cause of action are alleged to have occurred.~~

~~(6) The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or for economic advantage, competitive reasons or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the court, upon motion or its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.~~

~~(7) In any suit action under subsections (1) or (4) this section, no settlement shall be entered into by the local government unless the terms of the settlement have been the subject of a public hearing after notice as required by this part.~~

~~(8) In any suit under this section, the Department of Legal Affairs may intervene to represent the interests of the state.~~

~~(9) Nothing in this section shall be construed to relieve the local government of its obligations to hold public hearings as required by law.~~

Section 14. Paragraph (a) of subsection (1) of section 235.002, Florida Statutes, is repealed and subsequent paragraphs are amended and a new paragraph (a) of subsection (2) is created and subsequent paragraphs are renumbered and amended as follows:

235.002 Intent.—

(1) The intent of the Legislature is:

(a) To encourage the use of innovative designs, construction techniques, and financing mechanisms in building educational facilities for the purpose of reducing costs to the taxpayer, creating a more satisfactory educational environment, and reducing the amount of time necessary for design, permitting of on- and off-site improvements required by law, and construction to fill unmet needs.

(b) To provide a systematic mechanism whereby educational facilities construction plans can meet the current and projected needs of the public education system population as quickly as possible by building uniform, sound educational environments and to provide a sound base for planning for educational facilities needs.

(c) To provide proper legislative support for as wide a range of fiscally sound financing methodologies as possible for the delivery of educational facilities and, where appropriate, for their construction, operation, and maintenance.

(d) To establish a systematic process of sharing information between school boards and local governments on the growth and development trends in their communities in order to forecast future enrollment and school needs;

(e) To establish a systematic process for school boards and local governments to cooperatively plan for the provision of educational facilities to meet the current and projected needs of the public education system population, including the needs placed on the public education system as a result of growth and development decisions by local government;

(f) To establish a systematic process for local governments and school boards to cooperatively identify and meet the infrastructure needs of public schools;

(2) The Legislature finds and declares that:

(a) Public schools are a linchpin to the vitality of our communities and play a significant role in the thousands of individual housing decisions which result in community growth trends;

(b) Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(c) The effective and efficient provision of public educational facilities and services is essential to preserving and enhancing the quality of life of the people of this state.

(d) The provision of educational facilities often impacts community infrastructure and services. Assuring coordinated and cooperative provision of such facilities and associated infrastructure and services is in the best interest of the state.

(e) The location of schools must follow future land use maps and may not be used to control growth, rather the location of schools should correspond with local government growth trends.

Section 15. Section 235.15 is amended as follows:

235.15 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Division of Workforce Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that

delivers career or adult education programs. Information used by the Division of Workforce Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) Survey preparation and required data.—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the Office of Educational Facilities of the Commissioner of Education. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants, including safe access facilities; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) Required need assessment criteria for district, community college, and state university plant surveys.—Each educational plant survey completed after December 31, 1997, must use uniform data sources and criteria specified in this paragraph. Each educational plant survey completed after June 30, 1995, and before January 1, 1998, must be revised, if necessary, to comply with this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. The school district's survey is to be submitted as a part of the District Education Facilities Plan in s. 235.185. Each school district's educational plant survey must reflect the capacity of existing satisfactory facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities. Existing and projected capital outlay full-time equivalent student enrollment must be consistent with data prepared by the department and must include all enrollment used in the calculation of the distribution formula in ss. 235.435(3). All satisfactory relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be included in the school district inventory of gross capacity of facilities and must be counted at actual student capacity for purposes of the inventory. For future needs determination, student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the adopted 5-year educational plant survey and in the district facilities work program adopted under ss. 235.185. Those relocatables clearly identified and scheduled for replacement in a school board adopted financially feasible 5-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be reentered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All remaining relocatable classrooms, including those owned, lease-purchased, or leased by the school district, shall be counted at actual student capacity. The educational plant survey shall identify the number of relocatable student stations scheduled for replacement during the 5-year survey period and the total dollar amount needed for that replacement. All district educational plant surveys revised after July 1, 1998, shall include information on leased space used for conducting the district's instructional program, in accordance with the recommendations of the department's report authorized in ss. 235.056. A definition of satisfactory relocatable classrooms shall be established by rule of the department.

2. Each survey of a special facility, joint-use facility, or cooperative vocational education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, by the Division of Community Colleges for community colleges, and by the Board of Regents for state universities. A survey of

space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Division of Community Colleges. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Division of Community Colleges.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Board of Regents. Projections of facility space needs must be consistent with standards for determining space needs approved by the Board of Regents. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Regents.

5. The ~~educational plant survey~~ *district education facilities plan* of a school district, *and the educational plant survey of a* community college, or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department or the Board of Regents, as appropriate, as necessary for the delivery of an approved educational program.

(c) Review and validation.—The *Office of Educational Facilities of the Commissioner of Education* ~~department~~ shall review and validate the *education facilities plans of school districts and the surveys of school districts and community colleges and any amendments thereto* for compliance with the requirements of this chapter and, ~~when required by the State Constitution,~~ shall recommend those in compliance for approval by the State Board of Education.

(2) Only the superintendent or the college president shall certify to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ that the need and location of the facility are in compliance with the board-approved *education facilities plan* or survey recommendations, ~~and~~ that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding *and that the plan is consistent with the local government comprehensive plan.*

(b) Upon request for release of construction funds, certification must be made to the *Office of Educational Facilities of the Commissioner of Education* ~~department~~ that the need and location of the facility are in compliance with the board-approved *education facilities plan* or survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, ~~and~~ that the construction documents meet the requirements of the State Uniform Building Code for Educational Facilities Construction or other applicable codes as authorized in this chapter, and that the site is consistent with the local government comprehensive plan.

Section 16. Paragraphs (3) and (4) of section 235.175, and sections 235.18 and .185 are amended as follows:

235.175 SMART schools; Classrooms First; legislative purpose.—

(3) SCHOOL DISTRICT *EDUCATION FACILITIES PLAN WORK PROGRAMS*.—It is the purpose of the Legislature to create ss. 235.185, requiring each school district annually to adopt an *education facilities plan that provides an integrated long-range facilities plan, including the survey of projected needs and the five-year work program. a district facilities 5-year work program.* The purpose of the ~~district facilities work~~

~~program~~ *education facilities plan* is to keep the school board, *local governments* and the public fully informed as to whether the district is using sound policies and practices that meet the essential needs of students and that warrant public confidence in district operations. The ~~district facilities work program~~ *education facilities plan* will be monitored by the SMART Schools Clearinghouse, which will also apply performance standards pursuant to ss. 235.218.

(4) SMART SCHOOLS CLEARINGHOUSE.—It is the purpose of the Legislature to create ss. 235.217, establishing the SMART Schools Clearinghouse to assist the school districts in building SMART schools utilizing functional and frugal practices. The SMART Schools Clearinghouse must review district facilities work programs and projects and identify districts qualified for incentive funding available through School Infrastructure Thrift Program awards; identify opportunities to maximize design and construction savings; develop school district facilities work program performance standards; and provide for review and recommendations to the Governor, the Legislature, and the State Board of Education.

Section 17. Section 235.18 is amended to read:

235.18 Annual capital outlay budget.—

Each board, including the Board of Regents, shall, each year, adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood by the public. This capital outlay budget shall be a part of the annual budget and shall be based upon and in harmony with the educational plant and ancillary facilities plan. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. The board may not expend any funds on any project not included in the budget, as amended. Each district school board must prepare its tentative ~~district facilities work program~~ *education facilities plan* as required by ss. 235.185 before adopting the capital outlay budget.

Section 18. Section 235.185 is amended to read:

235.185 School district *education facilities plan work program*; definitions; preparation, adoption, and amendment; long-term work programs.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "*Adopted education facilities plan*" means the comprehensive planning document adopted annually by the district school board as provided in subsection (2) and contains the education plant survey.

(b) "*District facilities work program*" means the 5-year listing of capital outlay projects, adopted by the district school board as provided in subsection (2)(a)2. and (2)(b) as part of the district education facilities plan, required:

1. To properly repair and maintain the educational plant and ancillary facilities of the district.

2. To provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in s. 235.061.

(c) "*Tentative education facilities plan*" means the comprehensive planning document prepared annually by the district school board and submitted to the Office of Educational Facilities of the Commissioner of Education and the affected general purpose local governments.

(d) "*Financially feasible*" means that a capital improvements programs will be financed for each year of the planning period, without a deficit, based on projected revenues from existing or committed revenue sources authorized by general or special law so that the adopted level-of-service standard will be achieved and maintained throughout the planning period. Revenue sources may include ad valorem taxes, state revenue distributions, proceeds from the sale of bonds, sales tax proceeds, or other general tax sources. Local-option revenue sources requiring approval by a referendum of the electors shall be deemed an existing or committed revenue source only after approval in the required referendum.

(a) ~~“Adopted district facilities work program” means the 5-year work program adopted by the district school board as provided in subsection (3).~~

(b) ~~“Tentative district facilities work program” means the 5-year listing of capital outlay projects required:~~

1. ~~To properly maintain the educational plant and ancillary facilities of the district.~~

2. ~~To provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in ss. 235.062.~~

(2) PREPARATION OF TENTATIVE DISTRICT EDUCATION FACILITIES PLAN WORK PROGRAM.—

(a) Annually, prior to the adoption of the district school budget, each school board shall prepare a tentative district ~~work program~~ *education facilities plan which includes long range planning for facilities needs over 5, 10, and 20 year periods. The plan shall be developed in coordination with the general purpose local governments and be consistent with the local government comprehensive plans. The school board’s plan for provision of new schools shall meet the needs of all growing communities in the district, ranging from small rural communities to large urban cities. The plan shall consider:*

1. *Projected student populations apportioned geographically at the local level. For the 5-year, 10-year, and 20-year planning periods projections shall be based on information produced by the demographic, revenue and education estimating conferences pursuant to s. 216.136, where available, as modified by the district based on local governments and the Office of Educational Facilities of the Commissioner of Education. The projections shall be apportioned geographically with assistance from the local governments using local development trend data, the comprehensive plan, and the school district student enrollment data from all communities. There must be a reasonable distribution to all local governments in a county, regardless of the local government’s size.*

2. *An inventory of existing school facilities shall be provided. Any anticipated expansions or closures of existing school sites over the 5, 10, and 20 year periods shall be identified. The inventory shall include an assessment of areas proximate to existing schools and identification for the need for improvements to infrastructure, safety, including safe access routes, and conditions in the community. The plan shall also provide a listing of major repairs and renovation projects anticipated over the period of the plan.*

3. *Each school district’s education facilities plan shall include:*

a. *projections of facilities space needs which may not exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.*

b. *information on leased, loaned, and donated space and relocatables used for conducting the district’s instructional programs.*

4. *General location of public schools proposed to be constructed over the 5, 10, and 20 year time periods, including a listing of the proposed schools’ site acreage needs and anticipated capacity and maps showing the general location. The school boards identification of general locations of future school sites will be based on the school siting requirements of s. 163.3177(6)(a) and policies in the comprehensive plan which provide guidance for appropriate locations for school sites.*

5. *The identification of options deemed reasonable and approved by the school board that reduce the need for additional permanent student stations. Such options may include, but not be limited to:*

- a. *acceptable capacity*
- b. *redistricting,*
- c. *busing,*
- d. *year round schools, and*

e. *charter schools.*

6. *The criteria and method, jointly determined by the local government and the school board, for determining the impact to public school capacity in response to a local government request for a report pursuant to s. 235.193(4).*

(b) *The plan shall also include a financially feasible district facilities work program for a five-year period. The work program shall include:*

1. *A schedule of major repair and renovation projects necessary to maintain the educational facilities plant and ancillary facilities of the district.*

2. *A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:*

a. *The locations, capacities, and planned utilization rates of current educational facilities of the district.*

b. *The proposed locations of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments and recommendations for infrastructure and other improvements to land adjacent to existing facilities. The provisions of ss. 235.19 and 235.193((6), (7) and (8) shall be addressed for new facilities planned within the first three years of the work plan, as appropriate.*

c. *Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.*

d. *Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for additional permanent student stations.*

e. *Information concerning average class size and utilization rate by grade level within the district that will result if the tentative district facilities work program is fully implemented. ~~The average shall not include exceptional student education classes or prekindergarten classes.~~*

f. *The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program. For future needs determination, student capacity shall not be assigned to any relocatable classroom that is scheduled for elimination or replacement with a permanent educational facility in the current year of the adopted district education facilities plan and in the district facilities work program adopted under ss. 235.185. Those relocatables clearly identified and scheduled for replacement in a school board adopted, financially feasible, five-year district facilities work program shall be counted at zero capacity at the time the work program is adopted and approved by the school board. However, if the district facilities work program is changed or altered and the relocatables are not replaced as scheduled in the work program, they must then be reentered into the system for counting at actual capacity. Relocatables may not be perpetually added to the work program and continually extended for purposes of circumventing the intent of this section. All relocatable classrooms not identified and scheduled for replacement, including those owned, lease-purchased, or leased by the school district, shall be counted at actual student capacity. The district education facilities plan shall identify the number of relocatable student stations scheduled for replacement during the five-year survey period and the total dollar amount needed for that replacement.*

g. *Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.*

h. *Projects for which Capital Outlay and Debt Service funds, accruing under Section 9(d), Article XII of the State Constitution are to be used, shall be identified separately in priority order as a Project Priority List (PPL) within the district facilities work program.*

3. *The projected cost for each project identified in the tentative district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and*

high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the ~~tentative~~ district facilities work program.

5. A schedule indicating which projects included in the ~~tentative~~ district facilities work program will be funded from current revenues projected in subparagraph 4 3.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the ~~tentative~~ district facilities work program which are not funded under subparagraph 4. 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

(b) To the extent available, the tentative district *education* facilities ~~plan work program~~ shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to ss. 216.136.

(c) Provision shall be made for public comment concerning the tentative district *education* facilities ~~plan work program~~.

(d) *The district school board shall coordinate with each affected local government to ensure consistency between the tentative district education facilities plan and the local government comprehensive plans of the affected local governments during the development of the tentative district education facilities plan.*

(e) *Commencing on October 1, 2001, and not less than once every five years thereafter, the district school board shall contract with a qualified, independent third party to conduct a financial management and performance audit of the educational planning and construction activities of the district, and to make a determination as to whether the plan is financially feasible. The response of the school board to the audit shall be included in the public education facilities element adopted pursuant to s. 163.31776. An audit conducted by the Auditor General satisfies this requirement.*

(3) *Submittal of tentative district education facilities plan to local government. The district school board shall submit a copy of its tentative district education facilities plan to all affected local governments prior to adoption by the board. The affected local governments shall review the tentative district education facilities plan and comment to the district school board on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment for a proposed educational facility, the matter shall be resolved pursuant to the interlocal agreement required by ss. 163.31776(4) and 235.193(2). The process for the submittal and review shall be detailed in the interlocal agreement required pursuant to ss. 163.31776(4) and 235.193(2). Where the school board and the local government have not entered into an interlocal agreement pursuant to ss. 163.31776(4) and 235.193(2), the school board and the local government must determine a mutually acceptable process for submittal and review of the tentative district education facilities plan. Disputes between the school board and the local government, in instances where the school board and the local government have not entered into an interlocal agreement pursuant to 163.31776(4) and 235.193(2), shall be addressed pursuant to s. 163.3181.*

(4) (3) **ADOPTED DISTRICT EDUCATION FACILITIES PLAN WORK PROGRAM.**—Annually, the district school board shall consider and adopt the tentative district *education* facilities ~~plan work program~~ completed pursuant to subsection (2). Upon giving proper public notice to the public and local governments and opportunity for public comment, the district school board may amend the ~~plan program~~ to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which

may become available. The adopted district facilities work program shall *include a 5-year facilities work program which:*

(a) Be a complete, balanced *and financially feasible* capital outlay financial plan for the district.

(b) Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities, *including safe access ways from neighborhoods to schools.*

(5) (4) **EXECUTION OF ADOPTED DISTRICT FACILITIES WORK PROGRAM.**—The first year of the adopted district *education* facilities ~~plan work program~~ shall constitute the capital outlay budget required in ss. 235.18. The adopted district facilities work program shall include the information required in subparagraphs (2)(b) 1., 2., and 3., based upon projects actually funded in the program.

(5) ~~10 YEAR AND 20 YEAR WORK PROGRAMS.~~—~~In addition to the adopted district facilities work program covering the 5-year work program, the district school board shall adopt annually a 10-year and a 20-year work program which include the information set forth in subsection (2), but based upon enrollment projections and facility needs for the 10-year and 20-year periods. It is recognized that the projections in the 10-year and 20-year timeframes are tentative and should be used only for general planning purposes.~~

Section 19. Section 235.188, Florida Statutes, is amended to read:

235.188 Full bonding required to participate in programs.—

Any district with unused bonding capacity in its Capital Outlay and Debt Service Trust Fund allocation that certifies in its district *education* facilities ~~plan work program~~ that it will not be able to meet all of its need for new student stations within existing revenues must fully bond its Capital Outlay and Debt Service Trust Fund allocation before it may participate in Classrooms First, the School Infrastructure Thrift (SIT) Program, or the Effort Index Grants Program.

Section 20. Section 235.19 is amended as follows:

235.19 Site planning and selection.—

(1) *If the school board and local government have entered into an interlocal agreement pursuant to ss. 163.31776(4) and 235.193(2) and have developed a process to ensure consistency between the local government comprehensive plan and the school district education facilities plan and a method to coordinate decision making and approval activities relating to school planning and site selection, the provisions of this section are superseded by the interlocal agreement and the plans of the local government and the school board.*

(4) (2) Before acquiring property for sites, each board shall determine the location of proposed educational centers or campuses for the board. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the ~~compatibility~~ *consistency* of such plans with ~~site planning~~. Boards are encouraged to locate schools proximate to urban residential areas to the extent possible, and shall seek to collocate schools with other public facilities, such as parks, libraries, and community centers, to the extent possible, *and to encourage using elementary schools as focal points for neighborhoods.*

(2) (3) Each new site selected must be adequate in size to meet the educational needs of the students to be served on that site by the original educational facility or future expansions of the facility through renovation or the addition of relocatables. ~~The Commissioner of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the commissioner. Less than recommended site sizes are allowed if the board, by a two-thirds majority, recommends such a site and finds that it can provide an appropriate and equitable educational program on the site.~~



(3) (4) Sites recommended for purchase, or purchased, in accordance with chapter 230 or chapter 240 must meet standards prescribed therein and such supplementary standards as the school board commissioner prescribes to promote the educational interests of the students. Each site must be well drained and either suitable for outdoor educational purposes as appropriate for the educational program or co-located with facilities to serve this purpose. As provided in ss. 333.03, the site must not be located within any path of flight approach of any airport. Insofar as is practicable, the site must not adjoin a right-of-way of any railroad or through highway and must not be adjacent to any factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program. To the extent practicable, sites must be chosen that will provide safe access from neighborhoods to schools.

(4) (5) It shall be the responsibility of the board to provide adequate notice to appropriate municipal, county, regional, and state governmental agencies for requested traffic control and safety devices so they can be installed and operating prior to the first day of classes or to satisfy itself that every reasonable effort has been made in sufficient time to secure the installation and operation of such necessary devices prior to the first day of classes. It shall also be the responsibility of the board to review annually traffic control and safety device needs and to request all necessary changes indicated by such review.

(5) (6) Each board may request county and municipal governments to construct and maintain sidewalks and bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government. When a board discovers or is aware of an existing hazard on or near a public sidewalk, street, or highway within a 2-mile radius of a school site and the hazard endangers the life or threatens the health or safety of students who walk, ride bicycles, or are transported regularly between their homes and the school in which they are enrolled, the board shall, within 24 hours after discovering or becoming aware of the hazard, excluding Saturdays, Sundays, and legal holidays, report such hazard to the governmental entity within the jurisdiction of which the hazard is located. Within 5 days after receiving notification by the board, excluding Saturdays, Sundays, and legal holidays, the governmental entity shall investigate the hazardous condition and either correct it or provide such precautions as are practicable to safeguard students until the hazard can be permanently corrected. However, if the governmental entity that has jurisdiction determines upon investigation that it is impracticable to correct the hazard, or if the entity determines that the reported condition does not endanger the life or threaten the health or safety of students, the entity shall, within 5 days after notification by the board, excluding Saturdays, Sundays, and legal holidays, inform the board in writing of its reasons for not correcting the condition. The governmental entity, to the extent allowed by law, shall indemnify the board from any liability with respect to accidents or injuries, if any, arising out of the hazardous condition.

Section 21. Section 235.193 is amended as follows:

235.193 Coordination of planning with local governing bodies.—

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. Such planning shall include the integration of the education facilities plan educational plant survey and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local governments governing bodies. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled

urban sprawl. In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools program administered by the Florida Department of Transportation.

(2) No later than six months prior to the transmittal of a public educational facilities element by general purpose local governments meeting the criteria of s. 163.31776(3), ~~No later than six months prior to the deadline established by the state land planning agency pursuant to s. 163.31776(3) for the transmittal of a public educational facilities element by general purpose local governments,~~ the school district, the county and the non-exempt municipalities shall enter into an interlocal agreement which establishes a process to develop coordinated and consistent local government public educational facilities elements and district education facilities plan, including a process:

(a) By which each local government and the school district agree and base their plans on local government projections based on professionally accepted methodology of the amount, type, and distribution of population growth and student enrollment.

(b) To coordinate and share information relating to existing and planned public school facilities and local government plans for development and redevelopment.

(c) To ensure school siting decisions by the school board are consistent with the local comprehensive plan and future land use maps, including appropriate circumstances and criteria under which a school district may request an amendment to the comprehensive plan for school siting, and for early involvement by the local government as the school board identifies potential school sites.

(d) To coordinate and provide formal timely comments during the development, adoption, and amendment of each local government's public educational facilities element and the education facilities plan of the school district to ensure a uniform countywide school facility planning system.

(e) For school district participation in the review of comprehensive plan amendments and rezonings which increase residential density and which are reasonably expected to have an impact on public school facility demand pursuant to s. 163.31777. The interlocal agreement shall express how the school board and local governments will develop the methodology and the criteria for determining if school facility capacity will not be reasonably available at the time of projected school impacts, including uniform, districtwide level-of-service standards for all public schools of the same type and availability standards for public schools. The interlocal agreement shall ensure that consistent criteria and capacity determination methodologies including student generation multipliers, are adopted into the school board's district education facilities plan and the local government's public educational facilities element. The interlocal agreement shall also set forth the process and uniform methodology for determining proportionate share mitigation pursuant to s. 163.31777; and,

(f) For the resolution of disputes between the school district and local governments.

(g) That determines the "true cost of school needs." This analysis must provide the number of schools and the funding needed to meet any current backlog and future needs based on local governments' population and growth trends. This analysis should also identify how the current and future needs are funded.

(h) Any school board entering into an interlocal agreement for the purpose of adopting public school concurrency prior to the effective date of this act is not required to amend the interlocal agreement to conform to the provisions of this paragraph if the comprehensive plan amendment adopting public school concurrency is ultimately determined to be in compliance.

(3) Failure to enter into an interlocal agreement as required by s. 235.193(2) shall result in the withholding of funds for school construction available pursuant to ss. 235.187, 235.216, 235.2195, and 235.42 and a prohibition from siting schools. Before the Office of

*Educational Facilities of the Commissioner of Education can withhold any funds, the Office shall provide the school board with a notice of intent to withhold funds, which the school board may dispute pursuant to the provisions of chapter 120. The Office shall withhold funds when a final order is issued finding the school board has failed to enter into an interlocal agreement which meets the requirements of this subsection.*

(4) *The local school board shall provide the local government a school capacity report when the local government notifies the school board that it is reviewing an application for a comprehensive plan amendment or a rezoning which seeks to increase residential density. The report shall provide data and analysis as required by s. 163.31777(2) for the local government's review of such proposed plan amendment or rezoning.*

(5) ~~(2)~~ A school board and the local governing body must share and coordinate information related to existing and planned public school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the public school facilities, concurrent with proposed development. A school board shall use information produced by the demographic, revenue and education estimating conferences pursuant to s. 216.136 Department of Education enrollment projections when preparing the district education facilities plan 5-year district facilities work program pursuant to ss. 235.185, as modified, and agreed to by the local governments and the Office of Educational Facilities of the Commissioner of Education, in and a school board shall affirmatively demonstrate in the educational facilities report consideration of local governments' population projections to ensure that the district education facilities plan 5-year work program not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. *The projections shall be apportioned geographically with assistance from the local governments using local development trend data and the school district student enrollment data from all communities. There must be a reasonable, distribution to all local governments with a county, regardless of the local government's size.* A school board is precluded from siting a new school in a jurisdiction where the school board has failed to provide the annual educational facilities plan report for the prior year required pursuant to ss. 235.185 ~~235.194~~ unless the failure is corrected.

(6) ~~(3)~~ The location of public educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and consistent with the plan's implementing land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed by the local government and the board.

(7) (4) To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land at least 120 ~~60~~ days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the future land use element of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection ~~(5)~~(8).

(8) ~~(5)~~ As early in the design phase as feasible, but at least before commencing construction of a new public educational facility, the local governing body that regulates the use of land shall determine, in writing within 90 days after receiving the necessary information and a school board's request for a determination, whether a proposed public educational facility is consistent with the local comprehensive plan and consistent with local land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the State Uniform Building Code, unless mutually agreed. If the determination is affirmative, school construction may proceed and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a school board's request for a determination of consistency shall be considered an approval of the school board's application.

(9) ~~(6)~~ A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's future land use, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with ss. 235.34(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed.

(10) ~~(7)~~ This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts pursuant to an interlocal agreement adopted in accordance with s. 235.193.

~~(11)(8)~~ Existing schools shall be considered consistent with the applicable local government comprehensive plan adopted under part II of chapter 163. ~~The collocation of a new proposed public educational facility with an existing public educational facility, or the expansion of an existing public educational facility is not inconsistent with the local comprehensive plan, if the site is consistent with the comprehensive plan's future land use, and levels of service adopted by the local government for any facilities affected by the proposed location for the new facility are maintained.~~ If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with ss. 235.34(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed. Local government review or approval is not required for:

- (a) The placement of temporary or portable classroom facilities; or
- (b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed.

Section 22. Section 235.194 is repealed.

Section 23. Section 235.218, Florida Statutes, is amended to read:

235.218 School district educational facilities plan ~~work program~~ performance and productivity standards; development; measurement; application.—

(1) The SMART Schools Clearinghouse shall develop and adopt measures for evaluating the performance and productivity of school district educational facilities plan ~~work program~~. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the districts' control. The measures must, at a minimum, assess performance in the following areas:

- (a) Frugal production of high-quality projects.
- (b) Efficient finance and administration.
- (c) Optimal school and classroom size and utilization rate.
- (d) Safety.
- (e) Core facility space needs and cost-effective capacity improvements that consider demographic projections, land use patterns, and collocation and shared use with other public facilities.
- (f) Level of district local effort.

(2) The clearinghouse shall establish annual performance objectives and standards that can be used to evaluate district performance and productivity.

(3) The clearinghouse shall conduct ongoing evaluations of district educational facilities program performance and productivity, using the measures adopted under this section. If, using these measures, the

clearinghouse finds that a district failed to perform satisfactorily, the clearinghouse must recommend to the district school board actions to be taken to improve the district's performance.

Section 24. Section 235.321, Florida Statutes is amended to read:

235.321 Changes in construction requirements after award of contract.—

The board may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts. Approvals shall be for the purpose of expediting the work in progress and shall be reported to the board and entered in its official minutes. For accountability, the school district shall monitor and report the impact of change orders on its district education facilities *plan work program* pursuant to ss. 235.185.

Section 25. Paragraph (d) of subsection (5) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(5)

(d) Notwithstanding any other provision of this subsection, if through its adopted *education facilities plan work program* a district has clearly identified the need for an ancillary plant, has provided opportunity for public input as to the relative value of the ancillary plant versus an educational plant, and has obtained public approval, the district may use revenue generated by the millage levy authorized by subsection (2) for the construction, renovation, remodeling, maintenance, or repair of an ancillary plant.

A district that violates these expenditure restrictions shall have an equal dollar reduction in funds appropriated to the district under ss. 236.081 in the fiscal year following the audit citation. The expenditure restrictions do not apply to any school district that certifies to the Commissioner of Education that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management.

Section 26. Section 380.04, Florida Statutes, is amended to read:

380.04 Definition of development.—

(1) The term "development" means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

(2) The following activities or uses shall be taken for the purposes of this chapter to involve "development," as defined in this section:

(a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.

(b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

(c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in s. 161.021.

(d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.

(e) Demolition of a structure.

(f) Clearing of land as an adjunct of construction.

(g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(3) The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined in this section:

(a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

(b) Work by any utility and other persons engaged in the distribution or transmission of gas, *electricity*, or water, for the purpose of inspecting, repairing, renewing, or constructing on or adjacent to established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

(c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

(e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

(f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

(g) A change in the ownership or form of ownership of any parcel or structure.

(h) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(4) "Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (1).

Section 27. Paragraphs (d) and (e) of subsection (2), paragraph (c) of subsection (3), paragraph (b) of subsection (4), paragraph (a) of subsection (8), paragraphs (c) and (g) of subsection (15), subsection (18), and paragraph (c), (e), and (f) of subsection (19) of section 380.06, Florida Statutes, are amended, to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(d) The guidelines and standards shall be applied as follows:

~~1. Fixed thresholds.—~~

~~1.a.~~ A development that is ~~at or~~ below 100 ~~80~~ percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.

~~2.b.~~ A development that is at or above 100 ~~120~~ percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

~~3.e.~~ Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Office of Tourism, Trade, and Economic Development as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(b)(e), (c)(~~d~~), and (g)(~~f~~), are not required to undergo development-of-regional-impact review.

~~2. Rebuttable presumptions.—~~

~~a.—It shall be presumed that a development that is between 80 and 100 percent of a numerical threshold shall not be required to undergo development-of-regional-impact review.~~

~~b.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.~~

~~The Administration Commission, upon the recommendation of the state land planning agency, shall implement this paragraph by rule no later than December 1, 1993. The increased guidelines and standards authorized by this paragraph shall not be implemented until the effectiveness of the rule which, among other things, shall set forth the pertinent characteristics of urban central business districts and regional activity centers.~~

~~(e) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable guidelines and standards shall be increased by 100 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built prior to July 1, 1992. *The applicable guidelines and standards shall be increased by 200 percent for development in any area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656 during the effectiveness of the designation.* ~~The Administration Commission, upon the recommendation of the state land planning agency, shall implement this paragraph by rule no later than December 1, 1993. The increased guidelines and standards authorized by this paragraph shall not be implemented until the effectiveness of the rule which, among other things, shall set forth the pertinent characteristics of urban central business districts and regional activity centers.~~~~

~~(3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES AND STANDARDS.—The state land planning agency, a regional planning agency, or a local government may petition the Administration Commission to increase or decrease the numerical thresholds of any statewide guideline and standard. The state land planning agency or the regional planning agency may petition for an increase or decrease for a particular local government's jurisdiction or a part of a particular jurisdiction. A local government may petition for an increase or decrease within its jurisdiction or a part of its jurisdiction. A number of requests may be combined in a single petition.~~

~~(c) The Administration Commission shall have authority to increase or decrease a threshold in the statewide guidelines and standards up to 50 percent above or below the statewide presumptive threshold. The commission may from time to time reconsider changed thresholds and make additional variations as it deems necessary.~~

~~(4) BINDING LETTER.—~~

~~(b) Unless a developer waives the requirements of this paragraph by agreeing to undergo development-of-regional-impact review pursuant to this section, the state land planning agency or local government with jurisdiction over the land on which a development is proposed may require a developer to obtain a binding letter if:~~

~~1. the development is at a presumptive numerical threshold or up to 20 percent above a numerical threshold in the guidelines and standards; or~~

~~2.—The development is between a presumptive numerical threshold and 20 percent below the numerical threshold and the local government or the state land planning agency is in doubt as to whether the character or magnitude of the development at the proposed location creates a likelihood that the development will have a substantial effect on the health, safety, or welfare of citizens of more than one county.~~

~~(8) PRELIMINARY DEVELOPMENT AGREEMENTS.—~~

~~(a) A developer may enter into a written preliminary development agreement with the state land planning agency to allow a developer to proceed with a limited amount of the total proposed development, subject to all other governmental approvals and solely at the developer's own risk, prior to issuance of a final development order. All owners of the land in the total proposed development shall join the developer as parties to the agreement. Each agreement shall include and be subject to the following conditions:~~

~~1. The developer shall comply with the preapplication conference requirements pursuant to subsection (7) within 45 days after the execution of the agreement.~~

~~2. The developer shall file an application for development approval for the total proposed development within 3 months after execution of the agreement, unless the state land planning agency agrees to a different time for good cause shown. Failure to timely file an application and to otherwise diligently proceed in good faith to obtain a final development order shall constitute a breach of the preliminary development agreement.~~

~~3. The agreement shall include maps and legal descriptions of both the preliminary development area and the total proposed development area and shall specifically describe the preliminary development in terms of magnitude and location. The area approved for preliminary development must be included in the application for development approval and shall be subject to the terms and conditions of the final development order.~~

~~4. The preliminary development shall be limited to lands that the state land planning agency agrees are suitable for development and shall only be allowed in areas where adequate public infrastructure exists to accommodate the preliminary development, when such development will utilize public infrastructure. The developer must also demonstrate that the preliminary development will not result in material adverse impacts to existing resources or existing or planned facilities.~~

~~5. The preliminary development agreement may allow development which is:~~

~~a. Less than 100 or equal to 80 percent of any applicable threshold if the developer demonstrates that such development is consistent with subparagraph 4.; or~~

~~b. *Equal to or more than 100* Less than 120 percent of any applicable threshold if the developer demonstrates that such development is part of a proposed downtown development of regional impact specified in subsection (22) or part of any areawide development of regional impact specified in subsection (25) and that the development is consistent with subparagraph 4.~~

~~6. The developer and owners of the land may not claim vested rights, or assert equitable estoppel, arising from the agreement or any expenditures or actions taken in reliance on the agreement to continue with the total proposed development beyond the preliminary development. The agreement shall not entitle the developer to a final development order approving the total proposed development or to particular conditions in a final development order.~~

~~7. The agreement shall not prohibit the regional planning agency from reviewing or commenting on any regional issue that the regional agency determines should be included in the regional agency's report on the application for development approval.~~

~~8. The agreement shall include a disclosure by the developer and all the owners of the land in the total proposed development of all land or~~

development within 5 miles of the total proposed development in which they have an interest and shall describe such interest.

9. In the event of a breach of the agreement or failure to comply with any condition of the agreement, or if the agreement was based on materially inaccurate information, the state land planning agency may terminate the agreement or file suit to enforce the agreement as provided in this section and s. 380.11, including a suit to enjoin all development.

10. A notice of the preliminary development agreement shall be recorded by the developer in accordance with s. 28.222 with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located. The notice shall include a legal description of the land covered by the agreement and shall state the parties to the agreement, the date of adoption of the agreement and any subsequent amendments, the location where the agreement may be examined, and that the agreement constitutes a land development regulation applicable to portions of the land covered by the agreement. The provisions of the agreement shall inure to the benefit of and be binding upon successors and assigns of the parties in the agreement.

11. Except for those agreements which authorize preliminary development for substantial deviations pursuant to subsection (19), a developer who no longer wishes to pursue a development of regional impact may propose to abandon any preliminary development agreement executed after January 1, 1985, including those pursuant to s. 380.032(3), provided at the time of abandonment:

a. A final development order under this section has been rendered that approves all of the development actually constructed; or

b. The amount of development is less than ~~100~~ 80 percent of all numerical thresholds of the guidelines and standards, and the state land planning agency determines in writing that the development to date is in compliance with all applicable local regulations and the terms and conditions of the preliminary development agreement and otherwise adequately mitigates for the impacts of the development to date.

In either event, when a developer proposes to abandon said agreement, the developer shall give written notice and state that he or she is no longer proposing a development of regional impact and provide adequate documentation that he or she has met the criteria for abandonment of the agreement to the state land planning agency. Within 30 days of receipt of adequate documentation of such notice, the state land planning agency shall make its determination as to whether or not the developer meets the criteria for abandonment. Once the state land planning agency determines that the developer meets the criteria for abandonment, the state land planning agency shall issue a notice of abandonment which shall be recorded by the developer in accordance with s. 28.222 with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located.

#### (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:

1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.

2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a termination date that reasonably reflects the time required to complete the development.

3. Shall establish a date until which the local government agrees that the approved development of regional impact shall not be subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have

occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

4. Shall specify the requirements for the ~~biennial annual~~ report designated under subsection (18), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.

5. May specify the types of changes to the development which shall require submission for a substantial deviation determination under subsection (19).

6. Shall include a legal description of the property.

(g) A local government shall not issue permits for development subsequent to the termination date or expiration date contained in the development order unless:

1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) subsequent to the termination or expiration date;

2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with the provisions of subsection (26); or

3. The project has been determined to be an essentially built-out development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government, in accordance with s. 380.032, which will establish the terms and conditions under which the development may be continued. If the project is determined to be essentially built-out, development may proceed pursuant to the s. 380.032 agreement after the termination or expiration date contained in the development order without further development-of-regional-impact review subject to the local government comprehensive plan and land development regulations or subject to a modified development-of-regional-impact analysis. As used in this paragraph, an “essentially built-out” development of regional impact means:

a. The development is in compliance with all applicable terms and conditions of the development order except the built-out date; and

b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuild land uses as a percentage of the applicable substantial deviation threshold is equal to or less than ~~150~~ 100 percent; or

(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.

(18) ~~BIENNIAL ANNUAL~~ REPORTS.—The developer shall submit a ~~biennial an annual~~ report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies *in alternate years* on the date specified in the development order, *unless the development order by its terms requires more frequent monitoring*. If the ~~annual~~ report is not received, the regional planning agency or the state land planning agency shall notify the local government. If the local government does not receive the ~~annual~~ report or receives notification that the regional planning agency or the state land planning agency has not received the report, the local government shall request in writing that the developer submit the report within 30 days. The failure to submit the report after 30 days shall result in the temporary suspension of the development order by the local government. *If no additional development pursuant to the development order has occurred since the submission of the previous report, then a letter from the developer stating that no development has*

occurred shall satisfy the requirement for a report. Development orders which require annual reports may be amended to require biennial reports at the option of the local government.

(19) SUBSTANTIAL DEVIATIONS.—

(c) An extension of the date of buildout of a development, or any phase thereof, by 7 or more years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of 5 years or more but less than 7 years shall be presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of less than 7 5 years is not a substantial deviation. For the purpose of calculating when a buildout, phase, or termination date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof by a like period of time.

~~(e)1. A proposed change which, either individually or, if there were previous changes, cumulatively with those changes, is equal to or exceeds 40 percent of any numerical criterion in subparagraphs (b)1-15., but which does not exceed such criterion, shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government pursuant to subparagraph (f)5.~~

1.2. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than 60 40 percent of any numerical criterion contained in subparagraphs (b)1-12.1-15. and does not exceed any other criterion is not a substantial deviation, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the local government and the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-h. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-i. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.

2.3. Except for the change authorized by sub-subparagraph 1.f. 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

3.4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

4.5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Except for the types of uses listed in subparagraph (b)13.16., any change which would result in the development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.

c. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(b)(e), (c)(d), (d)(f), and (e)(g) and residential use.

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change. Those changes described in subparagraph (e)1. do not need to be submitted to the state land planning agency; however, if the proposed change does not qualify under subparagraph (e)1., the local government or the regional planning agency shall request that the state land planning agency review the proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 90 days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45

days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer. ~~A change which is subject to the substantial deviation criteria specified in sub-subparagraph (e)5.c. shall not be subject to this requirement.~~

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and ~~subparagraph (e)2. subparagraphs (e)1. and 3.~~ shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4., *except for a change to a development order made pursuant to subparagraph (e)1., if the approved change is not consistent with this and other provisions of this section.* The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. ~~(e)2.~~ for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

Section 28. Paragraphs (b), (d), (f), and (j) of said subsection are amended, to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(b) Attractions and recreation facilities.—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility, the construction or expansion of which:

1. For single performance facilities:
  - a. Provides parking spaces for more than 2,500 cars; or
  - b. Provides more than 10,000 permanent seats for spectators.
2. For serial performance facilities,
  - ~~a.—Provides parking spaces for more than 1,000 cars; or~~
  - ~~b. provides more than 4,000 permanent seats for spectators.~~

For purposes of this subsection, “serial performance facilities” means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

3. For multiscreen movie theaters of at least 8 screens and 2,500 seats:
  - a. Provides parking spaces for more than 1,500 cars; or
  - b. Provides more than 6,000 permanent seats for spectators.

(d) Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or
- ~~2.—Has a total site size of 30 or more acres; or~~
- ~~2.3.~~ Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.

(f) Retail and service development.—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; or
- ~~2.—Occupies more than 40 acres of land; or~~
- ~~2.3.~~ Provides parking spaces for more than 2,500 cars.

(j) Residential development.—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county. *However, residential development shall not be treated as though it is in a less populated county if the affected counties have entered into an interlocal agreement to specify development review standards for affected developments within 2 or less miles.*

Section 29. Section 570.70, Florida Statutes, is created to read:

*570.70 Legislative findings.—The Legislature finds and declares that:*

*(1) A thriving rural economy with a strong agricultural base, a healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority of privately owned land targeted by local, state, and federal agencies for natural resource protection.*

*(2) The growth of Florida’s population can result in the conversion of agricultural and rural lands into residential or commercial development areas.*

*(3) The agricultural, rural, natural resource, and commodity values of rural lands are vital to the state’s economy, productivity, rural heritage, and quality of life.*

*(4) The purpose of this act is to bring under public protection lands that serve to limit subdivision and conversion of agricultural and natural areas that provide economic, open space, water, and wildlife benefits by acquiring land or related interests in land such as perpetual, less-than-fee acquisitions, agricultural protection agreements, and resource conservation agreements.*

Section 30. Section 570.71, Florida Statutes, is created to read:

*570.71 Conservation easements and agreements.—*

*(1) The department, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements for any of the following public purposes:*

- (a) Promotion and improvement of wildlife habitat.*
- (b) Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds.*
- (c) Perpetuation of open space on lands with significant natural areas.*

(d) *Protection of agricultural lands threatened by conversion to other uses.*

(2) *To achieve the purposes of this act, beginning no later than July 1, 2002, and every year thereafter, the department shall accept applications for project proposals that:*

- (a) *Purchase conservation easements as defined in s. 704.06.*
- (b) *Purchase rural land protection easements pursuant to this act.*
- (c) *Fund resource conservation agreements pursuant to this act.*
- (d) *Fund agricultural protection agreements pursuant to this act.*

(3) *Rural land protection easements shall be perpetual rights or interests in agricultural land which are appropriate to retain such land in predominantly its current state and to prevent the subdivision and conversion of such land into other uses. Such easements shall prohibit only the following:*

(a) *Construction or placement of buildings, roads, billboards or other advertising, utilities, or structures on the land, except those structures and unpaved roads necessary for agricultural operations or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11);*

(b) *Subdivision of the land;*

(c) *Dumping or placement of trash, waste, or offensive materials on the land; and*

(d) *Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish and wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.*

(4) *Resource conservation agreements shall be contracts for services that provide annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or that provide recreational opportunities. Such agreements shall be for a term of not less than 5 years and not more than 10 years. Property owners shall become eligible to enter into a resource conservation agreement only upon entering into a conservation easement or rural land protection easement.*

(5) *Agricultural protection agreements shall be for terms of 30 years and shall provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.*

(a) *For the length of the agreement, the landowner shall agree to prohibit:*

1. *Construction or placement of buildings, roads, billboards or other advertising, utilities, or structures on the land, except those structures and unpaved roads necessary for agricultural operations or structures necessary for other activities allowed under the agreement, and except for linear facilities described in s. 704.06(11);*

2. *Subdivision of the land;*

3. *Dumping or placement of trash, waste, or offensive materials on the land; and*

4. *Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish and wildlife habitat.*

(b) *As part of the agricultural protection agreement, the parties shall agree that the state shall have a right to buy a conservation easement or rural land protection easement at the end of the 30-year term or prior to the landowner transferring or selling the property, whichever occurs later. If the landowner tenders the easement for the purchase and the state does not timely exercise its right to buy the easement, the landowner shall be released from the agricultural agreement. The purchase price of the easement shall be established in the agreement and shall be based on*

*the value of the easement at the time the agreement is entered into, plus a reasonable escalator multiplied by the number of full calendar years following the date of the commencement of the agreement. The landowner may transfer or sell the property before the expiration of the 30-year term, but only if the property is sold subject to the agreement and the buyer becomes the successor in interest to the agricultural protection agreement. Upon mutual consent of the parties, a landowner may enter into a perpetual easement at any time during the term of an agricultural protection agreement.*

(6) *Payment for conservation easements and rural land protection easements shall be a lump-sum payment at the time the easement is entered into, payable from proceeds derived from revenues distributed pursuant to ss. 201.15 and 215.619.*

(7) *Landowners entering into an agricultural protection agreement may receive up to 50 percent of the purchase price at the time the agreement is entered into, and remaining payments on the balance shall be equal annual payments over the term of the agreement, payable from proceeds derived from revenues distributed pursuant to ss. 201.15 and 215.619, subject to the provisions of s. 11(e), Art. VII of the State Constitution. Payments for agricultural protection agreements may not exceed 10 percent of the total funds appropriated.*

(8) *Payments for resource conservation agreements shall be equal annual payments over the term of the agreement, payable from proceeds derived from revenues distributed pursuant to s. 201.15.*

(9) *Easements purchased pursuant to this act may not prevent landowners from transferring the remaining fee value with the easement.*

(10) *The department, in consultation with the Department of Environmental Protection, water management districts, the Department of Community Affairs, and the Florida Fish and Wildlife Conservation Commission, shall adopt rules that establish an application process, a process and criteria for setting priorities for use of funds consistent with the purposes specified in s. 570.71(1) and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees of the Internal Improvement Trust Fund.*

(11) *The department is directed to seek funds from federal sources to use in combination with state funds to carry out the purposes of this section.*

Section 31. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 32. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page ,  
remove from the bill: entire title

and insert in lieu thereof: A bill to be entitled An act relating to growth management; amending 163.3174, F.S.; providing for school board representation on the local planning agency; amending s. 163.3177, F.S.; conforming language; providing that an agricultural land use category shall be eligible for the location of public schools in a local government comprehensive plan in rural counties under certain conditions; directing the department to authorize up to five local governments to designate rural land stewardship areas; requiring a written agreement; providing requirements for comprehensive plan amendments for such designations; providing that owners of land within such areas may convey development rights in return for the assignment of transferable rural land use credits; providing requirements with respect to such credits; specifying incentives that should be provided such landowners; requiring reports; providing intent; creating s. 163.31776, F.S.; providing legislative intent and findings; requiring that a local government comprehensive plan include a public educational facilities element; providing that the state land planning agency establish a



schedule for adoption of such elements; exempting certain municipalities from adopting such elements; requiring local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; specifying the effect of a local government's failure to transmit such element according to the adopted schedule; creating s. 163.31777, F.S.; requiring that local governments consider the adequacy of public school facilities when considering certain comprehensive plan amendment and rezoning applications; providing duties of the school board; requiring denial of such applications under certain conditions; amending s. 163.3180, F.S.; providing requirements with respect to the public educational facilities element when school concurrency is imposed by local option; amending s. 163.3184, F.S.; revising the definition of "affected person"; providing additional agencies to which a local government must transmit a proposed comprehensive plan or plan amendment; removing provisions relating to transmittal of copies by the state land planning agency; providing that a local government may request review by the state land planning agency at the time of transmittal of an amendment; revising time periods with respect to submission of comments to the agency by other agencies, notice by the agency of its intent to review, and issuance by the agency of its report; providing for priority review of certain amendments; clarifying language; providing that the agency shall not review an amendment certified as having no objections received; providing for compilation and transmittal by the local government of a list of persons who will receive an informational statement concerning the agency's notice of intent to find a plan or plan amendment in compliance or not in compliance; directing the agency to provide a model form; revising requirements relating to publication of the agency's notice of intent; deleting a requirement that the notice be sent to certain persons; amending s. 163.3187, F.S.; revising requirements relating to small scale development amendments which are exempt from the limitation on the frequency of amendments to a local comprehensive plan; revising acreage requirements; revising a condition relating to residential land use; removing a provision that allows a local government to elect to have such amendments subject to review under s. 163.3184(3)-(6), F.S.; amending s. 163.3191, F.S.; conforming language; creating s. 163.3198, F.S.; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of local government land use decisions; creating a commission to oversee development of fiscal impact models; providing for field tests of the models developed; providing for approval of a uniform model by the commission and submission of a report and recommendations to the Governor and Legislature; providing for a \$500,000 appropriation to the Department of Community Affairs to implement program; creating s. 163.3202(6); providing legislative intent regarding electric utilities and substations; providing prohibition on local governments regarding substations; prohibits denial of substation under certain conditions; amending s. 163.3215, F.S.; revising procedures for challenge of a development order by an aggrieved or adversely affected party on the basis of inconsistency with a local comprehensive plan; providing the relief that may be sought; providing that petition to the circuit court for certiorari is the sole action for such challenge if the local government has adopted an ordinance establishing a local development review process that includes specified minimum components; removing a requirement that a verified complaint be filed with the local government prior to seeking judicial review; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be submitted as part of the district's educational facilities plan; providing that such surveys are deemed to meet state constitutional requirements, subject to State Board of Education approval; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for long-range planning; providing requirements for the district's facilities work program; providing for submission of the tentative plan to local

governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S.; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; requiring the school board to provide a local government certain information when it is considering certain comprehensive amendment or rezoning applications; revising requirements relating to school board responsibilities in planning with local governments; revising a notice requirement regarding proposed use of property for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending ss. 235.218, 235.321, and 236.25, F.S.; conforming language; amending s. 380.04, F.S.; amending s. 380.06, F.S., relating to developments of regional impact; removing the rebuttable presumptions with respect to application of the statewide guidelines and standards and revising the fixed thresholds; revising application of thresholds for development allowed under a preliminary development agreement; revising the definition of an essentially built-out development of regional impact with respect to multiuse developments; providing for submission of biennial, rather than annual, reports by the developer; authorizing submission of a letter, rather than a report, under certain circumstances; providing for amendment of development orders with respect to report frequency; providing that an extension of the date of buildout of less than 7 years is not a substantial deviation; revising provisions relating to determination of whether a change constitutes a substantial deviation based on its percentage of the specified numerical criteria; revising notice requirements; providing that changes that are less than specified numerical criteria need not be submitted to the state land planning agency and specifying the agency's right to appeal with respect to such changes; deleting an exemption from review by the regional planning agency and state land planning agency for certain changes; amending s. 380.0651, F.S.; revising the guidelines and standards for attractions and recreation facilities, office development, retail and service development, and residential development; creating s. 570.70, F.S.; providing legislative findings; creating s. 570.71, F.S.; providing for the purchase of rural land protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for conservation easements, resource conservation agreements, and agricultural protection agreements; prescribing allowable land uses; requiring rulemaking; providing for an application process; providing for an option to purchase property; directing the department to seek funds from federal sources; providing a severability clause; providing an effective date.

WHEREAS, it is in the best interests of the people of the State of Florida to ensure sound planning for new population growth in Florida, and

WHEREAS, Florida's population is expected to increase by 50 percent from 16 million to 24 million over the next three decades, and the number of school age children is projected to increase sharply around 2020 as the baby boom echo generation's children reach school age, with commensurate impacts to the state's public infrastructure, including our public education facilities, and

WHEREAS, our growth management system should fully integrate the planning of public education facilities, should accurately forecast the costs associated with the construction, operation and maintenance of infrastructure, and should adequately address our existing infrastructure deficits, and

WHEREAS, as we respond to new growth and continue to address our existing infrastructure deficits, communities should make land use decisions with the knowledge of all relevant expenses and revenues associated with those decisions, as the future health of our state economy and the livability of our communities depends on appropriately addressing our infrastructure needs,

NOW, THEREFORE,

Rep. Alexander moved the adoption of the amendment.

Representative(s) Alexander offered the following:

(Amendment Bar Code: 344763)

**Amendment 1 to Amendment 1**—On page 14, line 4, remove from the amendment: *actual public school*

and insert in lieu thereof: *capital outlay fulltime equivalent*

Rep. Alexander moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Murman, Fasano, and Diaz-Balart offered the following:

(Amendment Bar Code: 655505)

**Amendment 2 to Amendment 1**—On page 18, lines 6-22, remove from the amendment: all of said lines

and insert in lieu thereof: *to s. 235.185. "Financially feasible" means that a capital improvements program will be financed for each year of the planning period, without a financial deficit, based on projected revenues from existing and committed revenue sources so that the adopted level-of-service standard will be achieved and maintained in the planning period. Revenue sources may include, but are not limited to, ad valorem taxes, state revenue distributions, proceeds from the sale of bonds, sales tax proceeds, or other general tax sources. Local option revenue sources requiring approval by a referendum of the electors shall be deemed an existing or committed revenue source only after approval in the required referendum. The current level and amount of impact fees collected by a local government may be included in the calculation of financial feasibility;*

Rep. Murman moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Murman, Fasano, and Diaz-Balart offered the following:

(Amendment Bar Code: 380517)

**Amendment 3 to Amendment 1**—On page 21, lines 28 and 29, remove from the amendment: all of said lines

and insert in lieu thereof: *residential development if the school facility capacity will not be reasonably available at the*

REPRESENTATIVE MELVIN IN THE CHAIR

Rep. Murman moved the adoption of the amendment to the amendment, which was adopted. The vote was:

Session Vote Sequence: 187

Yeas—70

Arza	Crow	Goodlette	Lynn
Atwater	Cusack	Gottlieb	Machek
Ausley	Detert	Green	Maygarden
Ball	Diaz de la Portilla	Greenstein	McGriff
Barreiro	Diaz-Balart	Harrell	Mealor
Bean	Dockery	Henriquez	Murman
Bendross-Mindingall	Farkas	Heyman	Needelman
Benson	Fasano	Joyner	Negron
Bilirakis	Fiorentino	Justice	Paul
Brummer	Flanagan	Kosmas	Peterman
Bucher	Frankel	Kottkamp	Pickens
Byrd	Garcia	Kravitz	Prieguez
Cantens	Gardiner	Lacasa	Rich
Carassas	Gelber	Lerner	Ritter
Clarke	Gibson	Littlefield	Romeo

Ross	Seiler	Sorensen	Wilson
Rubio	Slosberg	Weissman	Wishner
Ryan	Sobel		

Nays—40

Alexander	Brown	Johnson	Miller
Andrews	Brutus	Jordan	Richardson
Argenziano	Bullard	Kallinger	Russell
Attkisson	Fields	Kendrick	Simmons
Baker	Gannon	Kilmer	Siplin
Baxley	Haridopolos	Kyle	Smith
Bennett	Harper	Lee	Stansel
Bense	Hogan	Mack	Trovillion
Berfield	Holloway	Mayfield	Wallace
Betancourt	Jennings	Meadows	Waters

Votes after roll call:

- Yeas—Wiles
- Yeas to Nays—Goodlette
- Nays to Yeas—Smith

Representative(s) Cantens offered the following:

(Amendment Bar Code: 204329)

**Amendment 4 to Amendment 1**—On page 22, line 8, insert:

*(4) However, a local government may approve a comprehensive plan amendment or rezoning that impacts public school facility demand provided the proposed development does not decrease available school capacity beyond 15 students or the equivalent as measured by the public educational facilities element. In a single school year, the cumulative effect of this exemption cannot decrease available capacity by more than 5% of the total school capacity as measured by the public educational facilities element.*

Rep. Cantens moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 574225)

**Amendment 5 to Amendment 1 (with title amendment)**—On page 23, between lines 9 and 10, of the amendment

insert:

*5(a) By mutual agreement within the local general purpose government, the applicant for a comprehensive plan amendment, applicant for rezoning, or an approved development may satisfy any proportionate share mitigation required as follows:*

*(i) The local government shall designate by ordinance a geographic area to be known as a Neighborhood School Construction Zone. The zone shall include the area within the proposed comprehensive pan amendment, rezoning designation or approved development.*

*(ii) The local general purpose government shall also create by ordinance a neighborhood school construction trust fund. All revenues allocated to and deposited in the trust fund shall be used to fund educational facilities construction within the neighborhood school construction zone pursuant to an approved educational facilities plan.*

*(b) Upon creation of a neighborhood school zone, all educational facilities impact fees collected within the Neighborhood School Construction Zone shall be deposited in the trust fund for facilities construction within the mitigation district. Provided further, all interlocal agreements between local general purpose governments and school districts shall provide for such allocation.*

*(c) In the event the local general purpose government and the applicant agree pursuant to paragraph (a) of this subsection to the described proportionate share mitigation, additional annual funding of*

*the trust fund shall be in an amount not less than the increment in the income, proceeds, revenues and funds of the school district derived from or held in connection with the undertaking and carrying out of residential development within the educational facilities mitigation district. Such increment shall be determined annually and shall be that amount equal to 95% of the difference between:*

*(i) The amount of ad valorem taxes levied each year by the school district within the Neighborhood School Construction Zone pursuant to section 236.25(1), F.S., exclusive of any amount for any debt service millage, on taxable real property contained within the geographic boundaries of the educational facilities mitigation district; and*

*(ii) The amount of ad valorem taxes which would have been produced pursuant to section 236.25(1), F.S., by the rate upon which the tax is levied each year by the school district, exclusive of any debt service millage, upon the total assessed value of the taxable real property in the educational facilities mitigation district as shown upon the most recent assessment roll used in connection with the taxation of such property by the school district prior to the effective date of the ordinance providing for the funding of the trust fund.*

*(d) An approved applicant may petition the local general purpose government for funds to build an educational facility. The facility shall be built according to Florida law, located geographically within the established education facilities mitigation district, and adhere to the following requirements:*

*(i) For schools operated by the school district, the school must be included in the district's approved facilities plan or approved by the elected school board.*

*(ii) for schools organized and operated pursuant to section 228.056, Florida Statutes, the application for the school must be approved according to the requirements of law prior to petitioning the local general purpose government for funding.*

*(e) Should the funds generated pursuant to this section be insufficient to fully fund the proposed public school, the difference between the amount needed to construct the school and the local revenue source, up to 35% of the construction costs, shall be funded as follows:*

*(i) For district operated schools the difference will be funded pursuant to other local sources of revenue per agreement with the local school district.*

*(ii) For schools approved pursuant to section 228.056, Florida Statutes, the difference shall be funded with funds generated pursuant to section 228.0561, Florida Statutes.*

*(iii) No schools shall be built costing more than the Florida Smart Schools Clearinghouse annual estimate of student station costs.*

*(iv) The Florida Smart Schools Clearinghouse shall oversee this section as a 3 year pilot project beginning July 1, 2001. The pilot project will be for up to 6 counties selected by the Florida Smart Schools Clearinghouse. A report showing the feasibility and long term effects of the Neighborhood School Construction Fund shall be made to the Governor, Senate President and Speaker of the House.*

And the title is amended as follows:

On page 110, line 5, after the semicolon, of the amendment

insert: creating a Neighborhood School Construction Zone pilot project; providing for procedures; providing that impact fees within the zone must be place in a facilities construction trust fund for that zone; providing additional funding; provides that the Florida Smart Schools Clearinghouse oversees the pilot projects and that it must submit a report regarding the programs feasibility.

Rep. Attkisson moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Harper offered the following:

(Amendment Bar Code: 405763)

**Amendment 6 to Amendment 1 (with title amendment)**—On page 51, between lines 3 & 4,

insert:

Section 14. Subsection (1) of section 163.356, Florida Statutes, is amended to read:

163.356 Creation of community redevelopment agency.—

(1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a "community redevelopment agency." A county or municipality having a population equal to or greater than 50,000 may create, by a vote of at least a majority plus one of the entire governing body of the county or municipality, more than one community redevelopment agency. Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. ~~The~~ Community redevelopment agencies ~~agency~~ of a county ~~have~~ ~~has~~ the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan or plans proposed by the governing body of the county.

And the title is amended as follows:

On page 112, line 15, after "review;"

insert: amending s. 163.356, F.S.; authorizing certain counties and municipalities to create more than one community redevelopment agency;

Rep. Harper moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Murman offered the following:

(Amendment Bar Code: 485523)

**Amendment 7 to Amendment 1 (with title amendment)**—On page 53, between lines 3 and 4, of the amendment

insert:

Section 15. Subsection (1) of section 235.061, Florida Statutes, is amended to read:

235.061 Standards for relocatables used as classroom space; inspections.—

(1) The Commissioner of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. These rules must be implemented by July 1, 1998, and each relocatable acquired by a district school board after the effective date of the rules and intended for long-term use must comply with the standards. The rules shall require that, by July 1, 2002 ~~2001~~, relocatables that fail to meet the standards may not be used as classrooms. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Uniform Building Code for Public Educational Facilities or other locally adopted state minimum building codes to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, to be accessible by adequate covered walkways. By July 1, 2000, the commissioner shall adopt

standards for all relocatables intended for long-term use as classrooms. A relocatable that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.

And the title is amended as follows:

On page 112, line 17, of the amendment

after the semicolon insert: amending s. 235.061, F.S.; revising the date after which relocatables that fail to meet standards may not be used as classrooms;

Rep. Murman moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Murman, Fasano, and Diaz-Balart offered the following:

(Amendment Bar Code: 343667)

**Amendment 8 to Amendment 1**—On page 60, line 21 through page 61, line 2

remove from the amendment: all of said lines

and insert in lieu thereof:

(d) *“Financially feasible” means that a capital improvements program will be financed for each year of the planning period, without a financial deficit, based on projected revenues from existing and committed revenue sources so that the adopted level-of-service standard will be achieved and maintained in the planning period. Revenue sources may include, but are not limited to, ad valorem taxes, state revenue distributions, proceeds from the sale of bonds, sales tax proceeds, or other general tax sources. Local option revenue sources requiring approval by a referendum of the electors shall be deemed an existing or committed revenue source only after approval in the required referendum. The current level and amount of impact fees collected by a local government may be included in the calculation of financial feasibility.*

Rep. Murman moved the adoption of the amendment to the amendment.

On motion by Rep. Murman, further consideration of **Amendment 8 to Amendment 1** was temporarily postponed under Rule 11.10.

Representative(s) Bennett offered the following:

(Amendment Bar Code: 105127)

**Amendment 9 to Amendment 1 (with title amendment)**—On page 103, between lines 5 and 6,

insert:

Section 24. Subsection (4) is added to section 333.06, Florida Statutes, to read:

333.06 Airport zoning requirements.—

(4) **ADOPTION OF AIRPORT MASTER PLAN AND NOTICE TO AFFECTED LOCAL GOVERNMENT.**—*An airport master plan shall be prepared by each publicly owned and operated airport licensed by the Department of Transportation under chapter 330. The authorized entity having responsibility for governing the operation of the airport, when either requesting from or submitting to a state or federal government agency with funding or approval jurisdiction a “finding of no significant impact,” an environmental assessment, a site selection study, an airport master plan, or any amendment to an airport master plan, shall submit simultaneously a copy of said request, submittal, assessment, study, plan, or amendment by certified mail to all affected local governments. For the purposes of this subsection, “affected local government” means any city or county having jurisdiction over the airport and any city or county located within 2 miles of the boundaries of the land subject to the airport master plan.*

Section 25. Paragraph (b) of subsection (19) of section 380.06, Florida Statutes, is amended, paragraphs (i), (j), (k), (l), (m), and (n) are added to subsection (24) of said section to read:

380.06 Developments of regional impact.—

(19) **SUBSTANTIAL DEVIATIONS.**—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

~~2. A new runway, a new terminal facility, a 25 percent lengthening of an existing runway, or a 25 percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates. However, if an airport is located in two counties, a 10 percent lengthening of an existing runway or a 20 percent increase in the number of gates of an existing terminal is the applicable criteria.~~

~~2.3.~~ An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

~~3.4.~~ An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

~~4.5.~~ An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

~~5.6.~~ An increase in land area for office development by 5 percent or 6 acres, whichever is greater, or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

~~7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.~~

~~8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5 percent increase in watercraft storage capacity, whichever is greater.~~

~~6.9.~~ An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

~~7.10.~~ An increase in commercial development by 6 acres of land area or by 50,000 square feet of gross floor area, or of parking spaces provided for customers for 300 cars or a 5-percent increase of any of these, whichever is greater.

~~8.11.~~ An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

~~9.12.~~ An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

~~10.13.~~ A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

~~11.14.~~ A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 150 ~~100~~ percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 150 ~~100~~ percent has been reached or exceeded.

~~12.15.~~ A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

~~13.16.~~ Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under sub-subparagraph ~~(e)4.b.~~ ~~(e)5.b.~~

The substantial deviation numerical standards in subparagraphs ~~3.4., 5.6., 7.10., 11.14.,~~ excluding residential uses, and ~~12.16.,~~ are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs ~~3.4., 5.6., 6.9., 7.10., 8.11., and 11.14.~~ are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(24) STATUTORY EXEMPTIONS.—

(i) Any proposed facility for the storage of any petroleum product is exempt from the provisions of this section, if such facility is consistent with a local comprehensive plan that is in compliance with s. 163.3177 or is consistent with a comprehensive port master plan that is in compliance with s. 163.3178.

(j) Any proposal to increase development at a waterport existing on the effective date of this act or any new waterport development is exempt from the provisions of this section, unless such proposed development is located within a county identified in s. 370.12(2)(f). Such a county shall be exempt after a manatee protection plan has been adopted by the county and submitted for approval to the Fish and Wildlife Conservation Commission, or on October 1, 2003, whichever is earlier.

(k) Any development located within a sector plan adopted pursuant to s. 163.3245 which is consistent with the sector plan is exempt from the provisions of this section. Should s. 163.3245 be repealed, any approved development within a sector plan shall maintain this exemption. However, any development-of-regional-impact development order that is vested from the sector plan may be enforced under s. 380.11.

(l) Any development or expansion of an airport or airport-related or aviation-related development is exempt from the provisions of this section.

(m) Any development or expansion located within an area designated in the comprehensive plan for urban infill development, urban redevelopment, downtown revitalization, or urban infill and redevelopment under s. 163.2517, is exempt from the provisions of this section, unless such development is located within a coastal high-hazard area.

(n) Any development or expansion of a brownfield site or area designated as such in accordance with ss. 376.77-376.85 is exempt from the provisions of this section, if such development or expansion is consistent with the local comprehensive plan.

Section 26. Paragraphs (a) and (e) of subsection (3) of section 380.0651, Florida Statutes, are repealed.

Section 27. (1) Nothing contained in this act abridges or modifies any vested or other right or any duty or obligation pursuant to any development order or agreement which is applicable to a development of regional impact on the effective date of this section. An airport, marina, or petroleum storage facility which has received a development-of-regional-impact development order pursuant to s. 380.06, Florida Statutes 2000, but is no longer required to undergo development-of-regional-impact review by operation of s. 380.06(24)(i), (j), or (l), Florida Statutes, as created by this act, or by operation of the repeal of s. 380.0651(3)(a) or (e), Florida Statutes, by this act, shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order, and may be completed in reliance upon and pursuant to the development order. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11, Florida Statutes 2000.

(b) If requested by the developer or landowner, the development-of-regional-impact development order may be amended or rescinded by the local government consistent with the local comprehensive plan and land development regulations, and pursuant to the local government procedures governing local development orders.

(2) An airport, marina, or petroleum storage facility with an application for development approval pending on the effective date of this act, or a notification of proposed change pending on the effective date of this act, may elect to continue such review pursuant to s. 380.06, Florida Statutes 2000. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, Florida Statutes 2000, the resulting development order shall be governed by the provisions of subsection (1).

And the title is amended as follows:

On page 115, line 6, of the amendment remove: all of said line

and insert in lieu thereof: development; amending s. 333.06, F.S.; requiring each publicly owned licensed airport to prepare an airport master plan; requiring the entity which governs the operation of such an airport to submit copies of certain documents to all affected local governments; removing provisions which specify that certain changes in airport facilities, increases in the storage capacity for chemical or petroleum storage facilities, or development at a waterport constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; exempting proposed waterport development in certain counties from such requirements and providing application of such exemption to counties identified in s. 370.12(2)(f), F.S.; providing for maintenance of the exemption from development-of-regional-impact review for developments under s. 163.3245, F.S., relating to optional sector plans, if said section is repealed; exempting certain development or expansion of airports or airport-related development from development-of-regional-impact requirements; exempting development or expansion within certain areas from development-of-regional-impact requirements; repealing s. 380.0651(3)(a) and (e), F.S., which provide the development-of-regional-impact statewide guidelines and standards for airports and port facilities; providing application with respect to airports, marinas, and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; creating s. 570.70, F.S.;

Rep. Bennett moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 8 to Amendment 1** which was adopted.

Representative(s) Bennett offered the following:

(Amendment Bar Code: 303681)

**Amendment 10 to Amendment 1 (with title amendment)**—On page 39, line 31, through page 44, line 24, remove from the amendment: all of said lines

and insert in lieu thereof:

Section 10. Section 163.3198, Florida Statutes, is created to read:

163.3198 Development of a uniform fiscal impact analysis model for evaluating the cost of infrastructure to support development.—

(1) The Legislature finds that the quality of growth in this state will benefit greatly by the adoption of a uniform fiscal impact analysis tool

that can be used by local governments to determine the costs and benefits of new development. To facilitate informed decisionmaking and accountability by local government, the analysis model must itemize and calculate the costs and fiscal impacts of infrastructure needs created by proposed development, as well as the anticipated revenues needed for infrastructure associated with the project. It is intended that the model be a minimum base model for implementation by all local governments. Local governments are not required to implement the model until the Legislature approves such implementation, and local governments are not prevented from using other fiscal or economic analysis tools before or after adoption of the uniform fiscal analysis model. The Legislature intends that the analysis provide local government decisionmakers with a clearer understanding of the fiscal impact of new development on the community and its resources.

(2) A three-member technical advisory committee with one member each to be selected by the Governor, the President of the Senate, and the Speaker of the House of Representatives, respectively, shall be created to advise the secretary concerning the development of a fiscal analysis model. The appointments must be made prior to July 1, 2001.

(a) The technical advisory committee shall advise the state land planning agency concerning:

1. The development of a fiscal analysis model;
2. The selection of one or more models;
3. Changes that may be made to the model during the testing period, as needed; and
4. Recommendations on the implementation of the model.

(b) Each member of the technical advisory committee is entitled to reimbursement for per diem and travel expenses, as provided in s. 112.061, while carrying out the official business of the committee.

(c) The technical advisory committee shall meet at the call of the secretary and shall be dissolved upon the submittal of the report and recommendations required in subsection (4).

(3)(a) The state land planning agency shall develop one or more fiscal analysis models for determining the estimated costs and revenues of proposed development. The analysis provided by the model is a tool for government decisionmaking, does not constitute an automatic approval or disapproval of new development, and applies to all public and private projects and all land use categories.

(b) The model must be capable of estimating the capital, operating, and maintenance costs, and revenues for infrastructure the need for which is created by new development based on the type, scale, and location of various land uses. For the purposes of developing the model, estimated costs include those associated with provision of school facilities; transportation facilities; water supply; sewer; stormwater; solid waste services; police, fire, and emergency medical services; publicly provided energy services; parks and recreation services; and publicly provided telecommunications. Estimated revenues include all revenues attributable to the proposed development which are used to construct, operate, or maintain the listed infrastructure. The model may be developed with capabilities of estimating other costs and benefits directly related to new development, including economic costs and benefits. The Legislature recognizes the potential limitations of such models in fairly quantifying important quality-of-life issues, such as the intangible benefits and costs associated with development, including, but not limited to, overall impact on community character, housing costs, compatibility, and impacts to natural and historic resources, and the Legislature affirms its intention that this model not be used as the only determinant of the acceptability of new development.

(c) The model must be capable of identifying infrastructure deficits or backlogs and the costs associated with addressing such needs.

(d) As part of its development of a fiscal analysis model, the state land planning agency shall develop a format by which the local governments shall report to the public, at least annually, the cumulative fiscal impact of their local planning decisions.

(4) By January 1, 2003, the state land planning agency shall transmit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report detailing the estimated costs of implementation, recommendations for a uniform fiscal analysis model, and recommendations for statewide implementation of such a model. If the state land planning agency determines that a uniform fiscal analysis model is unfeasible, the agency may recommend that the model or its application be modified. The report must also include recommendations for any changes to existing growth management laws and policies necessary to implement the model. However, this model is not intended to serve as a replacement for concurrency. The report must also include recommendations for state technical and financial assistance to help local governments in implementing the uniform fiscal analysis model and recommendations for incentives to local governments to encourage identification of areas in which infrastructure development will be encouraged. It is not the intent of this section to repeal concurrency.

And the title is amended as follows:

On page 111, lines 19-23, of the amendment remove: all of said lines

and insert in lieu thereof: of proposed development; providing requirements with respect thereto; providing for an advisory committee; providing for

Rep. Bennett moved the adoption of the amendment to the amendment.

On motion by Rep. Bennett, further consideration of **Amendment 10 to Amendment 1** was temporarily postponed under Rule 11.10.

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 400945)

**Amendment 11 to Amendment 1 (with title amendment)**—On page 103, between lines 5 and 6, of the amendment

insert:

Section 9. Sections 380.06 and 380.0651, F.S., stand repealed on June 1, 2005, and shall be reviewed prior to that date.

(a) Nothing contained in this section abridges or modifies any vested or other right or any duty or obligation pursuant to any development order or agreement which is applicable to a development of regional impact on June 1, 2005. Any development which has received a development-of-regional-impact development order pursuant to s. 380.06 prior to that date shall be governed by the following procedures:

1. The development shall continue to be governed by the development-of-regional-impact development order, and may be completed in reliance upon and pursuant to the development order. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

2. If requested by the developer or landowner, the development-of-regional-impact development order may be amended or rescinded by the local government consistent with the local comprehensive plan and land development regulations, and pursuant to the local government procedures governing local development orders.

(b) A development with an application for development approval pending on June 1, 2005, or a notification of proposed change pending on June 1, 2005, may elect to continue such review pursuant to s. 380.06. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, the resulting development order shall be governed by the provisions of paragraph (b).

(c) The Legislative Committee on Intergovernmental Relations is directed to perform an interim study regarding potential alternatives to the development-of-regional-impact process provided by ss. 380.06 and 380.0651, Florida Statutes. This study shall also address nonreplacement of the development-of-regional-impact process. A report shall be presented to the Speaker of the House of Representatives and the President of the Senate by September 1, 2003.

And the title is amended as follows:

On page 115, line 6, after “development; of the amendment

insert: providing for future review and repeal of ss. 380.06 and 380.0651, F.S.; providing application with respect to developments which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on that future repeal date; directing the Legislative Committee on Intergovernmental Relations to study alternatives to the development-of-regional-impact process and provide a report;

Rep. Sorensen moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 031767)

**Amendment 12 to Amendment 1 (with title amendment)**—On page 53, between lines 3 and 4, of the amendment

insert:

Section 15. Subsection (2) and paragraphs (a) and (f) of subsection (3) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a majority of the members of the county governing authority and approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county’s population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax.

(b) A statement which includes a brief general description of the projects to be funded by the surtax and which conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing authority of any county which enacts an ordinance calling for a referendum on the levy of the surtax or in which the governing bodies of the municipalities representing a majority of the county’s population adopt uniform resolutions calling for a referendum on the surtax. The following question shall be placed on the ballot:

... FOR the ... -cent sales tax  
 ... AGAINST the ... -cent sales tax

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county’s municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county’s municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

Any change in the distribution formula must take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources and to finance the closure of county-owned or municipally owned solid waste landfills that are already closed or are required to close by order of the Department of Environmental Protection. Any use of such proceeds or interest for purposes of landfill closure prior to July 1, 1993, is ratified. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, except that any county with a population of less than 75,000 that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011(1), and charter counties may, in addition, use the proceeds and any interest accrued thereto to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of such proceeds or interest for purposes of retiring or servicing indebtedness incurred for such refunding bonds prior to July 1, 1999, is ratified.

2. For the purposes of this paragraph, “infrastructure” means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff’s office vehicle, a police department vehicle, or any other vehicle, and such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

3. Notwithstanding any other provision of this subsection, a discretionary sales surtax imposed or extended after the effective date of this act may provide for an amount not to exceed 15 percent of the local option sales surtax proceeds to be allocated for deposit to a trust fund within the county’s accounts created for the purpose of funding economic development projects of a general public purpose targeted to improve local economies, including the funding of operational costs and incentives related to such economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

(e) School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

(f) Counties and municipalities shall not use the surtax proceeds to supplant or replace user fees or to reduce ad valorem taxes existing prior to the levy of the surtax authorized by this subsection.

(g)1. Notwithstanding paragraph (d), a county that has a population of 50,000 or less on April 1, 1992, or any county designated as an area

of critical state concern on the effective date of this act, and that imposed the surtax before July 1, 1992, may use the proceeds and interest of the surtax for any public purpose if:

- a. The debt service obligations for any year are met;
- b. The county's comprehensive plan has been determined to be in compliance with part II of chapter 163; and
- c. The county has adopted an amendment to the surtax ordinance pursuant to the procedure provided in s. 125.66 authorizing additional uses of the surtax proceeds and interest.

2. A municipality located within a county that has a population of 50,000 or less on April 1, 1992, or within a county designated as an area of critical state concern on the effective date of this act, and that imposed the surtax before July 1, 1992, may not use the proceeds and interest of the surtax for any purpose other than an infrastructure purpose authorized in paragraph (d) unless the municipality's comprehensive plan has been determined to be in compliance with part II of chapter 163 and the municipality has adopted an amendment to its surtax ordinance or resolution pursuant to the procedure provided in s. 166.041 authorizing additional uses of the surtax proceeds and interest. Such municipality may expend the surtax proceeds and interest for any public purpose authorized in the amendment.

3. Those counties designated as an area of critical state concern which qualify to use the surtax for any public purpose may use only up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes authorized by this section.

(h) Notwithstanding paragraph (d), a county in which 40 percent or more of the just value of real property is exempt or immune from ad valorem taxation, and the municipalities within such a county, may use the proceeds and interest of the surtax for operation and maintenance of parks and recreation programs and facilities established with the proceeds of the surtax.

(i) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (3), (4), and (5) in excess of a combined rate of 1 percent. *However, if the county is levying local option sales surtaxes under this subsection and subsection (3) only, the combined rate shall not exceed 1.5 percent.*

### (3) SMALL COUNTY SURTAX.—

(a) The governing authority in each county that has a population of 50,000 or less on April 1, 1992, may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by an extraordinary vote of the members of the county governing authority if the surtax revenues are expended for operating purposes. If the surtax revenues are expended for the purpose of servicing bond indebtedness, the surtax shall be approved by a majority of the electors of the county voting in a referendum on the surtax. *However, any local government levying the local government infrastructure surtax under subsection (2) at the rate of 1 percent shall not levy the surtax under this subsection at a rate of 0.5 percent, so that the combined rates equal 1.5 percent as authorized by paragraph (2)(i), unless the surtax under this subsection is approved by a majority of the electors of the county voting in a referendum on the surtax.*

(f) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2), (4), and (5) in excess of a combined rate of 1 percent, *except as provided in paragraph (2)(i).*

And the title is amended as follows:

On page 112, line 15, after "judicial review" of the amendment insert: amending s. 212.055, F.S.; increasing the maximum allowable combined rate for the local government infrastructure surtax and small county surtax; requiring referendum approval of the small county surtax at such increased combined rate;

Rep. Sorensen moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 200655)

**Amendment 13 to Amendment 1 (with title amendment)**—On page 53, between lines 3 and 4, of the amendment

insert:

Section 15. Effective January 1, 2003, section 163.325, Florida Statutes, is created to read:

*163.325 Local government infrastructure financial assistance.—*

*(1) The purpose of this section is to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to address local infrastructure needs. These funds may be used for public education facilities; for joint-use facilities; to revitalize existing infrastructure within a downtown business center; or to expedite a county or municipal infrastructure project.*

*(2) For the purposes of this section:*

*(a) "Bonds" means bonds, certificates, or other obligations of indebtedness issued by the Florida Local Government Infrastructure Financing Corporation under this section and s. 163.3251.*

*(b) "Corporation" means the Florida Local Government Infrastructure Financing Corporation.*

*(c) "Local government" means a county or municipality.*

*(3)(a) The department may provide financial assistance through any program authorized under this section, including, but not limited to, making loans, providing loan guarantees, purchasing loan insurance or other credit enhancements, and buying or refinancing local debt. This financial assistance shall be administered in accordance with this section. The department shall administer all programs operated from funds secured through the activities of the Florida Local Government Infrastructure Financing Corporation under s. 163.3251 to fulfill the purposes of this section.*

*(b) The department may make, or request the corporation to make, loans to local governments, which local governments may pledge any revenue available to them to repay any funds borrowed.*

*(c) The department shall administer financial assistance so that at least 15 percent of the funding made available each year under this section is reserved for use by small communities during the year it is reserved.*

*(4) The department shall prepare an annual report detailing the amount loaned, interest earned, and loans outstanding at the end of each fiscal year.*

*(5) Prior to approval of financial assistance, the applicant shall:*

*(a) Submit evidence of credit worthiness, loan security, and a loan repayment schedule in support of a request for a loan.*

*(b) Provide assurance that records will be kept using generally accepted accounting principles and that the department, the Auditor General, or their agents will have access to all records pertaining to the financial assistance provided.*

*(c) Provide assurance that the subject facilities, systems, or activities will be properly operated and maintained.*

*(d) Identify the revenues to be pledged and document their sufficiency for loan repayment and pledged revenue coverage in support of a request for a loan.*

*(e) Provide assurance that financial information will be provided as required by the department.*



(f) Submit project planning documentation demonstrating a cost comparison of alternative methods, environmental soundness, public participation, and financial feasibility for any proposed project or activity.

(g) Submit a certification stating the percentage of its revenues that is allocated for infrastructure needs, the current ad valorem millage levied, and the percentage and amount of any local option surtaxes levied.

(6) The department shall adopt a priority system by rule. In developing the priority system, the department shall give priority to projects that:

(a) Are located within a sustainable community, urban infill area, urban revitalization area, or blighted area;

(b) Have matching local government funds;

(c) Are located within a local government that is levying the maximum ad valorem millage rate allowed under s. 9, Art. VII of the State Constitution;

(d) Are located within a local government where constitutional officers' expenses are greater than 75 percent of the local government's budget; or

(e) Are located within a local government where more than 30 percent of the local government's revenues are allocated to infrastructure needs.

(7) If a local government becomes delinquent on its loan, the department shall so certify to the Chief Financial Officer, who shall forward the amount delinquent to the department from any unobligated funds due to the local government under any revenue-sharing or tax-sharing fund established by the state, except as otherwise provided by the State Constitution. Certification of delinquency shall not limit the department from pursuing other remedies available for default on a loan. The department may impose a penalty for delinquent loan payments in an amount not to exceed an interest rate of 18 percent per annum on the amount due, in addition to charging the cost to handle and process the debt. Penalty interest shall accrue on any amount due and payable beginning on the 30th day following the date upon which payment is due.

(8) Funds for the loans authorized under this section shall be managed as follows:

(a) A nonlapsing trust fund with revolving loan provisions to be known as the "Local Government Infrastructure Revolving Loan Trust Fund" shall be established in the State Treasury prior to January 1, 2003, to be used as a revolving fund by the department to carry out the purposes of this section. Any funds therein which are not needed on an immediate basis for loans may be invested pursuant to s. 215.49. The cost of administering the program shall be paid from reasonable service fees that may be imposed upon loans, and from proceeds from the sale of loans as permitted by federal law so as to enhance program perpetuity. Investment earnings thereon shall be deposited into the trust fund. Proceeds from the sale of loans shall be deposited into the trust fund. All moneys available in the trust fund, including investment earnings, are designated to carry out the purpose of this section. The principal and interest payments of all loans held by the trust fund shall be deposited in the trust fund.

(b) The department may obligate moneys available in the trust fund for payment of amounts payable under any service contract entered into by the department under s. 163.3251, subject to annual appropriation by the Legislature. Amounts on deposit in the trust fund in each fiscal year shall first be applied or allocated for the repayment of amounts payable by the department under this paragraph and appropriated each year by the Legislature before making or providing for other disbursement from the trust fund.

(c) Under the provisions of s. 19(f)(3), Art. III of the State Constitution, the Local Government Infrastructure Revolving Loan Trust Fund shall be exempt from the termination provisions of s. 19(f)(2), Art. III of the State Constitution.

(9) The department may adopt rules regarding program administration; project eligibilities and priorities, including the development and management of project priority lists; financial assistance application requirements associated with planning, design, construction, and implementation activities, including environmental and engineering requirements; financial assistance agreement conditions; disbursement and repayment provisions; auditing provisions; program exceptions; the procedural and contractual relationship between the department and the corporation under s. 163.3251; and other provisions consistent with the purposes of this section.

Section 16. Effective January 1, 2003, section 163.3251, Florida Statutes, is created to read:

163.3251 Florida Local Government Infrastructure Financing Corporation.—

(1) The Florida Local Government Infrastructure Financing Corporation is created as a nonprofit public benefit corporation for the purpose of financing or refinancing the costs of local government infrastructure projects and activities described in s. 163.325. The projects and activities described in that section are found to constitute a public governmental purpose and be necessary for the health, safety, and welfare of all residents. The fulfillment of the purposes of the corporation promotes the health, safety, and welfare of the people of the state and serves essential governmental functions and a paramount public purpose. The activities of the corporation are specifically limited to assisting the department in implementing financing activities to provide funding for the programs authorized by s. 163.325. All other activities relating to the purposes for which the corporation raises funds are the responsibility of the department, including, but not limited to, development of program criteria, review of applications for financial assistance, decisions relating to the number and amount of loans, and enforcement of the terms of any financial assistance agreements provided through funds raised by the corporation. The corporation shall terminate upon fulfillment of the purposes of this section.

(2) The corporation shall be governed by a board of directors consisting of the Governor's budget director or the budget director's designee, the Chief Financial Officer or the Chief Financial Officer's designee, and the Secretary of Community Affairs or the secretary's designee. The executive director of the State Board of Administration shall be the chief executive officer of the corporation, shall direct and supervise the administrative affairs of the corporation, and shall control, direct, and supervise operation of the corporation. The corporation shall have such other officers as may be determined by the board of directors.

(3) The corporation shall have all the powers of a corporate body under the laws of this state to the extent not inconsistent with or restricted by this section, including, but not limited to, the power to:

(a) Adopt, amend, and repeal bylaws not inconsistent with this section.

(b) Sue and be sued.

(c) Adopt and use a common seal.

(d) Acquire, purchase, hold, lease, and convey any real and personal property as may be proper or expedient to carry out the purposes of the corporation and this section, and to sell, lease, or otherwise dispose of that property.

(e) Elect or appoint and employ such officers, agents, and employees as the corporation considers advisable to operate and manage the affairs of the corporation, which officers, agents, and employees may be officers or employees of the department or the state agencies represented on the board of directors of the corporation.

(f) Borrow money and issue notes, bonds, certificates of indebtedness, or other obligations or evidence of indebtedness described in s. 163.325.

(g) Operate, as specifically directed by the department, any program to provide financial assistance authorized under s. 163.325, which may be funded from any funds received under a service contract with the

department, from the proceeds of bonds issued by the corporation, or from any other funding sources obtained by the corporation.

(h) Sell all or any portion of the loans issued under s. 163.325 to accomplish the purposes of this section and s. 163.325.

(i) Make and execute any contracts, trust agreements, and other instruments and agreements necessary or convenient to accomplish the purposes of the corporation and this section.

(j) Select, retain, and employ professionals, contractors, or agents, which may include the Division of Bond Finance of the State Board of Administration, as are necessary or convenient to enable or assist the corporation in carrying out its purposes and this section.

(k) Do any act or thing necessary or convenient to carry out the purposes of the corporation and this section.

(4) The corporation shall evaluate all financial and market conditions necessary and prudent for the purpose of making sound, financially responsible, and cost-effective decisions in order to secure additional funds to fulfill the purposes of this section and s. 163.325.

(5) The corporation may enter into one or more service contracts with the department under which the corporation shall provide services to the department in connection with financing the functions, projects, and activities provided for in s. 163.325. The department may enter into one or more service contracts with the corporation and provide for payments under those contracts pursuant to s. 163.325, subject to annual appropriation by the Legislature. The service contracts may provide for the transfer of all or a portion of the funds in the Local Government Infrastructure Revolving Loan Trust Fund to the corporation for use by the corporation for costs incurred by the corporation in its operations, including, but not limited to, payment of debt service, reserves, or other costs in relation to bonds issued by the corporation, for use by the corporation at the request of the department to directly provide the types of local financial assistance provided for by s. 163.325, or for payment of the administrative costs of the corporation. The department shall not transfer funds under any service contract with the corporation without specific appropriation for such purpose in the General Appropriations Act, except for administrative expenses incurred by the State Board of Administration or other expenses necessary under documents authorizing or securing previously issued bonds of the corporation. The service contracts may also provide for the assignment or transfer to the corporation of any loans made by the department. The service contracts may establish the operating relationship between the department and the corporation and shall require the department to request the corporation to issue bonds before any issuance of bonds by the corporation, to take any actions necessary to enforce the agreements entered into between the corporation and other parties, and to take all other actions necessary to assist the corporation in its operations. In compliance with s. 287.0641 and other applicable provisions of law, the obligations of the department under the service contracts do not constitute a general obligation of the state or a pledge of the faith and credit or taxing power of the state, nor may the obligations be construed in any manner as an obligation of the State Board of Administration or entities for which it invests funds, or of the department except as provided in this section as payable solely from amounts available under any service contract between the corporation and the department, subject to appropriation. In compliance with this subsection and s. 287.0582, service contracts must expressly include the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

(6) The corporation may issue and incur notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness payable from and secured by amounts received from payment of loans and other moneys received by the corporation, including, but not limited to, amounts payable to the corporation by the department under a service contract entered into under subsection (5). The corporation shall not issue bonds in excess of an amount authorized by general law or an appropriations act except to refund previously issued bonds. The proceeds of the bonds may be used for the purpose of providing funds for projects and activities provided for under subsection (1) or for refunding

bonds previously issued by the corporation. The corporation may select a financing team and issue obligations through competitive bidding or negotiated contracts, whichever is most cost-effective. Any such indebtedness of the corporation does not constitute a debt or obligation of the state or a pledge of the faith and credit or taxing power of the state.

(7) The corporation is exempt from taxation and assessments of any nature whatsoever upon its income and any property, assets, or revenues acquired, received, or used in the furtherance of the purposes provided by s. 163.325. The obligations of the corporation incurred under subsection (6) and the interest and income on the obligations and all security agreements, letters of credit, liquidity facilities, or other obligations or instruments arising out of, entered into in connection with, or given to secure payment of the obligations are exempt from all taxation; however, this exemption does not apply to any tax imposed by chapter 220 on the interest, income, or profits on debt obligations owned by corporations.

(8) The corporation shall validate any bonds issued under this section, except refunding bonds, which may be validated at the option of the corporation, by proceedings under chapter 75. The validation complaint shall be filed only in the Circuit Court for Leon County. The notice required under s. 75.06 shall be published in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney for the Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do not apply to a validation complaint filed as authorized by this subsection. The validation of the first bonds issued under this section may be appealed to the Supreme Court, and the appeal shall be handled on an expedited basis.

(9) The corporation and the department shall not take any action that will materially and adversely affect the rights of holders of any obligations issued under this section as long as the obligations are outstanding.

(10) The corporation is not a special district for purposes of chapter 189 or a unit of local government for purposes of part III of chapter 218. The provisions of chapters 120 and 215, except the limitation on interest rates provided by s. 215.84, which applies to obligations of the corporation issued under this section, and the provisions of part I of chapter 287, except ss. 287.0582 and 287.0641, do not apply to this section, the corporation created by this section, the service contracts entered into under this section, or debt obligations issued by the corporation as provided by this section.

(11) The benefits or earnings of the corporation may not inure to the benefit of any private person, except persons receiving loans under s. 163.325.

(12) Upon dissolution of the corporation, title to all property owned by the corporation reverts to the department.

(13) The corporation may contract with the State Board of Administration to serve as trustee with respect to debt obligations issued by the corporation as provided by this section; to hold, administer, and invest proceeds of those debt obligations and other funds of the corporation; and to perform other services required by the corporation. The State Board of Administration may perform those services and may contract with others to provide all or a part of those services and to recover the costs and expenses of providing those services.

(14) The Auditor General may conduct a financial audit of the accounts and records of the corporation.

Section 17. Effective June 1, 2003, subsection (3) of section 199.292, Florida Statutes, is amended to read:

199.292 Disposition of intangible personal property taxes.—All intangible personal property taxes collected pursuant to this chapter shall be placed in a special fund designated as the "Intangible Tax Trust Fund." The fund shall be disbursed as follows:

(3) Of the remaining intangible personal property taxes collected, 25 percent of the balance shall be transferred to the Local Government Infrastructure Revolving Loan Trust Fund, and the remaining balance shall be transferred to the General Revenue Fund of the state.

Section 18. Section (3) of section 215.211, Florida Statutes, is amended to read:

215.211 Service charge; elimination or reduction for specified proceeds.—

(3) Notwithstanding the provisions of s. 215.20(1), the service charge provided in s. 215.20(1), which is deducted from the proceeds of the local option fuel tax distributed under s. 336.025, shall be *eliminated June 1, 2003. reduced as follows:*

~~(a) For the period July 1, 2005, through June 30, 2006, the rate of the service charge shall be 3.5 percent.~~

~~(b) Beginning July 1, 2006, and thereafter, no service charge shall be deducted from the proceeds of the local option fuel tax distributed under s. 336.025.~~

The increased revenues derived from this subsection shall be deposited in the State Transportation Trust Fund and used to fund the County Incentive Grant Program and the Small County Outreach Program. Up to 20 percent of such funds shall be used for the purpose of implementing the Small County Outreach Program as provided in this act. Notwithstanding any other laws to the contrary, the requirements of ss. 339.135, 339.155, and 339.175 shall not apply to these funds and programs.

Section 19. Effective June 1, 2003, paragraph (c) of subsection (1) and subsection (2) of section 336.021, Florida Statutes, are amended to read:

336.021 County transportation system; levy of ninth-cent fuel tax on motor fuel and diesel fuel.—

(1)

(c) Local option taxes collected on sales or use of diesel fuel in this state shall be distributed in the following manner:

1. The fiscal year of July 1, 1995, through June 30, 1996, shall be the base year for all distributions.

2. Each year the tax collected, less *the deduction provided for in paragraph (2)(b)*, the service and administrative charges enumerated in s. 215.20, and the allowances allowed under s. 206.91, on the number of gallons reported, up to the total number of gallons reported in the base year, shall be distributed to each county using the distribution percentage calculated for the base year.

3. After the distribution of taxes pursuant to subparagraph 2., additional taxes available for distribution shall first be distributed pursuant to this subparagraph. A distribution shall be made to each county in which a qualified new retail station is located. A qualified new retail station is a retail station that began operation after June 30, 1996, and that has sales of diesel fuel exceeding 50 percent of the sales of diesel fuel reported in the county in which it is located during the 1995-1996 state fiscal year. The determination of whether a new retail station is qualified shall be based on the total gallons of diesel fuel sold at the station during each full month of operation during the 12-month period ending March 31, divided by the number of full months of operation during those 12 months, and the result multiplied by 12. The amount distributed pursuant to this subparagraph to each county in which a qualified new retail station is located shall equal the local option taxes due on the gallons of diesel fuel sold by the new retail station during the year ending March 31, less the service charges enumerated in s. 215.20 and the dealer allowance provided for by s. 206.91. Gallons of diesel fuel sold at the qualified new retail station shall be certified to the department by the county requesting the additional distribution by June 15, 1997, and by May 1 in each subsequent year. The certification shall include the beginning inventory, fuel purchases and sales, and the ending inventory for the new retail station for each month of operation during the year, the original purchase invoices for the period, and any other information the department deems reasonable and necessary to establish the certified gallons. The department may review and audit the retail dealer's records provided to a county to establish the gallons sold by the new retail station. Notwithstanding the provisions of this

subparagraph, when more than one county qualifies for a distribution pursuant to this subparagraph and the requested distributions exceed the total taxes available for distribution, each county shall receive a prorated share of the moneys available for distribution.

4. After the distribution of taxes pursuant to subparagraph 3., all additional taxes available for distribution shall be distributed based on vehicular diesel fuel storage capacities in each county pursuant to this subparagraph. The total vehicular diesel fuel storage capacity shall be established for each fiscal year based on the registration of facilities with the Department of Environmental Protection as required by s. 376.303 for the following facility types: retail stations, fuel user/nonretail, state government, local government, and county government. Each county shall receive a share of the total taxes available for distribution pursuant to this subparagraph equal to a fraction, the numerator of which is the storage capacity located within the county for vehicular diesel fuel in the facility types listed in this subparagraph and the denominator of which is the total statewide storage capacity for vehicular diesel fuel in those facility types. The vehicular diesel fuel storage capacity for each county and facility type shall be that established by the Department of Environmental Protection by June 1, 1997, for the 1996-1997 fiscal year, and by January 31 for each succeeding fiscal year. The storage capacities so established shall be final. The storage capacity for any new retail station for which a county receives a distribution pursuant to subparagraph 3. shall not be included in the calculations pursuant to this subparagraph.

(2)(a) The tax collected by the department pursuant to subsection (1), *except for the deduction provided for by paragraph (b)*, shall be transferred to the Ninth-cent Fuel Tax Trust Fund, which fund is created for distribution to the counties pursuant to paragraph (1)(d). The department shall deduct the administrative costs incurred by it in collecting, administering, enforcing, and distributing back to the counties the tax, which administrative costs may not exceed 2 percent of collections authorized by this section. The total administrative cost shall be prorated among those counties levying the tax according to the following formula, which shall be revised on July 1 of each year: Two-thirds of the amount deducted shall be based on the county's proportional share of the number of dealers who are registered for purposes of chapter 212 on June 30th of the preceding state fiscal year, and one-third of the amount deducted shall be based on the county's share of the total amount of the tax collected during the preceding state fiscal year. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax levied by any county and shall adopt rules necessary to enforce this section, which rules shall have the full force and effect of law. The provisions of ss. 206.026, 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41, 206.416, 206.44, 206.45, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87, 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.8745, 206.94, and 206.945 shall, as far as practicable, be applicable to the levy and collection of the tax imposed pursuant to this section as if fully set out in this section.

*(b) Notwithstanding any provision to the contrary, the department shall transfer 7 percent of the tax collected pursuant to subsection (1) to the Local Government Infrastructure Revolving Loan Trust Fund, to be used for purposes provided for in s. 163.325.*

~~(c)(b)~~ The provisions of s. 206.43(7) shall apply to the incorrect reporting of the tax levied under this section.

And the title is amended as follows:

On page 112, line 15, after "judicial review" of the amendment

insert: creating s. 163.325, F.S.; providing definitions; authorizing the department to provide specified types of financial assistance to local governments for infrastructure needs and providing requirements with respect thereto; requiring an annual report; providing application requirements; directing the department to adopt a priority system;

providing penalties for delinquent loans; providing for management of loan funds; providing that a Local Government Infrastructure Revolving Loan Trust Fund shall be established and providing requirements with respect thereto; providing for rules; creating s. 163.3251, F.S.; creating the Florida Local Government Infrastructure Financing Corporation to assist the department in implementing financing activities and provide funding for such financial assistance; providing for termination of the corporation; providing for a board of directors; providing powers and duties of the corporation; providing requirements with respect to service contracts with the department; authorizing issuance of bonds and other obligations; providing an exemption from taxation; providing requirements for validating bonds; providing status of the corporation and applicability of laws; providing for contracts with the State Board of Administration; providing for audits; amending s. 199.292, F.S.; providing for deposit of a portion of intangible personal property tax proceeds in the Local Government Infrastructure Revolving Loan Trust Fund;

Rep. Sorensen moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 482993)

**Amendment 14 to Amendment 1 (with title amendment)**—On page 53, between lines 3 and 4, of the amendment

insert:

Section 15. Section 163.3244, Florida Statutes, is amended to read:

163.3244 Sustainable communities ~~certification demonstration project.~~—

(1) The Department of Community Affairs ~~shall create is authorized to undertake~~ a sustainable communities ~~certification program for communities that have implemented best planning practices through their local government comprehensive plans and specific planning or design initiatives, thereby reducing the need for state review of amendments to local government comprehensive plans. One of the purposes of the certification program is to address the extrajurisdictional effects of development occurring within the certified area and to assume development-of-regional-impact review authority from the department. It is the intent of the Legislature that the department and other executive agencies under the Governor give priority to and direct infrastructure spending to areas within the certified communities. demonstration project. Up to five local governments may be designated under this section. At least three of the local governments shall be located totally or in part within the boundaries of the South Florida Water Management District. In selecting the local governments to participate in this demonstration project, the department shall assure participation by local governments of different sizes and characteristics. It is the intent of the Legislature that this demonstration project shall be used to further six broad principles of sustainability: restoring key ecosystems; achieving a more clean, healthy environment; limiting urban sprawl; protecting wildlife and natural areas; advancing the efficient use of land and other resources; and creating quality communities and jobs.~~

(2) A local government may apply to the department in writing requesting consideration for ~~certification as a sustainable community designation under the demonstration program.~~ The local government shall describe its reasons for applying for this ~~certification designation~~ and support its application with documents regarding its compliance with criteria set forth in this section.

(3) In determining whether to ~~certify designate~~ all or part of a local government as a sustainable community, the department shall:

(a) Assure that the local government has set an urban development boundary or functionally equivalent mechanisms, based on projected needs and adequate data and analysis, that will:

1. Encourage urban infill at appropriate densities and intensities, separate urban and rural uses, and discourage urban sprawl

~~development patterns~~ while preserving public open space and planning for buffer-type land uses and rural development consistent with their respective character along and outside of the urban boundary.

2. Assure protection of key natural areas and agricultural lands.

3. Ensure the cost-efficient provision of public infrastructure and services.

(b) Consider and assess the extent to which the local government has adopted programs in its local comprehensive plan or land development regulations which:

1. Promote infill development and redevelopment, including prioritized and timely permitting processes in which applications for local development permits within the urban development boundary are acted upon expeditiously for proposed development which is consistent with the local comprehensive plan.

2. Promote the development of housing for low-income and very-low-income households or specialized housing to assist elders and the disabled to remain at home or in independent living arrangements.

3. Achieve effective intergovernmental coordination.

4. Promote economic diversity and growth while encouraging the retention of rural character, where rural areas exist, and the protection and restoration of the environment.

5. Provide and maintain public urban and rural open space and recreational opportunities.

6. Manage transportation and land uses to support public transit and promote opportunities for pedestrian and nonmotorized transportation.

7. Use urban design principles to foster individual community identity, create a sense of place, and promote pedestrian-oriented safe neighborhoods and town centers.

8. Redevelop blighted areas.

9. Improve disaster preparedness programs and the ability to protect lives and property, especially in coastal high-hazard areas.

10. Encourage clustered, mixed-use development which incorporates greenspace and residential development within walking distance of commercial development.

11. Demonstrate financial and administrative capabilities to implement the designation.

12. Demonstrate a record of effectively adopting, implementing, and enforcing its comprehensive plan.

(c) Consider and assess the extent to which the local government has the support of its regional planning council governing board in favor of the designation.

(4) The department shall ~~certify designate~~ all or part of a local government as a sustainable community by written agreement, which shall be considered final agency action. The agreement shall include the basis for the ~~certification designation~~, any conditions necessary to comply with the intent of this section, including procedures for mitigation of extrajurisdictional effects ~~impacts~~ of development, a 5-year work plan identifying local government and department tasks that will promote the intent of this section, a commitment to effectively adopt, implement, and enforce the local government's comprehensive plan ~~in jurisdictions where developments of regional impact would be abolished or modified~~, and criteria for evaluating the success of the ~~certification designation~~. Subsequent to executing the agreement, the department may remove the local government's ~~certification designation~~ if it determines that the local government is not meeting the terms of the ~~certification designation~~ agreement. If an affected person, as defined by s. 163.3184(1)(a), determines that a local government is not complying with the terms of the ~~certification designation~~ agreement, he or she may petition for administrative review of local government compliance with

the terms of the agreement, using the procedures and timeframes for notice and conditions precedent described in s. 163.3213.

(5) Upon ~~certification designation~~ as a sustainable community, ~~the local government shall receive the following benefits:~~

(a) All comprehensive plan amendments affecting areas within the urban growth boundary or functional equivalent shall be adopted and reviewed in the manner described in ss. 163.3184(1), (2), (7), (14), (15), and (16) and 163.3187, such that state and regional agency review is eliminated. The department shall not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s. 163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. Plan amendments that would change the adopted urban development boundary, impact lands outside the urban development boundary, or impact lands within the coastal high-hazard area shall be reviewed pursuant to ss. 163.3184 and 163.3187.

(b) ~~The local government shall assume the review authority of the department and regional planning council for developments of regional impact~~ ~~Developments~~ within the urban growth boundary and outside the coastal high-hazard area ~~are exempt from review pursuant to ss. 380.06 and 380.061 to the extent established in the designation agreement.~~

(c) The Executive Office of the Governor shall work with ~~the Department of Community Affairs~~ and other departments to emphasize programs and set priorities for funding ~~within areas in certified designated~~ local governments in the areas of ~~education job creation; crime prevention; environmental protection and restoration programs; solid waste recycling; transportation improvements, including highways, transit, and nonmotorized transportation projects; sewage treatment system improvements; expedited and prioritized funding initiatives; and other programs that will direct development within the urban development boundary of certified~~ assist local governments ~~to create and maintain self-sustaining communities.~~

(6) The Secretary of ~~the Department of Environmental Protection,~~ the Secretary of Community Affairs, the Secretary of Transportation, the Commissioner of Agriculture, the executive director of the Fish and Wildlife Conservation Commission, and the executive directors of the five water management districts ~~and the 11 regional planning councils~~ shall have the authority to enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as may be necessary to effectuate the provisions of this section.

(7) Once ~~certified designated~~ as a sustainable community pursuant to this section, the local government shall provide a progress report to the department ~~and the Advisory Council on Intergovernmental Relations~~ each year on the first anniversary date of its designation ~~and thereafter, biennially,~~ that identifies plan amendments adopted during the year ~~or 2-year period,~~ updates the future land use map, and advises whether the local government continues to comply with the ~~certification designation agreement. Beginning December 1, 1997, and each year thereafter, the department shall provide a report to the Speaker of the House of Representatives and the President of the Senate regarding the successes and failures of this demonstration project. The report shall include any recommendations for legislative action to modify or repeal the project.~~

(8) The ~~certification designation~~ of a local government as a sustainable community under this section shall ~~continue~~ be for a period of 5 years, unless otherwise revoked or renewed by the department. The ~~certification designation~~ may be renewed for ~~additional 5-year periods~~ if the department determines that the local government is complying with the terms of its agreement. ~~Those local governments designated as a sustainable community demonstration project shall have their designation renewed for an additional 5-year period, which may be renewed for additional 5-year periods pursuant to this subsection. ; showing continuing progress toward sustainable goals, and the demonstration project is still in effect.~~

~~(9) This section shall stand repealed on June 30, 2001, and shall be reviewed by the Legislature prior to that date.~~

~~(10) If this section is repealed, all designations shall terminate as of the effective date of the repeal.~~

And the title is amended as follows:

On page 112, line 15, after "judicial review;" of the amendment insert: amending s. 163.3244, F.S.; providing for a sustainable communities certification program in lieu of the sustainable communities demonstration project; revising requirements for certification agreements; providing that a certified local government shall assume review authority for certain developments of regional impact; revising programs to be emphasized in such areas and providing for certain funding priorities; revising report requirements; providing for renewal of local governments designated as a sustainable community demonstration project; eliminating the scheduled June 30, 2001, repeal of said section;

Rep. Sorensen moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 10 to Amendment 1**, which failed of adoption.

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 733981)

**Amendment 15 to Amendment 1 (with title amendment)**—On page 1, between lines 16 and 17,

insert:

Section 1. Section 163.2524, Florida Statutes, is created to read:

*163.2524 Revitalization manual.—The Department of Community Affairs shall create and compile a single document, available on the Internet, that lists and cross-references all existing and future revitalization tools, resources, training, and programs. The department is directed to coordinate with state and federal agencies in the compilation of this document.*

And the title is amended as follows:

On page 108, line 24, of the amendment remove: amending

and insert in lieu thereof: creating s. 163.2524, F.S.; directing the Department of Community Affairs to compile a revitalization manual; amending

Rep. Sorensen moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 661137)

**Amendment 16 to Amendment 1 (with title amendment)**—On page 23, between lines 12 and 13, of the amendment

insert:

Section 5. Subsection (5) and paragraph (a) of subsection (12) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.—

(5)(a) The Legislature finds that under limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities and services be available concurrent with the impacts of such development. The Legislature further finds that often the unintended result of the concurrency requirement for transportation facilities is the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals

and policies of the state comprehensive plan and the intent of this part. Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.

(b) A local government may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation. ~~or is located within an area designated in the comprehensive plan for:~~

(c) *A local government shall grant an exception from the concurrency requirement for transportation facilities if the proposed development is located within an area designated in the comprehensive plan for:*

1. Urban infill development,
2. Urban redevelopment,
3. Downtown revitalization, or
4. Urban infill and redevelopment under s. 163.2517.

(d)(e) The Legislature also finds that developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517 which pose only special part-time demands on the transportation system should be excepted from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(e)(d) A local government shall establish guidelines for granting the exceptions authorized in paragraphs (b) and (d)(e) in the comprehensive plan. These guidelines must include consideration of the impacts on the Florida Intrastate Highway System, as defined in s. 338.001. The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.

(f) *A local government shall establish guidelines for designating the exception areas authorized in paragraph (c) in the comprehensive plan. These guidelines must include consideration of the impacts on the Florida Intrastate Highway System, as defined in s. 338.001. The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.*

(12) When authorized by a local comprehensive plan, a multiuse development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

(a) The development of regional impact meets or exceeds the guidelines and standards of s. 380.0651(3)(g)(i) and rule 28-24.032(2), Florida Administrative Code, and includes a residential component that contains at least 100 residential dwelling units or 15 percent of the applicable residential guideline and standard, whichever is greater;

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement.

And the title is amended as follows:

On page 110, line 6-8, after the semicolon of the amendment remove: all of said lines

and insert in lieu thereof: revising provisions relating to exceptions from the concurrency requirement for transportation facilities; requiring that such an exception be granted under certain conditions;

Rep. Sorensen moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 471819)

**Amendment 17 to Amendment 1 (with title amendment)**—On page 23, between lines 12 and 13, of the amendment

insert:

Section 5. Subsections (1) and (2) of section 163.3181, Florida Statutes, are amended to read:

163.3181 Public participation in the comprehensive planning process; intent; alternative dispute resolution.—

(1) It is the intent of the Legislature that the public participate in the comprehensive planning process *and the land use decision process at the earliest possible point and to the fullest extent possible*. Towards this end, local planning agencies and local governmental units are directed to adopt procedures designed to provide effective public participation in the comprehensive planning process and to provide real property owners with notice of all official actions which will regulate the use of their property. The provisions and procedures required in this act are set out as the minimum requirements towards this end.

(2)(a) *Prior to and during consideration of the proposed plan or amendments thereto, or of development orders requiring a public hearing pursuant to local ordinance*, by the local planning agency or by the local governing body, the procedures shall provide for broad dissemination of the proposals and alternatives, opportunity for written comments, public hearings as provided herein, provisions for open discussion, communications programs, information services, and consideration of and response to public comments.

(b) *Local governments shall include in their citizen participation procedures a requirement that public notice be given within 15 days after application, and be user-friendly. Formal public hearing notice shall be modified to clearly identify in plain language the nature of the amendment or application under consideration.*

(c) *Conspicuous signs that are located on site and consistent with local sign ordinances shall also be a requirement in citizen participation procedures for all site specific future land use map amendments requiring a public hearing. Local governments shall determine the information required. The applicant shall bear the cost of any required signs.*

(d) *Local governments shall include in their citizen participation procedures a requirement that applicants for comprehensive plan amendments articulate a citizen involvement plan at the time of the application. The department may develop technical assistance documents on citizen participation plans.*

(e) *The department shall develop best management practices to increase citizen involvement and articulate how local governments will achieve their citizen participation goals throughout the planning and development review processes. These best management practices shall:*

1. *Encourage local governments to use plain language in all notices.*
2. *Encourage local governments to develop citizen involvement plans.*
3. *Recommend additional forms of notice beyond traditional legal notices in the local newspaper.*

And the title is amended as follows:

On page 110, between lines 8 and 9, of the amendment

insert: amending s. 163.3181, F.S.; revising provisions relating to public participation in the comprehensive planning process; providing requirements for local governments' citizen participation procedures; providing for assistance from the department;

Rep. Sorensen moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Attkisson and Greenstein offered the following:

(Amendment Bar Code: 370637)

**Amendment 18 to Amendment 1**—On page 45, line 9 through line 22, remove from the amendment: all of said lines

and insert in lieu thereof:

(b) *Nothing in this part shall prohibit a local government from adopting land development regulations which establish reasonable standards for setbacks, buffering, and landscaping or to require consistency with the local comprehensive plan for a substation that will be operated by an electric utility. Compliance with any such adopted standards creates a presumption that a substation is compatible with adjacent land uses.*

(c) *If an electric utility demonstrates by competent substantial evidence that it meets all criteria for approval of an application for a development permit for the location, construction, and operation of a substation, the local government may not deny the application unless the preponderance of the evidence demonstrates the application does not meet the requirements of the comprehensive plan, land development regulations, or is otherwise incompatible with adjacent land uses.*

Rep. Attkisson moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 330785)

**Amendment 19 to Amendment 1**—On page 83, line 13, remove from the amendment: all of said line

and insert in lieu thereof: *constructing on established rights-of-way any*

Rep. Greenstein moved the adoption of the amendment to the amendment. Subsequently, **Amendment 19 to Amendment 1** was withdrawn.

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 474609)

**Amendment 20 to Amendment 1 (with title amendment)**—On page 1, between lines 16 & 17,

insert:

Section 1. *All non-public schools in the state shall be exempt from all impact fees.*

And the title is amended as follows:

On page 108, line 2, after the semicolon

and insert: providing that all non-public schools shall be exempt from impact fees;

Rep. Attkisson moved the adoption of the amendment to the amendment, which was adopted.

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 1**, as amended.

Reconsideration

On motion by Rep. Fasano, the House reconsidered the vote by which **Amendment 18 to Amendment 1** was adopted. The question recurred on the adoption of the amendment to the amendment, which was withdrawn.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted. The vote was:

Session Vote Sequence: 188

Yeas—72

The Chair	Brown	Harper	Mealor
Alexander	Brummer	Harrell	Melvin
Allen	Byrd	Harrington	Miller
Andrews	Cantens	Hart	Murman
Arza	Carassas	Hogan	Needelman
Attkisson	Clarke	Johnson	Negron
Atwater	Crow	Jordan	Paul
Baker	Detert	Kallinger	Pickens
Ball	Diaz de la Portilla	Kendrick	Prieguez
Barreiro	Diaz-Balart	Kilmer	Rubio
Baxley	Dockery	Kottkamp	Russell
Bean	Farkas	Kravitz	Simmons
Bennett	Fasano	Kyle	Smith
Bense	Flanagan	Lee	Spratt
Benson	Garcia	Lynn	Stansel
Berfield	Gibson	Mack	Trovillion
Bilirakis	Goodlette	Mayfield	Wallace
Bowen	Haridopolos	Maygarden	Waters

Nays—35

Ausley	Gannon	Justice	Ryan
Bendross-Mindingall	Gelber	Kosmas	Seiler
Betancourt	Gottlieb	Lerner	Siplin
Bucher	Greenstein	Machek	Slosberg
Bullard	Henriquez	McGriff	Sobel
Cusack	Heyman	Peterman	Weissman
Fields	Holloway	Rich	Wiles
Fiorentino	Jennings	Richardson	Wilson
Frankel	Joyner	Romeo	

Votes after roll call:

Yeas—Sorensen  
Nays to Yeas—Wiles

Representative(s) Kendrick and Wiles offered the following:

(Amendment Bar Code: 052427)

**Amendment 2 (with title amendment)**—On page 6, line 10, insert:

Section 1. Section 380.30, Florida Statutes, is created to read:

380.30 *Outer continental shelf support facilities.*—

(1) *Definitions.*—For the purposes of this section:

(a) *“Board of Trustees” means the Board of Trustees of the Internal Improvement Trust Fund.*

(b) *“Department” means the Department of Environmental Protection.*

(2) *Permit required; permit fees.*—

(a) *It is the policy of this state, as set forth in s. 187.201(9)(b)8., to avoid the exploration and development of mineral resources when such exploration and development threaten marine, aquatic, and estuarine resources.*

(b) *In keeping with this policy, the Legislature finds a need to regulate persons who provide support to offshore operations that could adversely impact coastal resources.*

(3) *No person shall provide port facilities, equipment, supplies, or other support to a person conducting activities related to the exploration or production of oil or gas within the Eastern Gulf of Mexico that is east and south of the lateral seaward boundary between Florida and Alabama, which is permitted under the Outer Continental Shelf Lands Act, as amended, including leases and approvals under 43 U.S.C. s. 1331, as amended, unless such person first obtains an outer continental shelf activity support permit from the board of trustees.*

(4) *The board of trustees shall issue an outer continental shelf activity support permit only if the board of trustees determines that the activity or activities for which the applicant intends to provide port facilities, equipment, supplies, or other support:*

1. *Will not threaten marine, aquatic, or estuarine resources of the state;*

2. *Will have a net positive impact on marine, aquatic, and estuarine resources; and*

3. *Is in the public interest.*

(5) *The Department shall issue permits on an annual basis. The Department shall charge an application fee and an annual renewal fee. All moneys collected by the department under this act shall be deposited in the Ecosystem Management and Restoration Trust Fund, and shall be used to administer the program.*

(6) *In the event that there is an accidental or an intentional spill as a result of activities permitted under the Outer Continental Shelf Lands Act, as amended, including leases and approvals under 43 U.S.C. s. 1331, the Department shall have the authority to assess any persons or companies responsible for the spill to cover the full costs associated with restoring the shoreline, marine resources and any other environmental or habitat resource within the sovereign lands of the state.*

(7) *The department is granted authority to promulgate rules for the permitting forms and procedures required by this section.*

And the title is amended as follows:

On page 1, line 2, after the semicolon  
remove from the title of the bill: the entire title

and insert in lieu thereof: creating s. 380.30, F.S.; providing definitions; requiring a permit from the Board of Trustees of the Internal Improvement Trust Fund for certain activities that support activities permitted under the federal Outer Continental Shelf Lands Act, as amended; providing application and renewal fees; specifying conditions for issuance of permits; granting rulemaking authority for forms and procedures;

Rep. Kendrick moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House moved to the consideration of CS/CS/HB 1533 on Special Orders.

#### Bill Subject to Special Rule

**CS/CS/HB 1533**—A bill to be entitled An act relating to education governance reorganization; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees and making appointees subject to Senate confirmation; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules,

pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Center for Education Policy Research and Improvement, respectively; creating the Center for Education Policy Research and Improvement within OPPAGA; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Center for Education Policy Research and Improvement; providing duties of the center; establishing membership and duties of an advisory council to the center; providing for funding and staff; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and oversee the chancellors and the executive director; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, the chief transition officer, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission, goals, and systemwide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees and a Florida Board of Education; providing for appointment of a chief transition officer and specifying duties of the officer; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Florida Board of Education to appoint advisory bodies as necessary and develop and recommend a new School Code; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; creating s. 229.0073, F.S.; establishing the chief transition officer's Education Reorganization Workgroup to direct and oversee reorganization of the Department of Education; providing requirements for reorganization to include the establishment of offices and divisions; providing duties of the offices; transferring the SMART Schools Clearinghouse to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing for membership and duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing for membership and duties of the commission; creating s. 229.008, F.S.; providing for establishment and



membership of boards of trustees of universities in the State University System; providing for protections from civil liability; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; providing legislative intent regarding the School Readiness Act; clarifying and providing responsibilities of the Florida Partnership for School Readiness, the Agency for Workforce Innovation, the Department of Education, and parents relating to school readiness; providing for the addition of members to the Florida Partnership for School Readiness; providing for the development of minimum child care licensing standards; transferring the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; transferring the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program including statewide staff to the Agency for Workforce Innovation; transferring the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including statewide staff, to the Agency for Workforce Innovation; amending s. 216.136, F.S.; deleting certain duties of the Social Services Estimating Conference; adding staff of the Agency for Workforce Innovation to the School Readiness Program Estimating Conference; amending ss. 232.01, 236.08104, and 445.023, F.S.; conforming language and correcting cross references; effective January 1, 2002, repealing ss. 228.061(1) and (2), 230.23(4)(o), 230.2303, 230.2305, and 230.2306, F.S., relating to preschool and prekindergarten early intervention programs in the public schools, school board provision of early childhood and basic skills development, the Florida First Start Program, the prekindergarten early intervention program, and prekindergarten children service needs assessments; effective July 1, 2002, repealing ss. 230.23166, 232.01(1)(d), 234.01(1)(e), and 236.083(1)(f), F.S., relating to teenage parent programs, school attendance for married or pregnant students, transportation for pregnant students or student parents, and the annual allocation for such transportation; effective January 1, 2002, repealing ss. 402.28, 402.281(1), 402.3015, 402.3027, 402.3028, 402.305(18), 402.3052, 402.3135(2)(c), and 402.45(2) and (6), F.S., relating to Child Care Plus, the Gold Seal Quality Care program rating system, the subsidized child care program, observation and assessment of young children in subsidized child care programs, referral for assessment, the child care technical review panel, the child development associate training grants program, provision of assistance to Child Care Plus facilities, and certain requirements for the community resource mother or father program; effective January 1, 2002, repealing ss. 391.304(1)(a), 411.01(4)(l), (q), (s), and (t), (5)(g), and (9)(c), 411.201, 411.202, 411.203, 411.205, 411.22, 411.221, 411.222, 411.223, 411.224, 411.23, and 411.231, F.S., relating to Department of Health coordination with the Department of Education and specified councils, specified duties of the Florida Partnership for School Readiness and school readiness coalition grants and bonuses, the Florida Prevention, Early Assistance, and Early Childhood Act, legislative intent for prevention and early assistance, the prevention and early assistance strategic plan, the State Coordinating Council for School Readiness Programs, uniform standards for preventive health care, a family support planning process, and the short title and legislative intent for the Children's Early Investment Program; creating s. 229.0084, F.S.; providing a statement of legislative findings and intent regarding liability for student achievement and the autonomy of independent K-12 schools and home education programs; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; effective June 30, 2002, repealing s. 229.8065, F.S., relating to expenditures for the Knott Data Center and projects, contracts, and grants programs; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; providing for recommendations on performance-based funding for the State University System; repealing s.

235.217(1)(b), (c), and (d), (2), (3)(a), (c), (d), and (e), (4), and (5), F.S., relating to membership and certain duties of the SMART Schools Clearinghouse; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; providing effective dates.

—was taken up, having been read the second time by title on April 25.

Representative(s) Wiles offered the following:

(Amendment Bar Code: 234981)

**Amendment 1 (with title amendment)**—On page 12, line 5, through page 79, line 31, remove from the bill: all of said lines

and insert in lieu thereof:

Section 3. Section 229.003, Florida Statutes, is amended to read:

229.003 Florida education governance reorganization.—

(1) Effective *July 1, 2002, January 7, 2003*, the Florida Board of Education, created pursuant to s. 229.004, shall be responsible for overseeing kindergarten through graduate school education, in accordance with *the implementation process in s. 229.0072 and the policies and guiding principles in s. 229.002 and the mission and goals of s. 229.007*.

(2) ~~Effective January 7, 2003, the Florida Board of Education shall appoint the Commissioner of Education.~~

(2) (3) Effective *July 1, 2002, January 7, 2003*, there ~~are~~ *is* established *the following education governance officers in addition to the Commissioner of Education:*

(a) A Chancellor of *Public Schools, K-12 Education* appointed by the Commissioner of Education.

(b) A Chancellor of *Colleges and State Universities*, appointed by the Commissioner of Education.

(c) A Chancellor of Community Colleges and ~~Career Preparation~~, appointed by the Commissioner of Education.

(d) ~~An~~ Executive Director of *Independent Nonpublic—and Nontraditional* Education, appointed by the Commissioner of Education.

Each chancellor and executive director shall be subject to confirmation by the Florida Board of Education and shall serve at the pleasure and under the authority of the Commissioner of Education.

(3) (4) ~~Effective July 1, 2000~~, The Governor shall appoint a seven-member board of trustees for the Florida *Virtual On-Line* High School, which shall be a body corporate with all the powers of a body corporate.

(4) (5) Effective *July 1, 2002, January 7, 2003*, the Governor shall appoint for each university in the State University System, *an 11-member a nine-member* board of trustees, which shall be a body corporate with all the powers of a body corporate. *In addition to the 11 members, a student body president shall serve as an ex officio nonvoting member of the board of trustees. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation. Each appointee is subject to confirmation by the Senate in the regular legislative session immediately following his or her appointment All members of the board of trustees of Florida Atlantic University must reside within the service area of the university; three must be residents of Broward County, three must be residents of Palm Beach County, and three may be residents of any county within the service area.*

(5) *Effective July 1, 2002:*

(a) *The Board of Regents is abolished.*

(b) *All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Board of Regents are transferred by a type two transfer, pursuant to s. 20.06(2), to the Florida Board of Education.*

(c) *The State Board of Community Colleges is abolished.*

(d) *All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the State Board of Community Colleges are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the Florida Board of Education.*

(e) *The Postsecondary Education Planning Commission is abolished.*

(f) *The Center for Education Policy Research and Improvement is created and assigned for administrative purposes to the Office of Program Policy Analysis and Government Accountability (OPPAGA).*

(g) *All personnel, unexpended balances of appropriations, and allocations of the Postsecondary Education Planning Commission are transferred to the Center for Education Policy Research and Improvement.*

(h) *The Articulation Coordinating Committee and the Education Standards Commission are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the Florida Board of Education.*

(i) *Notwithstanding the provisions of s. 20.15, the Commissioner of Education shall commence the reorganization of the Department of Education in accordance with s. 229.0073, which shall include an Office of the Commissioner of Education comprised of the general areas of operation that are common to all delivery sectors and, in addition, shall include:*

1. *The creation of an Office of Technology and Information Services, an Office of Workforce and Economic Development, an Office of Educational Facilities and SMART Schools Clearinghouse, and an Office of Student Financial Assistance.*

2. *The creation of a Division of Colleges and Universities.*

3. *The creation of a Division of Community Colleges.*

4. *The creation of a Division of Public Schools.*

5. *The creation of a Division of Independent Education.*

6. *The merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, except as relating to any independent nonprofit college or university whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, into a single Commission for Independent Education administratively housed within the Division of Independent Education.*

~~(6) Effective January 7, 2003, the powers and duties of the following entities are relocated to the Florida Board of Education, which shall retain all related funding and budget authority for purposes of a single, seamless kindergarten through graduate school education system and single or coordinated budget and may retain or redistribute the powers and duties of each entity in accordance with the policies and guiding principles of s. 229.002, and the entities shall cease to exist:~~

~~(a) The Board of Regents.~~

~~(b) The State Board of Community Colleges.~~

~~(c) The State Board of Independent Colleges and Universities.~~

~~(d) The State Board of Nonpublic Career Education.~~

~~(e) The Division of Workforce Development of the Department of Education.~~

~~(f) The Postsecondary Education Planning Commission.~~

~~(g) The Articulation Coordination Committee.~~

~~(h) The Division of Human Resource Development of the Department of Education.~~

~~(i) The Division of Support Services of the Department of Education.~~

~~(j) The Division of Administration of the Department of Education.~~

~~(k) The Division of Financial Services of the Department of Education.~~

~~(l) The Division of Technology of the Department of Education.~~

~~(m) The Office of Student Financial Assistance of the Department of Education.~~

~~(n) The Division of Universities of the Department of Education.~~

~~(o) The Division of Community Colleges of the Department of Education.~~

Section 4. Section 229.0031, Florida Statutes, is created to read:

229.0031 *Center for Education Policy Research and Improvement.—Effective July 1, 2002, there is created the Center for Education Policy Research and Improvement to conduct and review education research, provide independent analysis on education progress, and provide independent evaluation of education issues of statewide concern. The center shall have an independent advisory council and shall be housed for administrative purposes in the Office of Program Policy Analysis and Government Accountability. Administrative functions of the center shall be provided by the Office of Legislative Services pursuant to joint policies of the Legislature.*

(1) *The center shall:*

(a) *Provide state policymakers, educators, and the public with objective and timely information that supports the seamless K-20 education system and the K-20 education accountability process designed to provide all students an opportunity for a high-quality education, in accordance with the policies and guiding principles of s. 229.002 and the performance accountability system in s. 229.007.*

(b) *Annually review and make recommendations to the Legislature regarding the activities of research centers and institutes supported with state funds in order to assess the return on the state's investment in research conducted by public postsecondary education institutions. Such recommendations shall include the responses of the university presidents.*

(c) *Explore national and state emerging educational issues and examine how these issues should be addressed by education institutions in Florida.*

(d) *Prepare and submit for approval by the Florida Board of Education a long-range performance plan for K-20 education in Florida. Annually review the implementation of the plan and make recommendations for improvement.*

(e) *Annually report on the progress of public schools and postsecondary education institutions toward meeting educational goals and standards as defined by s. 229.007. Recommend to the Legislature and the Florida Board of Education legislation and rules for the educational accountability system that support the policies and guiding principles of s. 229.002.*

(f) *Evaluate and report on issues pertaining to student learning gains.*

(g) *Recommend to the Florida Board of Education revisions and new initiatives to further improve the K-20 education accountability system.*

(h) Provide public education institutions and the public with information on the K-20 education accountability system and recommend refinements and improvements.

(i) Apply for and receive grants for the study of K-20 education system improvement consistent with its responsibilities.

(j) Conduct annual studies upon the request of the Legislature or the Florida Board of Education.

(2) The center shall operate under the guidance of an independent nine-member advisory council and the guiding principles of s. 229.002.

(3) The advisory council shall be composed of five members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. Each member shall be appointed for a term of 6 years. However, for purposes of continuity, the Governor shall appoint two members, the Speaker of the House of Representatives shall appoint one member, and the President of the Senate shall appoint one member for a first term of 4 years. Members appointed for 4 years shall be eligible for one reappointment. Advisory council members shall not include elected officials or employees of public or independent education entities. Members shall serve without compensation, but shall be reimbursed for per diem and travel as provided in s. 112.061. Members who miss two consecutive meetings shall be subject to replacement by the appointing officer. The advisory council shall meet at least four times per year and shall advise the center executive director and staff on all matters pertaining to the duties and responsibilities of the center. The advisory council shall annually evaluate the performance of the center executive director and shall report such evaluations to the Governor.

(4) The executive director of the Center for Education Policy Research and Improvement shall direct the activities of the center and appoint and supervise all staff. The executive director shall have broad knowledge and experience in educational accountability, governance, policy, research, and practice. The executive director shall be appointed by the Governor and confirmed by the Florida Board of Education, and shall serve at the pleasure of the advisory council. The executive director shall staff the meetings of the advisory council and shall document and communicate the findings and recommendations of the advisory council. The executive director shall report to the Florida Board of Education on at least a quarterly basis to inform the board of the center's findings.

(5) The center shall be staffed and funded as provided for in the General Appropriations Act. The center shall have access to all education performance and accountability data collected or maintained by the Department of Education. During the reorganization of the Department of Education as provided for in this act, staff and funding may be transferred from the Department of Education to the center to fulfill its statutory functions.

Section 5. Section 229.004, Florida Statutes, is amended to read:

229.004 Florida Board of Education.—

(1)(a) In accordance with the implementation process in s. 229.0072 Effective January 7, 2003, the Florida Board of Education is established as a body corporate. The board shall be a part-time citizen board consisting of seven members appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate, provided, however, that Senate confirmation is not required for the members of the Florida Board of Education to perform the duties as prescribed in this education governance reorganization implementation act. Members of the board shall serve without compensation, but shall be entitled to reimbursement of travel and per diem expenses in accordance with s. 112.061. Members may be reappointed by the Governor for additional terms not to exceed 8 years of consecutive service.

(b) The Governor shall appoint the first chair of the Florida Board of Education who shall serve for 2 years. After expiration of the 2-year term and at the first regular meeting of the board after July 1, the Florida Board of Education shall select a chair and a vice chair from its appointed members. The chair shall serve a 2-year term and may be reselected for one additional consecutive term. ~~The Florida Board of~~

~~Education shall have a chairperson who shall be appointed by the Governor.~~

(2) The primary duties of the board shall be to establish education goals and objectives consistent with the policies and guiding principles of s. 229.002 and the mission and goals of s. 229.007 and, together with the Commissioner of Education, to oversee the implementation of and enforce compliance with the education policies established by the Legislature. The board, and the commissioner, shall establish, operate, and maintain optimal efficiency of an Office of the Commissioner of Education pursuant to s. 229.0061(2)(c) in accordance with the guidelines of ss. 229.0061 and 229.0073 ~~Board of Education.~~

(3) In performing its duties, the board, together with the Commissioner of Education, shall:

(a) Ensure accountability and responsiveness to Florida's citizens, including the establishment of a Citizen Information Center that utilizes quick response and customer-friendly methodologies.

(b) Establish and aggressively enforce efficient and effective performance management objectives.

(c) Maximize the effectiveness of local, state, and federal education linkages and funds.

(d) Issue guidelines for the development of legislative budget requests for operations and fixed capital outlay for the coordinated K-20 system.

(e)(d) Recommend ~~one budget or~~ a coordinated budget and long-range program plans based on consistent policies for a seamless kindergarten through graduate school education.

(f)(e) Adopt cohesive rules, within statutory authority, for education systemwide issues, including rules governing systemwide access to educational opportunities, and ensure that rules adopted for the various education delivery systems are compatible.

(g)(f) Ensure articulation and coordination within and across the entire education delivery system.

(h)(g) Provide ongoing public information regarding performance results for the entire kindergarten through graduate school education system and each of its components.

(4) The board, with the Commissioner of Education, shall be responsible for:

(a) The work of ~~with~~ the Chancellor of Public Schools ~~K-12 Education~~ to establish, and maintain optimal efficiency of, a Division ~~an~~ Office of Public Schools, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007 ~~K-12 Education.~~

(b) The work of ~~with~~ the Chancellor of Colleges and State Universities to establish, and maintain optimal efficiency of, a Division ~~an~~ Office of Colleges and State Universities, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007.

(c) The work of ~~with~~ the Chancellor of Community Colleges ~~and Career Preparation~~ to establish, and maintain optimal efficiency of, a Division ~~an~~ Office of Community Colleges, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007 ~~and Career Preparation.~~

(d) The work of ~~with~~ the Executive Director of Independent ~~Nonpublic and Nontraditional~~ Education to establish, and maintain optimal efficiency of, a Division ~~an~~ Office of Independent ~~Nonpublic and Nontraditional~~ Education, within the guidelines of ss. 229.0061 and 229.0073 ~~Services.~~

Section 6. Section 229.005, Florida Statutes, is amended to read:

229.005 Florida education governance officers.—

(1) COMMISSIONER OF EDUCATION.—The Commissioner of Education shall work with the Florida Board of Education and oversee

~~the other education governance officers to focus be appointed by the Board of Education from candidates of national caliber and respected and proven organizational leadership with established experience in administering broad-based policy. The commissioner shall be a person who is eminently capable of focusing the entire kindergarten through graduate school education system on accomplishing to accomplish the policies and guiding principles of s. 229.002 and achieving the mission and goals of s. 229.007. The commissioner shall have the ability to successfully provide education policy and planning direction, program development, performance management, and funding allocation recommendations across the spectrum of kindergarten through graduate school education, and the ability to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that "adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require."~~

(2) ~~CHANCELLOR OF PUBLIC SCHOOLS K-12 EDUCATION.—~~ The Chancellor of ~~Public Schools K-12 Education~~ shall be appointed by the Commissioner of Education based on his or her ability to ~~work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to comply with the policies and guiding principles of s. 229.002, to achieve the mission and goals of s. 229.007, to enhance the quality of public K-12 education in Florida, and to maximize the equity of public K-12 education in Florida by moving the focus to the school site and the individual student, and to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that "adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education...."~~

(3) ~~CHANCELLOR OF COLLEGES AND STATE UNIVERSITIES.—~~ The Chancellor of ~~Colleges and State Universities~~ shall be appointed by the Commissioner of Education based on his or her ability to ~~work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to comply with the policies and guiding principles of s. 229.002, to achieve the mission and goals of s. 229.007, to enhance the national reputation and quality of education and educational research in Florida's colleges and state universities, and to work directly with each of the college and state university presidents and boards of trustees in focusing on the education and educational research needs of the individual college or university and its students.~~

(4) ~~CHANCELLOR OF COMMUNITY COLLEGES AND CAREER PREPARATION.—~~ The Chancellor of ~~Community Colleges and Career Preparation~~ shall be appointed by the Commissioner of Education based on his or her ability to ~~work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to comply with the policies and guiding principles of s. 229.002, to achieve the mission and goals of s. 229.007, to enhance the quality of education in Florida's community colleges, and to work directly with each of the community college presidents and boards of trustees in focusing on the education needs of the communities and students they serve.~~

(5) ~~EXECUTIVE DIRECTOR OF INDEPENDENT NONPUBLIC AND NONTRADITIONAL EDUCATION.—~~ The Executive Director of ~~Independent Nonpublic and Nontraditional Education~~ shall be appointed by the Commissioner of Education based on his or her ability to ~~work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers to comply with the policies and guiding principles of s. 229.002, to protect the independence, autonomy, and nongovernmental status of independent education in Florida, to enhance the quality and expand the offerings and innovations of independent nonpublic and nontraditional education in Florida, to establish partnerships with independent nonpublic education providers at all levels to achieve these goals, and to work directly with the Board of Trustees of the Florida~~

~~Virtual On-Line High School and with Florida's private school associations, home education associations, independent nonpublic career education institutions, and independent colleges and universities to maximize educational choice and enhance the options, educational alternatives, and student-focused delivery for their students.~~

Section 7. Subsections (1), (4), (5), (6), and (7) of section 229.006, Florida Statutes, are amended to read:

229.006 Education Governance Reorganization Transition Task Force.—

(1) In order to accomplish a smooth transition on January 7, 2003, from the elected State Board of Education to the appointed Florida Board of Education, there shall be established the Education Governance Reorganization Transition Task Force. All members of the task force shall be appointed as soon as feasible but not later than October 1, 2000. The task force shall be comprised of:

- (a) Five members appointed by the Governor;
- (b) Three members appointed by the President of the Senate; and
- (c) Three members appointed by the Speaker of the House of Representatives.

The transition task force shall be charged with the duty to identify issues, conduct research, develop the necessary procedural and substantive framework, and make recommendations to the Legislature for an orderly 3-year phase-in for a seamless education continuum and a single or coordinated kindergarten through graduate school budget in accordance with the policies and guiding principles of s. 229.002, so that the Florida Board of Education may immediately begin its work on January 7, 2003, with maximum effectiveness.

(4) ~~Having completed its recommendations to the Legislature by March 1, 2001, the transition task force shall redirect its focus to provide guidance and monitoring of the implementation process pursuant to s. 229.0072 and to regularly report to the Governor, the Legislature, the chief transition officer, and the public on the progress of the reorganization implementation process. If any implementation activity is determined by a majority vote of the task force to be inconsistent with the intent of this act, the chair of the task force shall report such activity directly to the State Board of Education, and the State Board of Education shall act immediately to resolve the dispute. recommend to the Legislature:~~

(a) ~~How best to achieve education system integration by:~~

1. ~~Combining appropriate education functions and policies into or under the new Florida Board of Education.~~

2. ~~Devolving the education delivery services and operational decisions to the appropriate location of delivery to students, specifically the schools, community colleges, colleges, universities, area technical centers, and other education institutions or places where the students receive their education.~~

3. ~~Providing for a single or coordinated kindergarten through graduate school education budget.~~

(b) ~~How best to achieve economies in education services, including recommendations concerning consolidation of information systems and integrated performance and financial accounting systems, while maximizing effectiveness within existing resources and staff.~~

(c)1. ~~Which, if any, current education staff functions and resources should be eliminated, transferred, or realigned within the proposed new education organizational structure.~~

2. ~~A recommended salary structure for the Commissioner of Education and for the chancellors.~~

(d) ~~Whether an Office of Policy Research should be established to explore emerging issues, locate successful and innovative educational programs, and make recommendations to the Governor, the Florida Board of Education, and the Legislature and, if so, its mission, staffing, and location.~~

~~(e) The optimal mission of the Florida On-Line High School and a methodology for the operation and funding of the school to achieve that mission.~~

~~(f) The optimal location and structure of the Florida Partnership for School Readiness.~~

~~(5) By March 1, 2002, the transition task force shall recommend to the Legislature:~~

~~(a) Standards, definitions, and guidelines for universities, colleges, community colleges, schools, and other education institutions to ensure the quality of education, systemwide coordination, and efficient progress toward attainment of their appropriate missions.~~

~~(b) Rules and procedures as necessary to be followed by university boards of trustees, community college boards of trustees, and other boards of trustees, as determined appropriate, for recruitment and selection of presidents, procedures for annual evaluations of presidents, and procedures for interaction between presidents, the boards of trustees, and the new Florida Board of Education.~~

~~(c) A systemwide strategic plan for postsecondary institutions that considers the role, in their respective communities, of each of the institutions.~~

~~(d) Methodologies for degree program approval, establishment of matriculation and tuition fees, and coordination of colleges' and universities' budget requests.~~

~~(e) Any additional statutory changes needed during the 2002 legislative session to complete the education governance reorganization transition.~~

~~(6) By March 1, 2003, the transition task force shall recommend to the Legislature:~~

~~(a) Statutory changes necessary to accomplish the policies and guiding principles of s. 229.002, including, but not limited to, statutory changes necessitated by the repeal and review provisions of subsection 3(8) of this act.~~

~~(b) Rulemaking authority for the new Florida Board of Education and a plan and timetable for transition or coordination of existing education sector agency rules and rulemaking authority recommendations, if any, for education agencies.~~

~~(c) Waiver authority, if any, for the Commissioner of Education or the Florida Board of Education.~~

~~(5)(7) By March May 1, 2003, the transition task force shall have completed its duties and shall make its final report to the Governor, the Florida Board of Education, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of each chamber. The final report shall include, but is not limited to:~~

~~(a) A summary of the work and recommendations of the task force and the status of full implementation of the K-20 education system.~~

~~(b) The status of all pending and completed actions on orders and rules, all enforcement matters, and all delegations, interagency agreements, and contracts with federal, state, regional, and local governments and private entities.~~

~~(c) Identification of any remaining or potential duplication in the administration of state education laws and rules, with specific recommendations to eliminate such duplication and promote more efficient administration.~~

Section 8. Section 229.0061, Florida Statutes, is created to read:

229.0061 Florida's K-20 education system; guidelines for implementation; guidelines for structure, functions, and organization.—

(1) GUIDELINES FOR IMPLEMENTATION.—

(a) Florida's seamless K-20 education system shall be a decentralized system in which as many commissions, boards, councils, and other excess layers of bureaucracy as possible are eliminated.

(b) Florida's K-20 education system shall rely on a single entity, the Florida Board of Education, as its single strategic voice. If the board desires assistance on matters of policy research or other issues, the board shall be authorized to appoint a committee or committees to assist it on any and all issues within the K-20 education system on an ad hoc basis.

(c) Members of the Florida Board of Education shall focus on high-level policy decisions.

(d) It is essential to the success of Florida's seamless K-20 education system to have a fully operational systemwide technology plan based on a common set of data definitions.

(2) GUIDELINES FOR STRUCTURE, FUNCTIONS, AND ORGANIZATION.—

(a) Roles of the Legislature, the Florida Board of Education, the education governance officers, and the institutional boards of trustees and school boards.—The Legislature shall establish education policy, enact education laws, and appropriate and allocate education resources. The Florida Board of Education shall enforce all laws, rules, and guidelines and shall timely provide direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results. In terms of major areas of responsibility, the Legislature, the Florida Board of Education, the education governance officers, and the institutional boards of trustees and school boards shall each perform essential constituent roles.

(b) Florida Board of Education.—The Florida Board of Education shall serve as the body corporate for Florida's seamless K-20 education system; implement the coordinated education vision; and, together with the commissioner, chancellors, and executive director, oversee the success of that vision. The Florida Board of Education shall:

1. Enforce systemwide education policies and goals.
2. Recommend annually the coordinated education budget and authorize the allocation of resources in accordance with law and rule. Any program recommended by the Florida Board of Education which requires state funding for more than 1 year must be presented in a multiyear budget plan.
3. Adopt long-term and short-term education plans.
4. Enforce education accountability standards and measures of all components of the K-20 education system.
5. Accurately and continuously assess data and monitor and report performance.
6. Provide high-quality assistance and intervention when and where needed.
7. Provide timely and accurate information on all public and independent education services.
8. Recommend to the Legislature the missions of the public colleges and universities and community colleges.

(c) Commissioner of Education.—The Commissioner of Education shall serve as secretary and executive director of the State Board of Education. The commissioner shall propose action on all issues that come before the state board and be responsible for enforcing compliance with the mission and goals of the seamless K-20 education system by all education delivery sectors. The commissioner's office shall operate all statewide functions necessary to support the Florida Board of Education and the seamless K-20 education system, including the following areas:

1. Legal.
2. Communications, including a Citizen Information Center that provides quick response and uses customer-friendly methods.

3. *Strategic planning and budget development.*
4. *General administration.*
5. *Assessment and accountability.*
6. *Data management, education technology, and an education data warehouse.*
7. *Access and opportunity, including student financial assistance.*
8. *Policy research and development, except the Center for Education Policy Research and Improvement.*
9. *Florida Board of Education personnel.*
10. *Workforce and economic development.*
11. *Educational facilities.*
12. *Technology and information services.*
13. *Student financial assistance.*
14. *Inspector General.*

(d) *Chancellors and executive director.—The chancellors of the public schools, community colleges, and colleges and universities divisions and the Executive Director of the Division of Independent Education shall serve the Florida Board of Education and the Commissioner of Education in the role of division vice presidents of the K-20 education system and as governance officers and critical members of the state-level education leadership team. They shall each be held responsible for providing leadership, administering programs, resolving disputes, providing technical assistance, and timely recommending action plans to the commissioner for sanctions or intervention when needed, as well as making recommendations to the board and the commissioner for strategic planning and budget development for their respective education delivery sectors. They shall support the governing policies and responsibilities of the board and the commissioner and bear primary responsibility for the achievement of the mission and goals of the K-20 education system by their education delivery sectors, as applicable to their sectors. They shall reinforce the policies and principles of the seamless K-20 education system in every venue and at every opportunity, and work together to facilitate horizontal communications and interactions between the education delivery sectors. Specifically, as applicable, each education governance officer shall:*

1. *Serve as the head of the division.*
2. *Supervise all employees and work of the division.*
3. *Properly and timely inform education institutions and the public as to legislative action, including funding, grant opportunities, and substantive policy changes affecting the division.*
4. *Direct the review of expenditures of public funds in accordance with legislative intent.*
5. *Evaluate the performance of each education institution under the division and report performance results to the public, the Legislature, the Commissioner of Education, the Florida Board of Education, and the institution and its governing board.*
6. *Direct institutional governing boards to take corrective action to improve unsatisfactory performance pursuant to law and rules of the Florida Board of Education.*
7. *Direct and oversee the development of the division's accountability system and recommend changes to the Commissioner of Education and the Florida Board of Education.*
8. *Direct the division's activities in order to coordinate with other divisions to provide a seamless education system.*
9. *Direct the provision of state services to institutions under the division.*

10. *Direct the development of the division's legislative budget request and work cooperatively with the commissioner and other governance officers to develop a coordinated budget request.*

11. *Serve as the primary point of contact and communication for the division.*

(e) *Institutional boards of trustees and school boards.—Each institutional board of trustees and school board shall:*

1. *Provide strategic planning and budget development for their institution or school district.*
2. *Implement and maintain high-quality education programs within law and rules of the Florida Board of Education.*
3. *Measure and enforce performance.*
4. *Provide timely and accurate reporting of information.*
5. *Provide direct input on education issues to the education governance officers.*

6. *Have broad latitude within law and rules of the Florida Board of Education in developing local policies and local programs to meet the needs of their students, their communities, and area employers.*

7. *Hold presidents and appointed superintendents responsible for institution and school performance.*

8. *Be responsible for the fiscal accountability of their institution or school district.*

9. *Be responsible for compliance with all laws, rules of the Florida Board of Education, and performance accountability requirements.*

(f) *Presidents and superintendents.—Each institutional president and school district superintendent shall:*

1. *Be responsible for efficient and effective budget and program administration.*
2. *Provide strong leadership to accomplish their education missions and goals.*
3. *Closely monitor education performance.*
4. *Provide timely and accurate financial and performance data.*
5. *Link instructional staff evaluations to student performance.*

(g) *Ad hoc advisory committees.—Advisory bodies shall be appointed on an ad hoc basis by the Florida Board of Education to serve the board, commissioner, and chancellors when and as needed by studying and recommending action on major issues that affect the direction and quality of education, providing public forums for debate, and safeguarding a coordinated systemwide approach to education policy decisions.*

Section 9. Section 229.007, Florida Statutes, is created to read:

229.007 *Florida's K-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures.—*

(1) *LEGISLATIVE INTENT.—It is the intent of the Legislature that:*

(a) *The performance accountability system implemented to assess the effectiveness of Florida's seamless K-20 education delivery system provide answers to the following questions in relation to its mission and goals:*

1. *What is the public getting in return for funds it invests in education?*
2. *How is Florida's K-20 education system performing in terms of educating its students?*
3. *How are the major delivery sectors performing to promote student achievement?*

4. How are individual schools and postsecondary education institutions performing their responsibility to educate their students as measured by how students are performing and how much they are learning?

(b) The Florida Board of Education recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is getting in return for the funds it invests in education and how well the K-20 system educates its students.

(c) The Florida Board of Education establish performance measures and set performance standards for individual components of the public education system, including individual schools and postsecondary education institutions, which measures and standards are based primarily on student achievement.

(2) **MISSION, GOALS, AND SYSTEMWIDE MEASURES.**—The mission of Florida's K-20 education system, when it becomes fully operational, shall be to increase the proficiency of all students within one seamless, efficient system, by providing them with the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities, and to maintain an accountability system that measures student progress toward the following goals:

(a) Highest student achievement, as measured by: student FCAT performance and annual learning gains; the number and percentage of schools that improve at least one school performance grade designation or maintain a school performance grade designation of "A" pursuant to s. 229.57; graduation or completion rates at all learning levels; and other measures identified in law or rule.

(b) Seamless articulation and maximum access, as measured by: the percentage of students who demonstrate readiness for the educational level they are entering, from kindergarten through postsecondary education and into the workforce; the number and percentage of students needing remediation; the percentage of Floridians who complete associate, baccalaureate, professional, and postgraduate degrees; the number and percentage of credits that articulate; the extent to which each set of exit-point requirements matches the next set of entrance-point requirements; and other measures identified in law or rule.

(c) Skilled workforce and economic development, as measured by: the number and percentage of graduates employed in their areas of preparation; the percentage of Floridians with high school diplomas and postsecondary education credentials; the percentage of business and community members who find that Florida's graduates possess the skills they need; and other measures identified in law or rule.

(d) Quality efficient services, as measured by: cost per completer or graduate; average cost per noncompleter at each educational level; cost disparity across institutions offering the same degrees; the percentage of education customers at each educational level who are satisfied with the education provided; and other measures identified in law or rule.

Section 10. Section 229.0072, Florida Statutes, is created to read:

229.0072 *Reorganization implementation process.*—In order to best achieve the legislative purpose of the Florida Education Governance Reorganization Implementation Act:

(1) The Governor shall appoint the members of the boards of trustees of the state universities in accordance with s. 229.008.

(2) Effective July 1, 2002, the Governor shall appoint a seven-member Florida Board of Education. The Florida Board of Education shall be housed within, and operate under the direction of, the State Board of Education. The Florida Board of Education shall appoint a chief transition officer who shall serve as the board's primary liaison with all entities involved in the reorganization of education. The chief transition officer shall be responsible directly to the Florida Board of Education and shall serve as staff to the board on all action items relating to the reorganization. During the reorganization implementation period, the chief transition officer shall:

(a) Be responsible for proposing actions regarding all education governance reorganization implementation issues.

(b) Be responsible for integration of the Department of Education as it is reorganized into an agency of the Governor.

(c) Serve as secretary of the Florida Board of Education.

(d) Serve as the head of the Education Reorganization Workgroup.

(e) Serve as the head of the K-20 education leadership team.

(3) The Florida Board of Education shall establish a detailed procedure for the implementation of a systemwide K-20 technology plan which includes a month-by-month timeline with monthly progress reports to the board.

(4) Subject to review and approval of the State Board of Education, the Florida Board of Education shall:

(a) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it. The rules shall be submitted to the State Board of Education. If any rule is not disapproved by the State Board of Education within 45 days after its receipt, the rule shall be filed immediately with the Department of State.

(b) Prepare and submit a coordinated K-20 education budget to the Governor and Legislature that clearly defines the individual needs of the divisions within the Department of Education. No school district shall use public funds to support activities of an employee organization. The Florida Board of Education shall adopt rules implementing this restriction on the use of public funds and shall not allow such use of public funds to be included in its recommended budget, except for collective bargaining negotiations.

(c) Establish a work plan and timeline for the orderly implementation of the transition, including a fully detailed plan and timeline for the devolution of duties, as appropriate, to the university boards of trustees.

(d) Establish accountability standards for existing legislative performance goals, standards, and measures, and order the development of mechanisms to implement new legislative goals, standards, and measures.

(e) Supervise the coordination of institutions and delivery sectors.

(f) Establish policies for university and community college boards of trustees to follow in selecting presidents.

(g) Approve plans and reports, and take other necessary actions pertaining to the supervision of education.

(h) Effectuate the timely implementation of the seamless K-20 education system.

(i) Establish advisory boards to provide the support needed to address issues such as public education facilities planning; student issues; instructional issues; distance learning and technology; academic quality, freedom, and responsibility; and research.

(j) Develop and review recommendations on issues of statewide importance, such as technology systems and facilities.

(k) Adopt criteria and implementation plans for future growth issues, such as new colleges and universities and campus mergers; and provide for cooperative agreements between and within public and private education sectors.

(l) Advise the State Board of Education regarding the issuance of bonds.

(m) Appoint advisory bodies, as necessary, on an ad hoc basis.

(n) Develop and recommend to the Education Governance Reorganization Transition Task Force, the Governor, the chief transition officer, the Commissioner of Education, and the Legislature, no later than January 1, 2003, for adoption during 2003, a clear, concise new

School Code, comprised of the revision of chapters 228-246, to accomplish the implementation, administration, and operation of Florida's seamless K-20 education system in accordance with the guidelines included in s. 229.0061.

(o) Receive, review, and make decisions regarding charter school appeals, which decisions shall be binding notwithstanding any provision of law to the contrary.

(5) Effective July 1, 2002, the Commissioner of Education shall:

(a) Work with the Florida Board of Education to achieve full implementation of the seamless K-20 education system.

(b) Commence reorganization of the Department of Education as a state agency of the Governor in accordance with legislative guidelines pursuant to s. 229.0073, the requirements of s. 229.003(5), and requests of the Florida Board of Education as approved by the State Board of Education.

(c) As secretary of the State Board of Education, assist the chief transition officer in determining the agenda for the Florida Board of Education and provide the Florida Board of Education and the State Board of Education the full support of the reorganized Department of Education.

Section 11. Section 229.0073, Florida Statutes, is created to read:

229.0073 *Reorganization of the Department of Education.*—Effective July 1, 2002, notwithstanding the provisions of s. 20.15, the chief transition officer's Education Reorganization Workgroup is established to direct and provide oversight for the reorganization of Florida's K-20 Department of Education. The workgroup shall be comprised of the Commissioner of Education, the Governor or his designee, the chief transition officer, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, the Chancellor of Public Schools, and the Executive Director of Independent Education, who shall consult with the legislative members of the Education Governance Reorganization Transition Task Force. The reorganization shall:

(1) Eliminate duplication across divisions; achieve greater efficiencies in financial and human resources and education services; and identify functions, resources, and services that should be eliminated, transferred, or realigned.

(2) Include a review and assessment of all bureaus, offices, divisions, and functions of the department reorganized pursuant to this section.

(3) Establish an Office of the Commissioner of Education that includes the general areas of operation that are common to all delivery sectors, such as administration, communication, legal services, financial aid, and government and public relations, in order to increase efficiency, improve service delivery to students, and fully support the operational needs of the Florida Board of Education.

(4) Establish the following divisions within the department:

(a) *Division of Public Schools (K-12).*—The state's public elementary, middle, junior high, and high schools, as well as combination schools, charter schools, district magnet programs, and area technical centers.

(b) *Division of Community Colleges.*—The state's 28 public community colleges.

(c) *Division of Colleges and Universities.*—The state's public universities and colleges and the 4-year independent colleges and universities whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, to enable more effective articulation between these public and private institutions. The division chancellor shall administer those provisions of chapter 246 that apply to the independent colleges and universities within the division and shall establish a liaison responsible for partnerships that enhance articulation between and communication with Florida's 4-year independent colleges and universities.

(d) *Division of Independent Education.*—The independent education providers within the state, including home education programs that meet

the requirements of s. 232.0201, private K-12 institutions as described in s. 229.808, independent colleges and universities, except those identified under paragraph (c), and private postsecondary career preparation and vocational training institutions.

1. The division shall be under an executive director and shall house a new commission, appointed by the Governor, to oversee licensing of independent postsecondary institutions, consumer protection, and program improvement. The commission shall have the powers and duties of the State Board of Independent Colleges and Universities specified in chapter 246, except the powers and duties relating to those institutions identified under paragraph (c), and of the State Board of Nonpublic Career Education.

2. The division shall serve as the advocate for and liaison to the independent education providers identified in this paragraph.

3. The executive director of the division shall establish a mechanism for regular interaction and input from independent education providers in the development of policies that provide seamless articulation for all students.

4. The division shall afford students and parents educational options apart from the public K-20 system.

(5) Establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(a) *Office of Technology and Information Services.*—In conjunction with the Chancellor of Public Schools, the Chancellor of Community Colleges, and the Chancellor of Colleges and Universities, the office shall be responsible for developing a systemwide technology plan, making budget recommendations to the commissioner, providing data collection and management for the system, and coordinating services with other state, local, and private agencies. The office shall develop a method to address the need for a statewide approach to planning and operations of library and information services to achieve a single K-20 education system library information portal and a unified higher education library management system. The Florida Virtual High School shall be administratively housed within the office.

(b) *Office of Workforce and Economic Development.*—The office shall evaluate the role of each sector of education in Florida's workforce and economic development, assess the specific work skills and variety of careers provided, and report to the Florida Board of Education the effectiveness of each sector.

(c) *Office of Educational Facilities and SMART Schools Clearinghouse.*—The office shall validate all educational plant surveys and verify Florida Inventory of School Houses (FISH) data. The office shall provide technical assistance to public school districts when requested. The office, staff, property, and functions of the SMART Schools Clearinghouse are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Management Services to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education.

(d) *Office of Student Financial Assistance.*—The office shall provide access to and administer state and federal grants, scholarships, and loans to those students seeking financial assistance for postsecondary study pursuant to program criteria and eligibility requirements.

(6) Establish a K-20 education leadership team, including, but not limited to, the chief transition officer and the education governance officers. The leadership team shall be responsible for systemwide horizontal and vertical communication, and assisting the achievement of the seamless K-20 education system.

Section 12. Section 229.0074, Florida Statutes, is created to read:

229.0074 *Division of Independent Education.*—

(1) The mission of the Division of Independent Education is to enhance the opportunity to raise the educational attainment levels of students pursuing their education in nongovernment settings by



representing their interests, and those of the institutions that serve them, in the Department of Education. The Division of Independent Education has no authority over the institutions or students in Florida's independent education sector. The Commission for Independent Education, administratively housed within the division, shall have such authority as specified in chapter 246 relating to independent postsecondary education, except regarding those institutions described in s. 229.0073(4)(c). The division shall serve as the advocate for, and liaison to, independent education providers and institutions, including home education programs that meet the requirements of s. 232.0201, private K-12 institutions as described in s. 229.808, independent colleges and universities except as otherwise provided in s. 229.0073(4)(c), and private postsecondary career preparation/vocational training institutions.

(2) The executive director of the division shall establish a mechanism for regular interaction and input from independent education providers in the development of policies that provide seamless articulation for all students. The executive director shall:

(a) Learn the interests and concerns of the students and providers of independent education at all levels in order to strongly represent them in the Department of Education.

(b) Articulate the interests and concerns of the students and providers of independent education at all levels in all relevant government settings, accurately reflecting the consensus or differences in opinion among those represented.

(c) Participate with the other division heads in key education decisionmaking processes.

(d) Monitor and participate in rulemaking and other activities relevant to the interests of the independent education sector.

(e) Serve as a key spokesperson for the independent education sector.

(f) Advocate for any necessary educational services and funds for independent education sector families and schools.

(g) Establish a clearinghouse of information.

(h) Foster a collaborative spirit and working relationship among the institutions of the private and public sectors.

(i) Identify and convey the best practices of the independent education sector for the benefit of the other education delivery sectors, and vice versa.

(j) Augment, where appropriate, the efforts of groups representing the students and providers of independent education to communicate their concerns to government.

(k) Facilitate the administration of education services provided by the Department of Education to the independent education sector, such as those relating to teacher certification and background checks.

(l) Encourage student-centered funding and the expansion of family choice in education.

(m) Develop and propose courses of action to the representatives of the independent education sector.

(n) Communicate relevant decisions to the independent education sector.

(o) Establish and oversee the division staff necessary to carry out the division's functions in the most economical and effective manner.

(p) Evaluate pending policies to ensure they do not place additional regulation or mandates on the independent education community.

(3) The powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, except as relating to any independent nonprofit college or university whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, shall be combined and transferred to a single board named the Commission for Independent Education, which shall be administratively housed within the division.

This single board shall authorize granting of certificates, diplomas, and degrees for independent postsecondary education institutions through exemption, registration, authorization, and licensing.

(4) The Commission for Independent Education shall consist of six citizens who are residents of this state. The commission shall function in matters relating to independent postsecondary education institutions in consumer protection, program improvement, registration, authorization, licensure, and certificate of exemption from licensure for institutions under its purview, in keeping with the stated goals of the seamless K-20 education system. The commission shall appoint an executive director to serve as secretary of the commission and shall elect a chair and other officers as needed from among its membership. Members of the commission shall be appointed by the Governor and confirmed by the Senate. The commission shall be composed of six members, as follows:

(a) One member from an independent college or university that enrolls students who receive state or federal financial aid.

(b) One member from an independent college or university that does not enroll students who receive state or federal financial aid excluding veteran's benefits.

(c) One member from an independent nondegree granting school that enrolls students who receive state or federal financial aid.

(d) One member from a public school district or community college who is an administrator of vocational-technical education.

(e) Two lay members who are not affiliated with an independent postsecondary education institution.

(5) The establishment of the Division of Independent Education shall not be construed to advance the extension or expansion of government regulation on independent or home education programs.

Section 13. Section 229.008, Florida Statutes, is created to read:

229.008 Boards of trustees of the state universities.—

(1)(a) Effective July 1, 2002, and no later than November 1, 2002, the Governor shall appoint an 11-member board of trustees for each university in the State University System, each member to be confirmed by the Senate in the regular legislative session immediately following his or her appointment. In addition, a student body president shall serve as an ex officio nonvoting member of his or her university board of trustees. The ex officio student member shall provide input to the board of trustees regarding agenda issues. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation. Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061.

(b) The Governor may remove a trustee upon the recommendation of the Florida Board of Education, or for cause.

(2) Each board of trustees shall be a public body corporate by the name of "The (name of university) Board of Trustees," with all the powers of a body corporate, including a corporate seal, the power to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law or equity, and to give and receive donations. In all suits against a board of trustees, service of process shall be made on the chair of the board or, in the absence of the chair, on the corporate secretary or designee.

(3) Boards of trustees' members shall be appointed for staggered 4-year terms, and may be reappointed for additional terms not to exceed 8 years of service.

(4) Each board of trustees shall select its chair and vice chair from the appointed members at its first regular meeting after July 1. The chair shall serve for 2 years and may be reelected for one additional consecutive term. The duties of the chair shall include presiding at all meetings of the board, calling special meetings of the board, attesting to actions of the board, and notifying the Governor in writing whenever a board member fails to attend three consecutive regular board meetings

in any fiscal year, which failure may be grounds for removal. The duty of the vice chair is to act as chair during the absence or disability of the chair.

(5) The university president shall serve as executive officer and corporate secretary of the board of trustees and shall be responsible to the board for all operations of the university and for setting the agenda for meetings of the board in consultation with the chair.

(6) Upon appointment, each board of trustees shall commence professional orientation, training, and board development activities, and shall begin setting direction for its university in keeping with accountability and performance expectations of the seamless K-20 education system. Each board of trustees shall submit to the Florida Board of Education action plans and timelines for devolution of duties and responsibilities to the board of trustees.

(7) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs within law and rules of the Florida Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(8) Whenever any civil action has been brought against any member of a university board of trustees or employee for any act or omission arising out of and in the course of the performance of his or her duties and responsibilities, the university board of trustees may defray all costs of defending such action, including reasonable attorney's fees and expenses together with costs of appeal, and may save harmless and protect such person from any financial loss resulting from the lawful performance of his or her duties and responsibilities. Claims based on such actions or omissions may, in the discretion of the university board of trustees, be settled prior to or after the filing of suit thereon. The board of trustees may arrange for and pay the premium for appropriate insurance to cover all such losses and expenses.

(9) University boards of trustees shall be "corporations primarily acting as instrumentalities or agencies of the state," pursuant to s. 768.28(2), for purposes of sovereign immunity.

Section 14. Section 229.0081, Florida Statutes, is created to read:

229.0081 Powers and duties of university boards of trustees.—

(1) Notwithstanding the provisions of chapter 240, each university board of trustees is vested with the authority to govern and set policy for its university, as necessary to provide proper governance and improvement of the university in accordance with law and with rules of the Florida Board of Education. Each board of trustees shall perform all duties assigned by law or by rule of the Florida Board of Education or the Commissioner of Education.

(2) Notwithstanding the provisions of chapter 240, each university board of trustees may adopt rules and policies consistent with the university mission, with law, and with rule of the Florida Board of Education, including rules and policies for the following:

(a) Selecting the president to serve at the pleasure of the board and perform such duties as are assigned by the board or otherwise provided by law or by rule.

(b) Fixing the compensation and other conditions of employment of the president.

(c) Conducting periodic evaluations of the president, submitting such evaluations to the Chancellor for review, and suspending or removing the president in accordance with guidelines established by the Chancellor.

(d) Appointing a presidential search committee to make recommendations to the full board of trustees, from which the board shall select a candidate for reference to the Chancellor and ratification by the Florida Board of Education.

(e) In consultation with the university president, defining and developing a strategic plan for the university for recommendation to the

Chancellor, the Commissioner of Education, and the Florida Board of Education, as provided by law, specifying institutional goals and objectives.

(f) In consultation with the university president, providing for academic freedom and academic responsibility at the university.

(g) In consultation with the university president, submitting an institutional budget request, including a request for fixed capital outlay, to the Chancellor in accordance with guidelines established by the Florida Board of Education.

(h) Approving new, and terminating existing, undergraduate and graduate degree programs up to and including the master's degree level, based on criteria established by the Florida Board of Education.

(i) Purchasing, acquiring, receiving, holding, owning, managing, leasing, selling, disposing of, and conveying title to real property, in accordance with rules and guidelines of the Florida Board of Education.

(j) Entering into agreements for and accepting credit card, charge card, and debit card payments as compensation for goods, services, tuition, and fees.

(k) Establishing codes of conduct and appropriate penalties for violations of university rules by students and student organizations, including rules governing student academic honesty.

(l) Establishing a committee, at least one-half of the members of which shall be students appointed by the student body president, to periodically review and evaluate the student judicial system.

(m) Administering the personnel program for all employees of the university in accordance with law and with rules and guidelines of the Florida Board of Education, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, recognition, inventions and works, travel, learning opportunities, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment.

(n) Establishing and maintaining a personnel exchange program.

(o) Governing admission of students subject to the rules of the Florida Board of Education.

(p) Considering the past actions of any person applying for admission, enrollment, or employment, and establishing policies to deny admission, enrollment, or employment to an applicant because of misconduct if determined to be in the best interest of the university.

(q) Ensuring compliance with federal laws, regulations, and requirements.

(r) Using, maintaining, protecting, and controlling university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, human subjects, animals, and sound.

(s) Providing and coordinating policies relating to credit and noncredit educational offerings by the university.

(t) Administering a procurement program for the purchase, lease, or acquisition in any manner (including purchase by installment or lease-purchase contract which may provide for the payment of interest on the unpaid portion of the purchase price and for the granting of a security interest in the items purchased) of goods, materials, equipment, and services required by the university.

(u) Supervising faculty practice plans for the academic health science centers.

(3) Each board of trustees shall actively implement a plan, in accordance with guidelines of the Florida Board of Education, for working on a regular basis with the other university boards of trustees, representatives of the community college boards of trustees, and representatives of the district school boards, to achieve the goals of the seamless education system.

(4) Notwithstanding the provisions of s. 216.351, a state university board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities.

(5) Effective July 1, 2003, within proviso in the General Appropriations Act and law, each board of trustees shall set university tuition and fees. The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course shall not exceed 40 percent of the matriculation fee established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year unless specifically authorized in law or in the General Appropriations Act. This subsection does not prohibit a university from increasing or assessing optional fees related to specific activities that are not required as a part of registration for courses.

(6) Effective July 1, 2003, each board of trustees shall implement the university facilities plan in accordance with law and guidelines of the Commissioner of Education's Office of Educational Facilities and SMART Schools Clearinghouse.

(7) A board of trustees shall perform such other duties as are provided by law or rule of the Florida Board of Education.

Section 15. Section 229.0082, Florida Statutes, is created to read:

229.0082 *University presidents; powers and duties.*—The president is the chief executive officer of the university, shall be corporate secretary of the state university board of trustees, and is responsible for the operation and administration of the university. Each university president shall:

(1) Recommend the adoption of rules, as appropriate, to the state university board of trustees to implement provisions of law governing the operation and administration of the university, which shall include the specific powers and duties enumerated in this section. Such rules shall be consistent with the mission of the university and the rules and policies of the Florida Board of Education.

(2) Prepare a budget request and an operating budget for approval by the university board of trustees.

(3) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, within law and rules of the Florida Board of Education and in accordance with rules or policies approved by the university board of trustees.

(4) Govern admissions, subject to law and rules or policies of the university board of trustees and the Florida Board of Education.

(5) Approve, execute, and administer contracts for and on behalf of the university board of trustees for the acquisition of commodities, goods, equipment, services, leases of real and personal property, and planning and construction to be rendered to or by the university, provided such contracts are within law and guidelines of the Florida Board of Education and in conformance with policies of the university board of trustees, and are for the implementation of approved programs of the university.

(6) Act for the university board of trustees as custodian of all university property. The authority vested in the university president under this subsection includes the authority to prioritize the use of

university space, property, equipment, and resources and the authority to impose charges for the use of those items.

(7) Establish the internal academic calendar of the university within general guidelines of the Florida Board of Education.

(8) Administer the university's program of intercollegiate athletics.

(9) Recommend to the board of trustees the establishment and termination of undergraduate and master's-level degree programs within the approved role and scope of the university.

(10) Award degrees.

(11) Recommend to the board of trustees a schedule of tuition and fees to be charged by the university, within law and rules of the Florida Board of Education.

(12) Organize the university to efficiently and effectively achieve the goals of the university.

(13) Review periodically the operations of the university in order to determine how effectively and efficiently the university is being administered and whether it is meeting the goals of its strategic plan adopted by the Florida Board of Education.

(14) Enter into agreements for student exchange programs which involve students at the university and students in other institutions of higher learning.

(15) Approve the internal procedures of student government organizations and provide purchasing, contracting, and budgetary review processes for these organizations.

(16) Ensure compliance with federal and state laws, regulations, and other requirements that are applicable to the university.

(17) Maintain all data and information pertaining to the operation of the university, and report on the attainment by the university of institutional and statewide performance accountability goals.

(18) Adjust property records and dispose of state-owned tangible personal property in the university's custody in accordance with procedures established by the university board of trustees. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.

Section 16. Section 229.0083, Florida Statutes, is created to read:

229.0083 *School Readiness Act; legislative intent; division of responsibilities.*—

(1) The School Readiness Act, chapter 99-357, Laws of Florida, created the Florida Partnership for School Readiness to fulfill three major purposes: to administer school readiness program services that help parents prepare eligible children for school; to coordinate the provision of school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient; and to establish a uniform screening instrument to be implemented by the Department of Education and administered by the school districts upon entry into kindergarten to assess the readiness for school of all children. Readiness for kindergarten is the outcome measure of the success of each school readiness program that receives state or federal funds.

(2) It is the intent of the Legislature that school readiness services shall be an integrated and seamless system of services with a developmentally appropriate education component for the state's eligible birth-to-kindergarten population described in s. 411.01(6) and shall not be construed as part of the seamless K-20 education system until the administration of the uniform screening system upon entry into kindergarten.

(3) *The Legislature finds that, because of a variety of factors, not all children come to school equally ready to learn and that, in order to more effectively assess and monitor programs designed to help prepare Florida's children to attend school, educators and policymakers need more objective information regarding the school readiness of Florida's children. However, nothing contained in the School Readiness Act, chapter 99-357, Laws of Florida, is intended to:*

(a) *Relieve parents and guardians of their own obligations to ready their children for school; or*

(b) *Create any obligation to provide publicly funded school readiness programs or services beyond those authorized by the Legislature.*

(4)(a) *Notwithstanding s. 411.01(4):*

1. *The Florida Partnership for School Readiness is assigned to the Agency for Workforce Innovation pursuant to subsection (7).*

2. *Four members shall be added to the Florida Partnership for School Readiness as follows:*

a. *Two members shall be added to the partnership from the child care industry, one representing the private for-profit sector appointed by the Governor from a list of two nominees submitted by the President of the Senate and one representing faith-based providers appointed by the Governor from a list of two nominees submitted by the Speaker of the House of Representatives. Neither shall have a direct contract with any local coalition to provide school readiness services.*

b. *Two members shall be added to the partnership from the business community, one appointed by the Governor from a list of two nominees submitted by the President of the Senate and one appointed by the Governor from a list of two nominees submitted by the Speaker of the House of Representatives. Neither shall be involved in any business related to school readiness services.*

3. *The executive director of the partnership shall serve at the pleasure of the Governor.*

(b) *Notwithstanding any other provision of law to the contrary, minimum child care licensing standards shall be developed to provide for reasonable, affordable, and safe before-school and after-school care. Standards, at a minimum, shall allow for a credentialed director to supervise multiple before-school and after-school sites.*

(c) *Notwithstanding s. 411.01(5)(d):*

1. *Instructional staff must be trained pursuant to s. 402.305(2)(d).*

2. *Reimbursement rates shall not have the effect of limiting parental choice or creating standards or levels of services that have not been authorized by the Legislature.*

3. *The Florida Partnership for School Readiness shall review and revise coalition plans at least annually.*

(d) *Notwithstanding s. 20.50:*

1. *The Agency for Workforce Innovation shall administer school readiness funds, plans, and policies pursuant to contract with the Florida Partnership for School Readiness and shall prepare and submit a unified budget request for the school readiness program in accordance with chapter 216.*

2. *All instructions to local school readiness coalitions shall emanate from the Agency for Workforce Innovation pursuant to policies of the Legislature, plans of the Florida Partnership for School Readiness, and the contract between the Florida Partnership for School Readiness and the agency.*

(e) *The Agency for Workforce Innovation shall prepare a plan that provides for the distribution and expenditure of all state and federal school readiness funds for children participating in public or private school readiness programs based upon an equity and performance funding formula. The plan shall be submitted to the Governor and the Legislative Budget Commission. Upon approval, the Legislative Budget*

*Commission shall authorize the transfer of funds to the Agency for Workforce Innovation for distribution in accordance with the provisions of the formula.*

(5) *The Florida Partnership for School Readiness shall:*

(a) *Coordinate the birth-to-kindergarten services for children who are eligible pursuant to s. 411.01(6) and the programmatic, administrative, and fiscal standards pursuant to s. 411.01 and this section for all public providers of school readiness programs.*

(b) *Continue to provide unified leadership for school readiness through local school readiness coalitions.*

(c) *Focus on improving the educational quality of all publicly funded school readiness programs.*

(6) *The Department of Education shall implement a school readiness uniform screening, including a pilot program during the 2002-2003 school year, to validate the system recommended by the Florida Partnership for School Readiness as part of a comprehensive evaluation design. Beginning with the 2002-2003 school year, the department shall require that all school districts administer the school readiness uniform screening to each kindergarten student in the district school system upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening adopted for use in first grade. The department shall incorporate school readiness data into the K-20 data warehouse for longitudinal tracking. The department shall provide the partnership and the Agency for Workforce Innovation with complete and full access to kindergarten uniform screening data at the student, school, district, and state levels in a format that will enable the partnership and the agency to prepare reports needed by state policymakers and local school readiness coalitions to assess progress toward school readiness goals and provide input for continuous improvement of local school readiness services and programs.*

(7) *Effective July 1, 2002, the Florida Partnership for School Readiness is transferred by a type two transfer, pursuant to s. 20.06(2), from the Executive Office of the Governor to the Agency for Workforce Innovation.*

(8) *Effective July 1, 2002, the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program including statewide staff as referenced in the interagency agreement between the Department of Children and Family Services and the Florida Partnership for School Readiness signed on March 15, 2001, shall be transferred by a type two transfer, pursuant to s. 20.06(2), to the Agency for Workforce Innovation.*

(9) *Effective July 1, 2002, the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including statewide staff as referenced in the interagency agreement between the Department of Education and the Florida Partnership for School Readiness, shall be transferred by a type two transfer, pursuant to s. 20.06(2), to the Agency for Workforce Innovation.*

(10) *For purposes of administration of the Early Learning Opportunities Act and the Even Start Family Literacy Programs, pursuant to Pub. L. No. 106-554, the Agency for Workforce Innovation is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law.*

Section 17. Paragraph (a) of subsection (6) and subsection (10) of section 216.136, Florida Statutes, are amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(6) SOCIAL SERVICES ESTIMATING CONFERENCE.—

(a) Duties.—

1. The Social Services Estimating Conference shall develop such official information relating to the social services system of the state, including forecasts of social services caseloads, as the conference determines is needed for the state planning and budgeting system. ~~Such official information shall include, but not be limited to, subsidized child care caseloads mandated by the Family Support Act of 1988.~~

~~2. In addition, the Social Services Estimating Conference shall develop estimates and forecasts of the unduplicated count of children eligible for subsidized child care as defined in s. 402.3015(1). These estimates and forecasts shall not include children enrolled in the prekindergarten early intervention program established in s. 230.2305.~~

~~3. The Department of Children and Family Services and the Department of Education shall provide information on caseloads and waiting lists for the subsidized child care and prekindergarten early intervention programs requested by the Social Services Estimating Conference or individual conference principals, in a timely manner.~~

2.4. The Social Services Estimating Conference shall develop information relating to the Florida Kidcare program, including, but not limited to, outreach impacts, enrollment, caseload, utilization, and expenditure information that the conference determines is needed to plan for and project future budgets and the drawdown of federal matching funds. The agencies required to collect and analyze Florida Kidcare program data under s. 409.8134 shall be participants in the Social Services Estimating Conference for purposes of developing information relating to the Florida Kidcare program.

(10) SCHOOL READINESS PROGRAM ESTIMATING CONFERENCE.—

(a) Duties.—

1. The School Readiness Program Estimating Conference shall develop such estimates and forecasts of the *unduplicated count of children number of individuals* eligible for school readiness programs in accordance with the standards of eligibility established in s. 411.01(6) ~~by state or federal statute or administrative rule~~ as the conference determines are needed to support the state planning, budgeting, and appropriations processes.

~~2. In addition, the School Readiness Program Estimating Conference shall estimate the unduplicated count of children who are eligible for services under the school readiness program.~~

~~2.3.~~ The Florida Partnership for School Readiness shall provide information on needs and waiting lists for school readiness program services requested by the School Readiness Program Estimating Conference or individual conference principals in a timely manner.

(b) Principals.—The Executive Office of the Governor, the Director of Economic and Demographic Research, and professional staff who have forecasting expertise from the Florida Partnership for School Readiness, *the Agency for Workforce Innovation*, the Department of Children and Family Services, the Department of Education, the Senate, and the House of Representatives, or their designees, are the principals of the School Readiness Program Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

Section 18. Effective January 1, 2003, paragraph (a) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 School attendance.—

(1)(a)1. All children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who are older than 6 years of age but who have not attained the age of 16 years, except as hereinafter provided, are required to attend school regularly during the entire school term.

2. Children who will have attained the age of 5 years on or before September 1 of the school year are eligible for admission to public kindergartens during that school year under rules prescribed by the school board.

~~3. Children who will have attained the age of 3 years on or before September 1 of the school year are eligible for admission to prekindergarten early intervention programs during that school year as provided in s. 230.2305 or a preschool program as provided in s. 228.061.~~

Section 19. Effective July 1, 2003, subsection (5) of section 236.08104, Florida Statutes, is amended to read:

236.08104 Supplemental academic instruction; categorical fund.—

(5) Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 230.2316(3)(a), (b), and (c) *and*, 230.23161, ~~and 230.23166~~ shall be included in Group 1 programs under s. 236.081(1)(d)3.

Section 20. Effective January 1, 2003, paragraphs (b) and (c) of subsection (1) and subsection (4) of section 445.023, Florida Statutes, are amended to read:

445.023 Program for dependent care for families with children with special needs.—

(1) There is created the program for dependent care for families with children with special needs. This program is intended to provide assistance to families with children who meet the following requirements:

(b) The child or children are considered to be children with special needs ~~as defined by the subsidized child care program authorized under s. 402.3015.~~

(c) The family meets the income guidelines established under s. 411.01(6) ~~402.3015. Financial eligibility for this program shall be based solely on the guidelines used for subsidized child care~~, notwithstanding any financial eligibility criteria to the contrary in s. 414.075, s. 414.085, or s. 414.095.

(4) In addition to *school readiness child care* services provided under s. 411.01 ~~402.3015~~, dependent care may be provided for children age 13 years and older who are in need of care due to disability and where such care is needed for the parent to accept or continue employment or otherwise participate in work activities. The amount of subsidy shall be consistent with the rates for special needs child care established by the department. Dependent care needed for employment may be provided as transitional services for up to 2 years after eligibility for temporary cash assistance ends.

Section 21. *Effective January 1, 2003, subsections (1) and (2) of section 228.061, paragraph (o) of subsection (4) of section 230.23, sections 230.2303, 230.2305, and 230.2306, Florida Statutes, are repealed.*

Section 22. *Effective July 1, 2003, section 230.23166, paragraph (d) of subsection (1) of section 232.01, paragraph (e) of subsection (1) of section 234.01, and paragraph (f) of subsection (1) of section 236.083, Florida Statutes, are repealed.*

Section 23. *Effective January 1, 2003, section 402.28, subsection (1) of section 402.281, sections 402.3015, 402.3027, and 402.3028, subsection (18) of section 402.305, section 402.3052, paragraph (c) of subsection (2) of section 402.3135, and subsections (2) and (6) of section 402.45, Florida Statutes, are repealed.*

Section 24. *Effective January 1, 2003, paragraph (a) of subsection (1) of section 391.304, paragraphs (l), (q), (s), and (t) of subsection (4), paragraph (g) of subsection (5), and paragraph (c) of subsection (9) of section 411.01, and sections 411.201, 411.202, 411.203, 411.205, 411.22, 411.221, 411.222, 411.223, 411.224, 411.23, and 411.231, Florida Statutes, are repealed.*

Section 25. Section 229.0084, Florida Statutes, is created to read:

229.0084 *Legislative findings and intent.—*

(1) *It is the finding of the Legislature that student achievement, from kindergarten through graduate school, is dependent upon a number of factors, including the quality of schools, the quality of instruction, and the personal efforts and responsibilities of the students and their parents. Nothing contained in Florida law shall make the state or local school districts the guarantors that students will fully avail themselves of the opportunities provided them to attain high academic achievement.*

(2) *Nothing contained in this act shall authorize the state or any school district to regulate, control, or interfere with the autonomy of independent K-12 schools or home education programs, or their governance, curriculum, accreditation, testing, or other practices.*

Section 26. Section 228.082, Florida Statutes, is amended to read:

228.082 The Florida *Virtual On-Line* High School.—

(1)(a) The Florida *Virtual On-Line* High School is established for the development and delivery of on-line and distance learning education and shall be administratively housed within the Commissioner of Education's Office of Technology and Information Services. The Commissioner of Education shall monitor the school's performance and report its performance to the Florida Board of Education and the Legislature.

(b) *The mission of the Florida Virtual High School is to provide students with high-quality technology-based educational opportunities to gain the knowledge and skills necessary to succeed in the 21st century. The school shall serve any student in the state who meets the profile for success in this educational delivery context and shall give priority to:*

1. *Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses.*

2. *Students seeking accelerated access in order to obtain a high school diploma at least one semester early.*

(c) *To ensure students are informed of the opportunities offered by the Florida Virtual High School, the commissioner shall provide the board of trustees access to the records of public school students in a format prescribed by the board of trustees.*

*The board of trustees of the Florida Virtual High School shall identify appropriate performance measures and standards based on student achievement that reflect the school's statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high student achievement, seamless articulation, and maximum access.*

(2) The Florida *Virtual On-Line* High School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms, one of whom shall be the current chair of the Florida High School Advisory Board and one of whom shall be a representative of the fiscal agent, and one of whom shall be the Chief Information Officer or his designee from the State Technology Office pursuant to ch. 2000-164, Laws of Florida. The board shall be a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida *Virtual On-Line* High School. The board of trustees shall have the following powers and duties:

(a)1. The board of trustees shall meet ~~within 30 days of July 1, 2000, and shall continue to meet~~ at least 4 times each year, upon the call of the chair, or at the request of a majority of the membership.

(b) ~~Until not more than 60 days after the initial meeting of the board, the current governance structure of the Florida On-Line High School shall be maintained.~~

2.(e) The fiscal year for the Florida *Virtual On-Line* High School shall be the state fiscal year as provided in s. 216.011(1)(n).

(b) *The board of trustees shall be responsible for the Florida Virtual High School's development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and capable of sustaining a self-sufficient delivery system through the Florida Education Finance Program, by fiscal year 2003-2004. Beginning in fiscal year 2002-2003, the school shall collect and report data for all students served and credit awarded. This data shall be segregated by private, public, and home school students by program. Information shall also be collected which reflects any other school in which a virtual high school student is enrolled.*

(c)(d) The board of trustees shall *aggressively seek avenues to generate revenue to support its future endeavors, and shall enter into agreements with distance learning providers. The board of trustees and*

may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be used to support the school's research and development activities in order to improve courseware and services to its students.

(d)(e) The board of trustees shall annually prepare and submit to the Florida Board of Education a legislative budget request, including funding requests for computers for public school students who do not have access to public school computers, in accordance with chapter 216 and s. 235.41. The legislative budget request of the Florida *Virtual On-Line* High School shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education.

(e)(f) *In accordance with law and rules of the Florida Board of Education, the board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida Virtual On-Line High School. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.*

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. The board of trustees may establish and maintain a personnel loan or exchange program by which persons employed by the board for the Florida *Virtual On-Line* High School as academic administrative and instructional staff may be loaned to, or exchanged with persons employed in like capacities by, public agencies either within or without this state, or by private industry. With respect to public agency employees, the program authorized by this subparagraph shall be consistent with the requirements of part II of chapter 112. The salary and benefits of board personnel participating in the loan or exchange program shall be continued during the period of time they participate in a loan or exchange program, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time. The salary and benefits of persons participating in the personnel loan or exchange program who are employed by public agencies or private industry shall be paid by the originating employers of those participants, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time.

3. The employment of all Florida *Virtual On-Line* High School academic administrative and instructional personnel shall be subject to rejection for cause by the board of trustees, and shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board deems necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an academic administrative or instructional capacity with the Florida *Virtual On-Line* High School shall be entitled to a contract as provided by rules of the board.

5. All employees except temporary, seasonal, and student employees may be state employees for the purpose of being eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, shall be subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption. In the event that the board of trustees assumes responsibility for governance pursuant to this section before approval is obtained, employees shall be compensated pursuant to the system in effect for the employees of the fiscal agent.

(f)(g) The board of trustees shall establish priorities for admission of students in accordance with paragraph (1)(b).

(g)(h) The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students into courses offered by the Florida *Virtual On-Line* High School. Such procedures shall be designed to minimize paperwork and *fairly resolve the issue of double funding students taking courses online maximize participation by students.*

(h)(i) The board of trustees shall annually submit to the *Florida Board Department* of Education both forecasted and actual enrollments for the Florida *Virtual On-Line* High School, according to procedures established by the *Florida Board Department* of Education. At a minimum, such procedures must include the number of public, private, and home school students served by district.

(i)(j) The board of trustees shall provide for the content and custody of student and employee personnel records. Student records shall be subject to the provisions of s. 228.093. Employee records shall be subject to the provisions of s. 231.291.

(j)(k) The financial records and accounts of the Florida *Virtual On-Line* High School shall be maintained under the direction of the board of trustees and under regulations prescribed by the *Florida State* Board of Education for the uniform system of financial records and accounts for the schools of the state.

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida *Virtual On-Line* High School. The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law and rules of the *Florida Board of Education* related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida *Virtual On-Line* High School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

(3)(a) *Until fiscal year 2003-2004*, the Commissioner of Education shall include the Florida *Virtual On-Line* High School as a grant-in-aid appropriation in the department's legislative budget request to the *Florida State* Board of Education, the Governor, and the Legislature, -

(a) subject to any guidelines imposed in the General Appropriations Act, ~~funds for the operation of the Florida On-Line High School shall be requested and appropriated within the Department of Education as a grant-in-aid category until such time as the Legislature authorizes a different funding mechanism.~~

(b) The Orange County District School Board shall be the temporary fiscal agent of the Florida *Virtual On-Line* High School.

(c) ~~Priorities for the delivery of services by the Florida On-Line High School shall ensure that priority access is provided equitably across the state.~~

(4) Under no circumstance may the credit of the state be pledged on behalf of the Florida *Virtual On-Line* High School.

(5) ~~By January 1, 2001~~, The board of trustees shall *annually* submit to the Governor, the Legislature, *the Commissioner of Education*, and the *Florida Board of Education Reorganization Transition Commission* a complete and detailed report setting forth:

(a) The operations and accomplishments of the Florida *Virtual On-Line* High School.

(b) The marketing and operational plan for the Florida *Virtual On-Line* High School, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

(c) The assets and liabilities of the Florida *Virtual On-Line* High School at the end of the fiscal year.

(d) A copy of an annual financial and compliance audit of the accounts and records of the Florida *Virtual On-Line* High School, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(e) Recommendations regarding the unit cost of providing services to students. In order to most effectively develop public policy regarding any future funding of the Florida *Virtual On-Line* High School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data ~~and reflect the costs associated with maintaining a state-of-the-art on-line high school, including the costs associated with maintaining a high quality research and development effort to locate and assimilate, or develop, Internet-based courses.~~

(f) Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida *Virtual On-Line* High School.

(6) The Auditor General may, pursuant to his or her own authority, or at the direction of the Joint Legislative Auditing Committee, conduct an audit of the Florida *Virtual On-Line* High School.

(7) The *Florida State* Board of Education may adopt rules it deems necessary to implement reporting requirements for the Florida *Virtual On-Line* High School.

Section 27. *The Department of Education shall maximize the available federal indirect cost allowed on all federal grants. Beginning with the 2002-2003 fiscal year, none of the funds received from indirect cost allowance shall be expended by the department without specific appropriation by the Legislature. Funds received pursuant to s. 240.241, Florida Statutes, are specifically exempt from this provision.*

Section 28. *Effective June 30, 2002, section 229.8065, Florida Statutes, is repealed.*

Section 29. *Effective July 1, 2002, subsection (2) of section 229.085, Florida Statutes, is amended to read:*

229.085 Custody of educational funds.—

(2) There is created in the Department of Education the Projects, Contracts, and Grants Trust Fund. ~~If, in executing the terms of such grants or contracts for specific projects, the employment of personnel shall be required, such personnel shall not be subject to the requirements of s. 216.262(1)(a).~~ The personnel employed to plan and administer *grants or contracts for specific such* projects shall be considered in time-limited employment not to exceed the duration of the grant or until completion of the project, whichever first occurs. Such employees shall not acquire retention rights under the Career Service System, the provisions of s. 110.051(1) to the contrary notwithstanding. Any employee holding permanent career service status in a Department of Education position who is appointed to a position under the Projects, Contracts, and Grants Trust Fund shall retain such permanent status in the career service position.

Section 30. *By October 31, 2002, the Florida Board of Education shall provide recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate for a performance-based funding model for the State University System. The recommendations shall provide that at least 10 percent of legislatively appropriated funds shall be allocated based on performance standards which are tied to the mission of each university.*

Section 31. *Subsections (2), (4), and (5), paragraphs (b), (c), and (d) of subsection (1), and paragraphs (a), (c), (d), and (e) of subsection (3) of section 235.217, Florida Statutes, are repealed.*

Section 32. *Sections 240.145, 240.147, 240.227, 240.307, subsection (2) of section 240.209, and subsection (4) of section 240.311, Florida Statutes, are repealed.*

Section 33. Except as otherwise provided herein, this act shall take effect on July 1, 2002.

And the title is amended as follows:

On page 6, lines 16 and 26, On page 7, lines 2 and 15, On page 8, line 21,  
remove from the title of the bill: 2002

and insert in lieu thereof: 2003

Rep. Wiles moved the adoption of the amendment, which failed of adoption.

Representative(s) Bucher offered the following:

(Amendment Bar Code: 062771)

**Amendment 2 (with title amendment)**—On page 59, line 24 through page 69, line 22,  
remove from the bill: all of said lines

And the title is amended as follows:

On page 5, line 17 through page 8, line 2  
remove from the title of the bill: all of said lines

and insert in lieu thereof: of university presidents;

Rep. Bucher moved the adoption of the amendment, which failed of adoption.

Representative(s) Richardson offered the following:

(Amendment Bar Code: 981421)

**Amendment 3**—On page 31, between lines 15 and 16 of the bill  
insert: *4. Adopt university plans to ensure continued student diversity in undergraduate, graduate, and professional programs.*

Rep. Richardson moved the adoption of the amendment.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 601975)

**Substitute Amendment 3**—On page 31, between lines 15 and 16 of the bill  
insert:

*4. Adopt university plans designed to achieve continued student diversity in undergraduate, graduate, and professional programs.*

Rep. Lynn moved the adoption of the substitute amendment, which was adopted.

Representative(s) Richardson offered the following:

(Amendment Bar Code: 801849)

**Amendment 4**—On page 10, line 19, through page 48, line 8,  
remove from the bill: all of said lines

and insert in lieu thereof:

Section 2. Section 229.002, Florida Statutes, is amended to read:

229.002 Declaration of policy and guiding principles.—

(1) It is the policy of the Legislature:

(a) To achieve within existing resources true systemic change in education governance by establishing a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's citizens.

(b) To promote enhanced academic success and funding efficiency by centralizing the governance of educational delivery systems and aligning responsibility with accountability.

(c) To provide consistent education policy vertically and horizontally across all educational delivery systems, focusing on *students the needs of those receiving education, not those providing education.*

(d) To provide substantially improved vertical and horizontal articulation across all educational delivery systems ~~while ensuring that nonpublic education institutions and home education programs maintain their independence, autonomy, and nongovernmental status.~~

(e) To provide for devolution of authority to the schools, community colleges, universities, and other education institutions that are the actual deliverers of educational services in order to provide student-centered education services within the clear parameters of the overarching education policy established by the Legislature.

(2) The guiding principles for Florida's new education governance are:

(a) A coordinated, seamless system for kindergarten through graduate school education.

(b) A system that is student-centered in every facet.

(c) A system that maximizes education access and *provides the opportunity for a high-quality education academic success* for all Floridians.

(d) A system that safeguards equity *and supports academic excellence.*

(e) A system that *provides for local operational flexibility while promoting accountability for student achievement and improvement* ~~refuses to compromise academic excellence.~~

Section 3. Section 229.003, Florida Statutes, is amended to read:

229.003 Florida education governance reorganization.—

(1) ~~Effective January 7, 2003,~~ The Florida Board of Education, created pursuant to s. 229.004, shall be responsible for overseeing kindergarten through graduate school education, in accordance with *the implementation process in s. 229.0072 and the policies and guiding principles in s. 229.002 and the mission and goals of s. 229.007.*

~~(2) Effective January 7, 2003, the Florida Board of Education shall appoint the Commissioner of Education.~~

~~(2)(3) Effective January 7, 2003,~~ There ~~are~~ is established *the following education governance officers in addition to the Commissioner of Education:*

(a) A Chancellor of *Public Schools, K-12 Education* appointed by the Commissioner of Education.

(b) A Chancellor of *Colleges and State Universities*, appointed by the Commissioner of Education.

(c) A Chancellor of *Community Colleges and Career Preparation*, appointed by the Commissioner of Education.

(d) ~~An~~ Executive Director of *Independent Nonpublic and Nontraditional Education*, appointed by the Commissioner of Education.

Each chancellor and executive director shall be subject to confirmation by the Florida Board of Education and shall serve at the pleasure and under the authority of the Commissioner of Education.

~~(3)(4) Effective July 1, 2000,~~ The Governor shall appoint a seven-member board of trustees for the Florida *Virtual On-Line High School*, which shall be a body corporate with all the powers of a body corporate.

~~(4)(5) Effective January 7, 2003,~~ The Governor shall appoint for each university in the State University System, *an 11-member a nine-member* board of trustees, which shall be a body corporate with all the powers of a body corporate. *In addition to the 11 members, a student body president shall serve as an ex officio nonvoting member of the board of trustees. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation. Each appointee is subject to confirmation by the Senate in the regular legislative session immediately following his or her appointment* ~~All members of the board of trustees of Florida Atlantic~~



~~University must reside within the service area of the university; three must be residents of Broward County, three must be residents of Palm Beach County, and three may be residents of any county within the service area.~~

(5) *Effective July 1, 2001:*

(a) *The Board of Regents is abolished.*

(b) *All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Board of Regents are transferred by a type two transfer, pursuant to s. 20.06(2), to the Florida Board of Education.*

(c) *The State Board of Community Colleges is abolished.*

(d) *All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the State Board of Community Colleges are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the Florida Board of Education.*

(e) *The Postsecondary Education Planning Commission is abolished.*

(f) *The Center for Education Policy Research and Improvement is created and assigned for administrative purposes to the Office of Program Policy Analysis and Government Accountability (OPPAGA).*

(g) *All personnel, unexpended balances of appropriations, and allocations of the Postsecondary Education Planning Commission are transferred to the Center for Education Policy Research and Improvement.*

(h) *The Articulation Coordinating Committee and the Education Standards Commission are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the Florida Board of Education.*

(i) *Notwithstanding the provisions of s. 20.15, the Commissioner of Education shall commence the reorganization of the Department of Education in accordance with s. 229.0073, which shall include an Office of the Commissioner of Education comprised of the general areas of operation that are common to all delivery sectors and, in addition, shall include:*

1. *The creation of an Office of Technology and Information Services, an Office of Workforce and Economic Development, an Office of Educational Facilities and SMART Schools Clearinghouse, and an Office of Student Financial Assistance.*

2. *The creation of a Division of Colleges and Universities.*

3. *The creation of a Division of Community Colleges.*

4. *The creation of a Division of Public Schools.*

5. *The creation of a Division of Independent Education.*

6. *The merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, except as relating to any independent nonprofit college or university whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, into a single Commission for Independent Education administratively housed within the Division of Independent Education.*

~~(6) Effective January 7, 2003, the powers and duties of the following entities are relocated to the Florida Board of Education, which shall retain all related funding and budget authority for purposes of a single, seamless kindergarten through graduate school education system and single or coordinated budget and may retain or redistribute the powers and duties of each entity in accordance with the policies and guiding principles of s. 229.002, and the entities shall cease to exist:~~

~~(a) The Board of Regents.~~

~~(b) The State Board of Community Colleges.~~

~~(c) The State Board of Independent Colleges and Universities.~~

~~(d) The State Board of Nonpublic Career Education.~~

~~(e) The Division of Workforce Development of the Department of Education.~~

~~(f) The Postsecondary Education Planning Commission.~~

~~(g) The Articulation Coordination Committee.~~

~~(h) The Division of Human Resource Development of the Department of Education.~~

~~(i) The Division of Support Services of the Department of Education.~~

~~(j) The Division of Administration of the Department of Education.~~

~~(k) The Division of Financial Services of the Department of Education.~~

~~(l) The Division of Technology of the Department of Education.~~

~~(m) The Office of Student Financial Assistance of the Department of Education.~~

~~(n) The Division of Universities of the Department of Education.~~

~~(o) The Division of Community Colleges of the Department of Education.~~

Section 4. Section 229.0031, Florida Statutes, is created to read:

*229.0031 Center for Education Policy Research and Improvement.—Effective July 1, 2001, there is created the Center for Education Policy Research and Improvement to conduct and review education research, provide independent analysis on education progress, and provide independent evaluation of education issues of statewide concern. The center shall have an independent advisory council and shall be housed for administrative purposes in the Office of Program Policy Analysis and Government Accountability. Administrative functions of the center shall be provided by the Office of Legislative Services pursuant to joint policies of the Legislature.*

(1) *The center shall:*

(a) *Provide state policymakers, educators, and the public with objective and timely information that supports the seamless K-20 education system and the K-20 education accountability process designed to provide all students an opportunity for a high-quality education, in accordance with the policies and guiding principles of s. 229.002 and the performance accountability system in s. 229.007.*

(b) *Annually review and make recommendations to the Legislature regarding the activities of research centers and institutes supported with state funds in order to assess the return on the state's investment in research conducted by public postsecondary education institutions. Such recommendations shall include the responses of the university presidents.*

(c) *Explore national and state emerging educational issues and examine how these issues should be addressed by education institutions in Florida.*

(d) *Prepare and submit for approval by the Florida Board of Education a long-range performance plan for K-20 education in Florida. Annually review the implementation of the plan and make recommendations for improvement.*

(e) *Annually report on the progress of public schools and postsecondary education institutions toward meeting educational goals and standards as defined by s. 229.007. Recommend to the Legislature and the Florida Board of Education legislation and rules for the educational accountability system that support the policies and guiding principles of s. 229.002.*

(f) *Evaluate and report on issues pertaining to student learning gains.*

(g) Recommend to the Florida Board of Education revisions and new initiatives to further improve the K-20 education accountability system.

(h) Provide public education institutions and the public with information on the K-20 education accountability system and recommend refinements and improvements.

(i) Apply for and receive grants for the study of K-20 education system improvement consistent with its responsibilities.

(j) Conduct annual studies upon the request of the Legislature or the Florida Board of Education.

(2) The center shall operate under the guidance of an independent nine-member advisory council and the guiding principles of s. 229.002.

(3) The advisory council shall be composed of five members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. Each member shall be appointed for a term of 6 years. However, for purposes of continuity, the Governor shall appoint two members, the Speaker of the House of Representatives shall appoint one member, and the President of the Senate shall appoint one member for a first term of 4 years. Members appointed for 4 years shall be eligible for one reappointment. Advisory council members shall not include elected officials or employees of public or independent education entities. Members shall serve without compensation, but shall be reimbursed for per diem and travel as provided in s. 112.061. Members who miss two consecutive meetings shall be subject to replacement by the appointing officer. The advisory council shall meet at least four times per year and shall advise the center executive director and staff on all matters pertaining to the duties and responsibilities of the center. The advisory council shall annually evaluate the performance of the center executive director and shall report such evaluations to the Governor.

(4) The executive director of the Center for Education Policy Research and Improvement shall direct the activities of the center and appoint and supervise all staff. The executive director shall have broad knowledge and experience in educational accountability, governance, policy, research, and practice. The executive director shall be appointed by the Governor and confirmed by the Florida Board of Education, and shall serve at the pleasure of the advisory council. The executive director shall staff the meetings of the advisory council and shall document and communicate the findings and recommendations of the advisory council. The executive director shall report to the Florida Board of Education on at least a quarterly basis to inform the board of the center's findings.

(5) The center shall be staffed and funded as provided for in the General Appropriations Act. The center shall have access to all education performance and accountability data collected or maintained by the Department of Education. During the reorganization of the Department of Education as provided for in this act, staff and funding may be transferred from the Department of Education to the center to fulfill its statutory functions.

Section 5. Section 229.004, Florida Statutes, is amended to read:

229.004 Florida Board of Education.—

(1)(a) In accordance with the implementation process in s. 229.0072 Effective January 7, 2003, the Florida Board of Education is established as a body corporate. The board shall be a part-time citizen board consisting of seven members appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate, provided, however, that Senate confirmation is not required for the members of the Florida Board of Education to perform the duties as prescribed in this education governance reorganization implementation act. Members of the board shall serve without compensation, but shall be entitled to reimbursement of travel and per diem expenses in accordance with s. 112.061. Members may be reappointed by the Governor for additional terms not to exceed 8 years of consecutive service.

(b) The Governor shall appoint the first chair of the Florida Board of Education who shall serve for 2 years. After expiration of the 2-year term and at the first regular meeting of the board after July 1, the Florida

Board of Education shall select a chair and a vice chair from its appointed members. The chair shall serve a 2-year term and may be reelected for one additional consecutive term. ~~The Florida Board of Education shall have a chairperson who shall be appointed by the Governor.~~

(2) The primary duties of the board shall be to establish education goals and objectives consistent with the policies and guiding principles of s. 229.002 and the mission and goals of s. 229.007 and, together with the Commissioner of Education, to oversee the implementation of and enforce compliance with the education policies established by the Legislature. The board, and the commissioner, shall establish, operate, and maintain optimal efficiency of an Office of the Commissioner of Education pursuant to s. 229.0061(2)(c) in accordance with the guidelines of ss. 229.0061 and 229.0073 ~~Board of Education.~~

(3) In performing its duties, the board, together with the Commissioner of Education, shall:

(a) Ensure accountability and responsiveness to Florida's citizens, including the establishment of a Citizen Information Center that utilizes quick response and customer-friendly methodologies.

(b) Establish and aggressively enforce efficient and effective performance management objectives.

(c) Maximize the effectiveness of local, state, and federal education linkages and funds.

(d) Issue guidelines for the development of legislative budget requests for operations and fixed capital outlay for the coordinated K-20 system.

(e)(d) Recommend ~~one budget or~~ a coordinated budget and long-range program plans based on consistent policies for a seamless kindergarten through graduate school education.

(f)(e) Adopt cohesive rules, within statutory authority, for education systemwide issues, including rules governing systemwide access to educational opportunities, and ensure that rules adopted for the various education delivery systems are compatible.

(g)(f) Ensure articulation and coordination within and across the entire education delivery system.

(h)(g) Provide ongoing public information regarding performance results for the entire kindergarten through graduate school education system and each of its components.

(4) The board, with the Commissioner of Education, shall be responsible for:

(a) The work of ~~with~~ the Chancellor of Public Schools ~~K-12 Education~~ to establish, and maintain optimal efficiency of, a Division ~~an~~ Office of Public Schools, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007 ~~K-12 Education.~~

(b) The work of ~~with~~ the Chancellor of Colleges and State Universities to establish, and maintain optimal efficiency of, a Division ~~an~~ Office of Colleges and State Universities, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007.

(c) The work of ~~with~~ the Chancellor of Community Colleges ~~and Career Preparation~~ to establish, and maintain optimal efficiency of, a Division ~~an~~ Office of Community Colleges, within the guidelines of ss. 229.0061 and 229.0073, and to achieve the mission and goals of s. 229.007 ~~and Career Preparation.~~

(d) The work of ~~with~~ the Executive Director of Independent ~~Nonpublic and Nontraditional~~ Education to establish, and maintain optimal efficiency of, a Division ~~an~~ Office of Independent ~~Nonpublic and Nontraditional~~ Education, within the guidelines of ss. 229.0061 and 229.0073 ~~Services.~~

Section 6. Section 229.005, Florida Statutes, is amended to read:

229.005 Florida education governance officers.—

(1) COMMISSIONER OF EDUCATION.—The Commissioner of Education shall *work with the Florida Board of Education and oversee the other education governance officers to focus* ~~be appointed by the Board of Education from candidates of national caliber and respected and proven organizational leadership with established experience in administering broad-based policy. The commissioner shall be a person who is eminently capable of focusing the entire kindergarten through graduate school education system on accomplishing to accomplish~~ the policies and guiding principles of s. 229.002 *and achieving the mission and goals of s. 229.007.* The commissioner shall ~~have the ability to successfully~~ provide education policy and planning direction, program development, performance management, and funding allocation recommendations across the spectrum of kindergarten through graduate school education, ~~and the ability to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that “adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.”~~

(2) CHANCELLOR OF PUBLIC SCHOOLS K-12 EDUCATION.—The Chancellor of *Public Schools K-12 Education* shall be appointed by the Commissioner of Education based on his or her ability to *work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers* to comply with the policies and guiding principles of s. 229.002, *to achieve the mission and goals of s. 229.007,* to enhance the quality of public K-12 education in Florida, *and to maximize the equity of public K-12 education in Florida by moving the focus to the school site and the individual student, and to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that “adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education.”*

(3) CHANCELLOR OF COLLEGES AND STATE UNIVERSITIES.—The Chancellor of *Colleges and State Universities* shall be appointed by the Commissioner of Education based on his or her ability to *work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers* to comply with the policies and guiding principles of s. 229.002, *to achieve the mission and goals of s. 229.007,* to enhance the national reputation and quality of education and educational research in Florida's *colleges and state universities,* and to work directly with each of the *college and state university presidents and boards of trustees* in focusing on the education and educational research needs of the individual *college or university* and its students.

(4) CHANCELLOR OF COMMUNITY COLLEGES AND CAREER PREPARATION.—The Chancellor of *Community Colleges and Career Preparation* shall be appointed by the Commissioner of Education based on his or her ability to *work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers* to comply with the policies and guiding principles of s. 229.002, *to achieve the mission and goals of s. 229.007,* to enhance the quality of education in Florida's community colleges, and to work directly with each of the community college presidents and boards of trustees in focusing on the education needs of the communities and students they serve.

(5) EXECUTIVE DIRECTOR OF INDEPENDENT NONPUBLIC AND NONTRADITIONAL EDUCATION.—The Executive Director of *Independent Nonpublic and Nontraditional Education* shall be appointed by the Commissioner of Education based on his or her ability to *work as a division vice president of the seamless K-20 education system with the Florida Board of Education and the other education governance officers* to comply with the policies and guiding principles of s. 229.002, *to enhance the quality and expand the offerings and innovations of nonpublic and nontraditional education in Florida, to*

~~establish partnerships with nonpublic education providers at all levels to achieve these goals, and to work directly with the Board of Trustees of the Florida Virtual On-Line High School and with Florida's private school associations, home education associations, independent nonpublic career education institutions, and independent colleges and universities to maximize educational choice and enhance the options, educational alternatives, and student focused delivery for their students in focusing on quality educational services.~~

Section 7. Subsections (1), (4), (5), (6), and (7) of section 229.006, Florida Statutes, are amended to read:

229.006 Education Governance Reorganization Transition Task Force.—

(1) In order to accomplish a smooth transition ~~on January 7, 2003,~~ from the elected State Board of Education to the appointed Florida Board of Education, there shall be established the Education Governance Reorganization Transition Task Force. ~~All members of the task force shall be appointed as soon as feasible but not later than October 1, 2000.~~ The task force shall be comprised of:

- (a) Five members appointed by the Governor;
- (b) Three members appointed by the President of the Senate; and
- (c) Three members appointed by the Speaker of the House of Representatives.

The transition task force shall ~~be charged with the duty to identify issues, conduct research, develop the necessary procedural and substantive framework, and make recommendations to the Legislature for an orderly 3-year phase-in for a seamless education continuum and a single or coordinated kindergarten through graduate school budget in accordance with the policies and guiding principles of s. 229.002, so that the Florida Board of Education may immediately begin its work on January 7, 2003, with maximum effectiveness.~~

(4) ~~Having completed its recommendations to the Legislature by March 1, 2001,~~ the transition task force shall *redirect its focus to provide guidance and monitoring of the implementation process pursuant to s. 229.0072 and to regularly report to the Governor, the Legislature, the chief transition officer, and the public on the progress of the reorganization implementation process. If any implementation activity is determined by a majority vote of the task force to be inconsistent with the intent of this act, the chair of the task force shall report such activity directly to the State Board of Education, and the State Board of Education shall act immediately to resolve the dispute. recommend to the Legislature:*

(a) ~~How best to achieve education system integration by:~~

1. ~~Combining appropriate education functions and policies into or under the new Florida Board of Education.~~

2. ~~Devolving the education delivery services and operational decisions to the appropriate location of delivery to students, specifically the schools, community colleges, colleges, universities, area technical centers, and other education institutions or places where the students receive their education.~~

3. ~~Providing for a single or coordinated kindergarten through graduate school education budget.~~

(b) ~~How best to achieve economies in education services, including recommendations concerning consolidation of information systems and integrated performance and financial accounting systems, while maximizing effectiveness within existing resources and staff.~~

(c) 1. ~~Which, if any, current education staff functions and resources should be eliminated, transferred, or realigned within the proposed new education organizational structure.~~

2. ~~A recommended salary structure for the Commissioner of Education and for the chancellors.~~

(d) ~~Whether an Office of Policy Research should be established to explore emerging issues, locate successful and innovative educational~~

~~programs, and make recommendations to the Governor, the Florida Board of Education, and the Legislature and, if so, its mission, staffing, and location.~~

~~(e) The optimal mission of the Florida On Line High School and a methodology for the operation and funding of the school to achieve that mission.~~

~~(f) The optimal location and structure of the Florida Partnership for School Readiness.~~

~~(5) By March 1, 2002, the transition task force shall recommend to the Legislature:~~

~~(a) Standards, definitions, and guidelines for universities, colleges, community colleges, schools, and other education institutions to ensure the quality of education, systemwide coordination, and efficient progress toward attainment of their appropriate missions.~~

~~(b) Rules and procedures as necessary to be followed by university boards of trustees, community college boards of trustees, and other boards of trustees, as determined appropriate, for recruitment and selection of presidents, procedures for annual evaluations of presidents, and procedures for interaction between presidents, the boards of trustees, and the new Florida Board of Education.~~

~~(c) A systemwide strategic plan for postsecondary institutions that considers the role, in their respective communities, of each of the institutions.~~

~~(d) Methodologies for degree program approval, establishment of matriculation and tuition fees, and coordination of colleges' and universities' budget requests.~~

~~(e) Any additional statutory changes needed during the 2002 legislative session to complete the education governance reorganization transition.~~

~~(6) By March 1, 2003, the transition task force shall recommend to the Legislature:~~

~~(a) Statutory changes necessary to accomplish the policies and guiding principles of s. 229.002, including, but not limited to, statutory changes necessitated by the repeal and review provisions of subsection 3(8) of this act.~~

~~(b) Rulemaking authority for the new Florida Board of Education and a plan and timetable for transition or coordination of existing education sector agency rules and rulemaking authority recommendations, if any, for education agencies.~~

~~(c) Waiver authority, if any, for the Commissioner of Education or the Florida Board of Education.~~

~~(5)(7) By March May 1, 2003, the transition task force shall have completed its duties and shall make its final report to the Governor, the Florida Board of Education, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of each chamber. The final report shall include, but is not limited to:~~

~~(a) A summary of the work and recommendations of the task force and the status of full implementation of the K-20 education system.~~

~~(b) The status of all pending and completed actions on orders and rules, all enforcement matters, and all delegations, interagency agreements, and contracts with federal, state, regional, and local governments and private entities.~~

~~(c) Identification of any remaining or potential duplication in the administration of state education laws and rules, with specific recommendations to eliminate such duplication and promote more efficient administration.~~

Section 8. Section 229.0061, Florida Statutes, is created to read:

229.0061 *Florida's K-20 education system; guidelines for implementation; guidelines for structure, functions, and organization.—*

*(1) GUIDELINES FOR IMPLEMENTATION.—*

*(a) Florida's seamless K-20 education system shall be a decentralized system in which as many commissions, boards, councils, and other excess layers of bureaucracy as possible are eliminated.*

*(b) Florida's K-20 education system shall rely on a single entity, the Florida Board of Education, as its single strategic voice. If the board desires assistance on matters of policy research or other issues, the board shall be authorized to appoint a committee or committees to assist it on any and all issues within the K-20 education system on an ad hoc basis.*

*(c) Members of the Florida Board of Education shall focus on high-level policy decisions.*

*(d) It is essential to the success of Florida's seamless K-20 education system to have a fully operational systemwide technology plan based on a common set of data definitions.*

*(2) GUIDELINES FOR STRUCTURE, FUNCTIONS, AND ORGANIZATION.—*

*(a) Roles of the Legislature, the Florida Board of Education, the education governance officers, and the institutional boards of trustees and school boards.—The Legislature shall establish education policy, enact education laws, and appropriate and allocate education resources. The Florida Board of Education shall enforce all laws, rules, and guidelines and shall timely provide direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results. In terms of major areas of responsibility, the Legislature, the Florida Board of Education, the education governance officers, and the institutional boards of trustees and school boards shall each perform essential constituent roles.*

*(b) Florida Board of Education.—The Florida Board of Education shall serve as the body corporate for Florida's seamless K-20 education system; implement the coordinated education vision; and, together with the commissioner, chancellors, and executive director, oversee the success of that vision. The Florida Board of Education shall:*

*1. Enforce systemwide education policies and goals.*

*2. Recommend annually the coordinated education budget and authorize the allocation of resources in accordance with law and rule. Any program recommended by the Florida Board of Education which requires state funding for more than 1 year must be presented in a multiyear budget plan.*

*3. Adopt long-term and short-term education plans.*

*4. Enforce education accountability standards and measures of all components of the K-20 education system.*

*5. Accurately and continuously assess data and monitor and report performance.*

*6. Provide high-quality assistance and intervention when and where needed.*

*7. Provide timely and accurate information on all public and independent education services.*

*8. Recommend to the Legislature the missions of the public colleges and universities and community colleges.*

*(c) Commissioner of Education.—The Commissioner of Education shall serve as secretary and executive director of the State Board of Education. The commissioner shall propose action on all issues that come before the state board and be responsible for enforcing compliance with the mission and goals of the seamless K-20 education system by all education delivery sectors. The commissioner's office shall operate all statewide functions necessary to support the Florida Board of Education and the seamless K-20 education system, including the following areas:*

*1. Legal.*

*2. Communications, including a Citizen Information Center that provides quick response and uses customer-friendly methods.*

3. *Strategic planning and budget development.*
4. *General administration.*
5. *Assessment and accountability.*
6. *Data management, education technology, and an education data warehouse.*
7. *Access and opportunity, including student financial assistance.*
8. *Policy research and development, except the Center for Education Policy Research and Improvement.*
9. *Florida Board of Education personnel.*
10. *Workforce and economic development.*
11. *Educational facilities.*
12. *Technology and information services.*
13. *Student financial assistance.*
14. *Inspector General.*

(d) *Chancellors and executive director.—The chancellors of the public schools, community colleges, and colleges and universities divisions and the Executive Director of the Division of Independent Education shall serve the Florida Board of Education and the Commissioner of Education in the role of division vice presidents of the K-20 education system and as governance officers and critical members of the state-level education leadership team. They shall each be held responsible for providing leadership, administering programs, resolving disputes, providing technical assistance, and timely recommending action plans to the commissioner for sanctions or intervention when needed, as well as making recommendations to the board and the commissioner for strategic planning and budget development for their respective education delivery sectors. They shall support the governing policies and responsibilities of the board and the commissioner and bear primary responsibility for the achievement of the mission and goals of the K-20 education system by their education delivery sectors, as applicable to their sectors. They shall reinforce the policies and principles of the seamless K-20 education system in every venue and at every opportunity, and work together to facilitate horizontal communications and interactions between the education delivery sectors. Specifically, as applicable, each education governance officer shall:*

1. *Serve as the head of the division.*
2. *Supervise all employees and work of the division.*
3. *Properly and timely inform education institutions and the public as to legislative action, including funding, grant opportunities, and substantive policy changes affecting the division.*
4. *Direct the review of expenditures of public funds in accordance with legislative intent.*
5. *Evaluate the performance of each education institution under the division and report performance results to the public, the Legislature, the Commissioner of Education, the Florida Board of Education, and the institution and its governing board.*
6. *Direct institutional governing boards to take corrective action to improve unsatisfactory performance pursuant to law and rules of the Florida Board of Education.*
7. *Direct and oversee the development of the division’s accountability system and recommend changes to the Commissioner of Education and the Florida Board of Education.*
8. *Direct the division’s activities in order to coordinate with other divisions to provide a seamless education system.*
9. *Direct the provision of state services to institutions under the division.*

10. *Direct the development of the division’s legislative budget request and work cooperatively with the commissioner and other governance officers to develop a coordinated budget request.*

11. *Serve as the primary point of contact and communication for the division.*

(e) *Institutional boards of trustees and school boards.—Each institutional board of trustees and school board shall:*

1. *Provide strategic planning and budget development for their institution or school district.*
2. *Implement and maintain high-quality education programs within law and rules of the Florida Board of Education.*
3. *Measure and enforce performance.*
4. *Provide timely and accurate reporting of information.*
5. *Provide direct input on education issues to the education governance officers.*

6. *Have broad latitude within law and rules of the Florida Board of Education in developing local policies and local programs to meet the needs of their students, their communities, and area employers.*

7. *Hold presidents and appointed superintendents responsible for institution and school performance.*

8. *Be responsible for the fiscal accountability of their institution or school district.*

9. *Be responsible for compliance with all laws, rules of the Florida Board of Education, and performance accountability requirements.*

(f) *Presidents and superintendents.—Each institutional president and school district superintendent shall:*

1. *Be responsible for efficient and effective budget and program administration.*
2. *Provide strong leadership to accomplish their education missions and goals.*
3. *Closely monitor education performance.*
4. *Provide timely and accurate financial and performance data.*
5. *Link instructional staff evaluations to student performance.*

(g) *Ad hoc advisory committees.—Advisory bodies shall be appointed on an ad hoc basis by the Florida Board of Education to serve the board, commissioner, and chancellors when and as needed by studying and recommending action on major issues that affect the direction and quality of education, providing public forums for debate, and safeguarding a coordinated systemwide approach to education policy decisions.*

Section 9. Section 229.007, Florida Statutes, is created to read:

229.007 *Florida’s K-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures.—*

(1) *LEGISLATIVE INTENT.—It is the intent of the Legislature that:*

(a) *The performance accountability system implemented to assess the effectiveness of Florida’s seamless K-20 education delivery system provide answers to the following questions in relation to its mission and goals:*

1. *What is the public getting in return for funds it invests in education?*
2. *How is Florida’s K-20 education system performing in terms of educating its students?*
3. *How are the major delivery sectors performing to promote student achievement?*

4. How are individual schools and postsecondary education institutions performing their responsibility to educate their students as measured by how students are performing and how much they are learning?

(b) The Florida Board of Education recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is getting in return for the funds it invests in education and how well the K-20 system educates its students.

(c) The Florida Board of Education establish performance measures and set performance standards for individual components of the public education system, including individual schools and postsecondary education institutions, which measures and standards are based primarily on student achievement.

(2) **MISSION, GOALS, AND SYSTEMWIDE MEASURES.**—The mission of Florida's K-20 education system, when it becomes fully operational, shall be to increase the proficiency of all students within one seamless, efficient system, by providing them with the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities, and to maintain an accountability system that measures student progress toward the following goals:

(a) Highest student achievement, as measured by: student FCAT performance and annual learning gains; the number and percentage of schools that improve at least one school performance grade designation or maintain a school performance grade designation of "A" pursuant to s. 229.57; graduation or completion rates at all learning levels; and other measures identified in law or rule.

(b) Seamless articulation and maximum access, as measured by: the percentage of students who demonstrate readiness for the educational level they are entering, from kindergarten through postsecondary education and into the workforce; the number and percentage of students needing remediation; the percentage of Floridians who complete associate, baccalaureate, professional, and postgraduate degrees; the number and percentage of credits that articulate; the extent to which each set of exit-point requirements matches the next set of entrance-point requirements; and other measures identified in law or rule.

(c) Skilled workforce and economic development, as measured by: the number and percentage of graduates employed in their areas of preparation; the percentage of Floridians with high school diplomas and postsecondary education credentials; the percentage of business and community members who find that Florida's graduates possess the skills they need; and other measures identified in law or rule.

(d) Quality efficient services, as measured by: cost per completer or graduate; average cost per noncompleter at each educational level; cost disparity across institutions offering the same degrees; the percentage of education customers at each educational level who are satisfied with the education provided; and other measures identified in law or rule.

Section 10. Section 229.0072, Florida Statutes, is created to read:

229.0072 *Reorganization implementation process.*—In order to best achieve the legislative purpose of the Florida Education Governance Reorganization Implementation Act:

(1) The Governor shall appoint the members of the boards of trustees of the state universities in accordance with s. 229.008.

(2) Effective July 1, 2001, the Governor shall appoint a seven-member Florida Board of Education. The Florida Board of Education shall be housed within, and operate under the direction of, the State Board of Education. The Florida Board of Education shall appoint a chief transition officer who shall serve as the board's primary liaison with all entities involved in the reorganization of education. The chief transition officer shall be responsible directly to the Florida Board of Education and shall serve as staff to the board on all action items relating to the reorganization. During the reorganization implementation period, the chief transition officer shall:

(a) Be responsible for proposing actions regarding all education governance reorganization implementation issues.

(b) Be responsible for integration of the Department of Education as it is reorganized into an agency of the Governor.

(c) Serve as secretary of the Florida Board of Education.

(d) Serve as the head of the Education Reorganization Workgroup.

(e) Serve as the head of the K-20 education leadership team.

(3) The Florida Board of Education shall establish a detailed procedure for the implementation of a systemwide K-20 technology plan which includes a month-by-month timeline with monthly progress reports to the board.

(4) Subject to review and approval of the State Board of Education, the Florida Board of Education shall:

(a) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it. The rules shall be submitted to the State Board of Education. If any rule is not disapproved by the State Board of Education within 45 days after its receipt, the rule shall be filed immediately with the Department of State.

(b) Prepare and submit a coordinated K-20 education budget to the Governor and Legislature that clearly defines the individual needs of the divisions within the Department of Education. No school district shall use public funds to support activities of an employee organization. The Florida Board of Education shall adopt rules implementing this restriction on the use of public funds and shall not allow such use of public funds to be included in its recommended budget, except for collective bargaining negotiations.

(c) Establish a work plan and timeline for the orderly implementation of the transition, including a fully detailed plan and timeline for the devolution of duties, as appropriate, to the university boards of trustees.

(d) Establish accountability standards for existing legislative performance goals, standards, and measures, and order the development of mechanisms to implement new legislative goals, standards, and measures.

(e) Supervise the coordination of institutions and delivery sectors.

(f) Establish policies for university and community college boards of trustees to follow in selecting presidents.

(g) Approve plans and reports, and take other necessary actions pertaining to the supervision of education.

(h) Effectuate the timely implementation of the seamless K-20 education system.

(i) Establish advisory boards to provide the support needed to address issues such as public education facilities planning; student issues; instructional issues; distance learning and technology; academic quality, freedom, and responsibility; and research.

(j) Develop and review recommendations on issues of statewide importance, such as technology systems and facilities.

(k) Adopt criteria and implementation plans for future growth issues, such as new colleges and universities and campus mergers; and provide for cooperative agreements between and within public and private education sectors.

(l) Advise the State Board of Education regarding the issuance of bonds.

(m) Appoint advisory bodies, as necessary, on an ad hoc basis.

(n) Develop and recommend to the Education Governance Reorganization Transition Task Force, the Governor, the chief transition officer, the Commissioner of Education, and the Legislature, no later than January 1, 2002, for adoption during 2002, a clear, concise new

*School Code, comprised of the revision of chapters 228-246, to accomplish the implementation, administration, and operation of Florida's seamless K-20 education system in accordance with the guidelines included in s. 229.0061.*

(o) Receive, review, and make decisions regarding charter school appeals, which decisions shall be binding notwithstanding any provision of law to the contrary.

(5) Effective July 1, 2001, the Commissioner of Education shall:

(a) Work with the Florida Board of Education to achieve full implementation of the seamless K-20 education system.

(b) Commence reorganization of the Department of Education as a state agency of the Governor in accordance with legislative guidelines pursuant to s. 229.0073, the requirements of s. 229.003(5), and requests of the Florida Board of Education as approved by the State Board of Education.

(c) As secretary of the State Board of Education, assist the chief transition officer in determining the agenda for the Florida Board of Education and provide the Florida Board of Education and the State Board of Education the full support of the reorganized Department of Education.

Section 11. Section 229.0073, Florida Statutes, is created to read:

*229.0073 Reorganization of the Department of Education.—Effective July 1, 2001, notwithstanding the provisions of s. 20.15, the chief transition officer's Education Reorganization Workgroup is established to direct and provide oversight for the reorganization of Florida's K-20 Department of Education. The workgroup shall be comprised of the Commissioner of Education, the Governor or his designee, the chief transition officer, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, the Chancellor of Public Schools, and the Executive Director of Independent Education, who shall consult with the legislative members of the Education Governance Reorganization Transition Task Force. The reorganization shall:*

(1) Eliminate duplication across divisions; achieve greater efficiencies in financial and human resources and education services; and identify functions, resources, and services that should be eliminated, transferred, or realigned.

(2) Include a review and assessment of all bureaus, offices, divisions, and functions of the department reorganized pursuant to this section.

(3) Establish an Office of the Commissioner of Education that includes the general areas of operation that are common to all delivery sectors, such as administration, communication, legal services, financial aid, and government and public relations, in order to increase efficiency, improve service delivery to students, and fully support the operational needs of the Florida Board of Education.

(4) Establish the following divisions within the department:

(a) Division of Public Schools (K-12).—The state's public elementary, middle, junior high, and high schools, as well as combination schools, charter schools, district magnet programs, and area technical centers.

(b) Division of Community Colleges.—The state's 28 public community colleges.

(c) Division of Colleges and Universities.—The state's public universities and colleges and the 4-year independent colleges and universities whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, to enable more effective articulation between these public and private institutions. The division chancellor shall administer those provisions of chapter 246 that apply to the independent colleges and universities within the division and shall establish a liaison responsible for partnerships that enhance articulation between and communication with Florida's 4-year independent colleges and universities.

(d) Division of Independent Education.—The independent education providers within the state, including home education programs that meet

the requirements of s. 232.0201, private K-12 institutions as described in s. 229.808, independent colleges and universities, except those identified under paragraph (c), and private postsecondary career preparation and vocational training institutions.

1. The division shall be under an executive director and shall house a new commission, appointed by the Governor, to oversee licensing of independent postsecondary institutions, consumer protection, and program improvement. The commission shall have the powers and duties of the State Board of Independent Colleges and Universities specified in chapter 246, except the powers and duties relating to those institutions identified under paragraph (c), and of the State Board of Nonpublic Career Education.

2. The executive director of the division shall establish a mechanism for regular interaction and input from independent education providers in the development of policies that provide seamless articulation for all students.

(5) Establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(a) Office of Technology and Information Services.—In conjunction with the Chancellor of Public Schools, the Chancellor of Community Colleges, and the Chancellor of Colleges and Universities, the office shall be responsible for developing a systemwide technology plan, making budget recommendations to the commissioner, providing data collection and management for the system, and coordinating services with other state, local, and private agencies. The office shall develop a method to address the need for a statewide approach to planning and operations of library and information services to achieve a single K-20 education system library information portal and a unified higher education library management system. The Florida Virtual High School shall be administratively housed within the office.

(b) Office of Workforce and Economic Development.—The office shall evaluate the role of each sector of education in Florida's workforce and economic development, assess the specific work skills and variety of careers provided, and report to the Florida Board of Education the effectiveness of each sector.

(c) Office of Educational Facilities and SMART Schools Clearinghouse.—The office shall validate all educational plant surveys and verify Florida Inventory of School Houses (FISH) data. The office shall provide technical assistance to public school districts when requested. The office, staff, property, and functions of the SMART Schools Clearinghouse are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Management Services to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education.

(d) Office of Student Financial Assistance.—The office shall provide access to and administer state and federal grants, scholarships, and loans to those students seeking financial assistance for postsecondary study pursuant to program criteria and eligibility requirements.

(6) Establish a K-20 education leadership team, including, but not limited to, the chief transition officer and the education governance officers. The leadership team shall be responsible for systemwide horizontal and vertical communication, and assisting the achievement of the seamless K-20 education system.

Section 12. Section 229.0074, Florida Statutes, is created to read:

*229.0074 Division of Independent Education.—*

(1) The mission of the Division of Independent Education is to aid in protecting the health, education, and welfare of persons who receive educational services and degrees from the independent education sector; to protect the integrity of certificates, diplomas and degrees conferred by the independent education sector; to aid in protecting employers and others who depend upon people whose educational credentials are from the independent education sector in this state; and to aid in protecting independent educational institutions that currently operate or intend to

begin operating in this state. The Commission for Independent Education, administratively housed within the division, shall have such authority as specified in chapter 246 relating to independent postsecondary education, except regarding those institutions described in s. 229.0073 (4)(c). The division shall serve as the state education liaison to independent education providers and institutions, including home education programs that meet the requirements of s. 232.0201, private K-12 institutions as described in s. 229.808, independent colleges and universities except as otherwise provided in s. 229.0073 (4)(c), and private postsecondary career preparation/vocational training institutions.

(2) The executive director of the division shall:

(a) Participate with the other division heads in education decision making processes.

(b) Establish a clearing house of information on independent education institutions.

(c) Foster a collaborative spirit and working relations among the institutions of the private and public sectors.

(d) Identify and convey best practices.

(e) Oversee the division's functions in the most economical and effective manner.

Rep. Richardson moved the adoption of the amendment, which failed of adoption.

Rep. McGriff moved that the Special Rule be waived to permit consideration of an amendment, which was not agreed to.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1055**—A bill to be entitled An act relating to workers' compensation; amending s. 440.092, F.S.; characterizing certain activities of certain officers as arising out of and in the course of employment for compensability purposes; providing an effective date.

—was read the second time by title.

The Committee on Insurance offered the following:

(Amendment Bar Code: 895595)

**Amendment 1**—On page 1, line 22 remove from the bill: “ (2), or (3),”

Rep. Needelman moved the adoption of the amendment, which was adopted.

The Committee on Criminal Justice Appropriations offered the following:

(Amendment Bar Code: 520045)

**Amendment 2**—On page 1, lines 21 through 26 remove from the bill: all of said lines

and insert in lieu thereof: employer. *For the purposes of this subsection and not withstanding any other provisions of law to the contrary, an injury to a law enforcement officer as defined in Section 943.10(1), Florida Statutes, during the officer's work period or while going to or coming from work in an official law enforcement vehicle, shall be presumed to be an injury arising out of and in the course of employment unless the injury occurred during a distinct deviation for a non-essential personal errand. If, however, the employer's policy or the collective bargaining agreement that applies to the officer permits such deviations for non-essential errands, the injury shall be presumed to arise out of and in the course of employment.*

Rep. Needelman moved the adoption of the amendment.

### Reconsideration

On motion by Rep. Needelman, the House reconsidered the vote by which **Amendment 1** was adopted. The question recurred on the adoption of the amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 2**, which was adopted.

Representative(s) Needelman offered the following:

(Amendment Bar Code: 480597)

**Amendment 3 (with title amendment)**—On page 1, between lines 26 and 27,

insert:

Section 2. *It is hereby declared by the Legislature that law enforcement officers perform state and municipal functions, that it is their duty to protect life and property at their own risk and peril, and that their activities are vital to the public safety. Therefore, the Legislature declares that it is a proper and legitimate state purpose to provide workers' compensation coverage to law enforcement officers during work periods and while going to and coming from work in an official law enforcement vehicle. Pursuant to Section 18, Article VII of the State Constitution, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.*

And the title is amended as follows:

On page 1, line 6, after the semicolon,

insert: providing a declaration of important state interest;

Rep. Needelman moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 1927**—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising definitions; amending s. 440.06, F.S.; requiring employers to secure compensation; amending s. 440.09, F.S.; limiting compensation for certain impairments; requiring certain entities actively engaged in the construction industry to secure payment of compensation under chapter 440, F.S., after a certain date; amending s. 440.10, F.S.; specifying liability for compensation; amending s. 440.11, F.S.; providing for exclusiveness of liability; amending s. 440.13, F.S.; providing an additional criterion for determining certain value of nonprofessional attendant care provided by a family member; requiring carriers to allow employees to change physicians under certain circumstances; specifying payments for independent medical examinations; deleting selection of independent medical examiner criteria; specifying the number of medical opinions admissible into evidence; providing an exception to certain recourse for payment for services rendered; amending s. 440.134, F.S.; revising a definition; revising certain grievance procedures for workers' compensation managed care arrangements; amending s. 440.14, F.S.; providing for determination of pay; amending s. 440.15, F.S.; revising criteria for payment of compensation for permanent total disability; revising criteria for payment of permanent impairment and wage-loss benefits; amending s. 440.151, F.S.; providing for compensation for occupational diseases; amending s. 440.185, F.S.; requiring additional information in a report of injury; amending s. 440.191, F.S.; including managed care arrangements under provisions relating to the Employee Assistance and Ombudsman Office; revising procedures for petitions for benefits under the office; amending s. 440.192, F.S.; revising procedures for resolving benefit disputes; transferring duties and responsibilities of the Division of Workers' Compensation to the Office of the Judges of Compensation Claims; amending s. 440.20, F.S.; specifying time for payment of compensation; prohibiting approval of settlement proposals providing for attorney's fees in excess of certain amounts; amending s. 440.25, F.S.; limiting continuances under procedures for mediation and hearings; providing for selections of mediators by the Chief Judge; providing for holding mediation conferences instead of mediation hearings under certain circumstances; providing for completion of pretrial stipulations; authorizing a judge of compensation claims to sanction certain parties under certain circumstances; requiring a judge of compensation claims to order a pretrial hearing for certain purposes under certain circumstances; revising final hearing time limitations and procedures; deleting a requirement that judges of compensation claims



adopt and enforce certain uniform local rules; specifying resolution of determination of pay claims; requiring resolution of certain claims through an expedited dispute resolution process; providing for dismissal of certain petitions for lack of prosecution under certain circumstances; amending s. 440.29, F.S.; providing for receipt into evidence of medical reports from independent medical examiners; amending s. 440.34, F.S.; providing for limited additional attorney's fees in medical-only cases; prohibiting approval of attorney's fees in excess of certain amounts; deleting criteria for determining certain attorney's fees; amending s. 440.345, F.S.; requiring a summary report of attorney's fees to the Governor and the Legislature; amending s. 440.39, F.S.; specifying duties of carriers with respect to certain evidence; amending s. 440.4416, F.S.; revising membership, member criteria, terms, and meetings requirements of the Workers' Compensation Oversight Board; deleting an obsolete provision; providing additional reporting requirements for the board; amending s. 627.0915, F.S.; deleting obsolete provisions; repealing s. 440.45(3), F.S., relating to rotating docketing judges of compensation claims; providing severability; providing an effective date.

—was read the second time by title.

Representative(s) Meadows offered the following:

(Amendment Bar Code: 755729)

**Amendment 1**—On page 4, line 27, through page 5, line 2, remove from the bill: all of said lines

and insert in lieu thereof: impairment.

Rep. Meadows moved the adoption of the amendment, which failed of adoption.

Representative(s) Ryan offered the following:

(Amendment Bar Code: 764617)

**Amendment 2**—On page 6, lines 17 through 25, remove from the bill: all of said lines

and insert in lieu thereof: percent or more to the face and hands;

(e) Total or industrial blindness, or

(f) Any other injury that would otherwise qualify under this chapter of a nature and severity that would qualify an employee to receive disability income benefits under Title II or supplemental security income benefits under Title XVI of the federal Social Security Act as the Social Security Act existed on July 1, 1992, without regard to any time limitation provided under that act.

Rep. Ryan moved the adoption of the amendment, which failed of adoption.

Representative(s) Seiler offered the following:

(Amendment Bar Code: 272587)

**Amendment 3**—On page 7, lines 20 through 25, remove from the bill: all of said lines

and insert in lieu thereof: shall be demonstrated by clear and convincing evidence.

Rep. Seiler moved the adoption of the amendment, which failed of adoption.

Representative(s) Ross, Waters, and Alexander offered the following:

(Amendment Bar Code: 933019)

**Amendment 4**—On page 7, lines 24 & 25 remove from the bill: all of said lines

Rep. Ross moved the adoption of the amendment, which was adopted.

Representative(s) Ross, Waters, and Alexander offered the following:

(Amendment Bar Code: 513797)

**Amendment 5 (with title amendment)**—On page 9, between lines 9 & 10 of the bill

insert:

Section 5. Section 440.1025, Florida Statutes, is created to read:

*440.1025 Consideration of public employer workplace safety program in rate-setting; program requirements; rulemaking.—For a public employer to be eligible for receipt of specific identifiable consideration under s. 627.0915 for a workplace safety program in the setting of rates, the public employer must have a workplace safety program. At a minimum, the program must include a written safety policy and safety rules, and make provision for safety inspections, preventative maintenance, safety training, first-aid, accident investigation, and necessary record keeping. For purposes of this section, "public employer" means "any agency within state, county, or municipal government employing individuals for salary, wages, or other remuneration." The Division may promulgate rules for insurers to utilize in determining public employer compliance with the requirements of this section.*

And the title is amended as follows:

On page 1, line 12, after the semicolon

insert: creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting;

Rep. Ross moved the adoption of the amendment, which was adopted.

Representative(s) Brutus offered the following:

(Amendment Bar Code: 472481)

**Amendment 6 (with title amendment)**—On page 9, line 10 through page 11, line 4, remove from the bill: strike all of said lines

And the title is amended as follows:

On page 1, line 12,

remove from the title of the bill: all of said line

and insert in lieu thereof: compensation

Rep. Brutus moved the adoption of the amendment, which failed of adoption.

Representative(s) Sobel offered the following:

(Amendment Bar Code: 251385)

**Amendment 7**—On page 12, line 7, remove from the bill: all of said lines

and insert in lieu thereof: *of physician per specialty during the course of treatment for any one*

Rep. Sobel moved the adoption of the amendment, which failed of adoption.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

Representative(s) Lerner offered the following:

(Amendment Bar Code: 163063)

**Amendment 8**—On page 13, lines 23 through 27, remove from the bill: all of said lines

and insert in lieu thereof: *independent medical examiner per specialty.*

Rep. Lerner moved the adoption of the amendment, which failed of adoption.

Representative(s) Brutus offered the following:

(Amendment Bar Code: 240413)

**Amendment 9**—On page 17, line 27 through page 18, line 12, remove from the bill: all of said lines

and insert in lieu thereof: *(b) A catastrophic injury as defined in s. 440.02 shall, in the absence of conclusive proof of a substantial earning capacity, constitute permanent total disability. Permanent total disability shall be determined based upon the facts in all other cases. Compensation shall be payable under this subsection if the employee has no substantial earning capacity. An employee has no substantial earning capacity if the employee is unable to work uninterruptedly, either on a full-time or part-time basis, including sedentary work, within a reasonable radius of the employee's residence. Only claimants with catastrophic injuries are eligible for permanent total benefits.* In no other case may permanent total disability be awarded.

*(d) If an employee who is being paid compensation for permanent total disability becomes rehabilitated to the extent that she or he establishes a substantial earning capacity, the employee shall be paid, instead of the compensation provided in paragraph (a), benefits pursuant to subsection (3). The division shall adopt rules to enable a permanently and totally disabled employee who may have reestablished a substantial earning capacity to undertake a trial period of reemployment without prejudicing her or his return to permanent total status in the case that such employee is unable to sustain a substantial earning capacity.*

Rep. Brutus moved the adoption of the amendment, which failed of adoption.

Representative(s) Ross offered the following:

(Amendment Bar Code: 565561)

**Amendment 10**—On page 18, line 4, remove from the bill: , *due to physical limitations,*

Rep. Ross moved the adoption of the amendment, which was adopted.

Representative(s) Ross, Waters, and Alexander offered the following:

(Amendment Bar Code: 721203)

**Amendment 11**—On page 18, lines 5 & 6 remove from the bill: *"100-mile radius of the employee's residence*

and insert in lieu thereof: *50-mile radius of the employee's residence or such greater distance as the judge determines to be reasonable under the circumstances*

Rep. Ross moved the adoption of the amendment, which was adopted.

Representative(s) Ross, Waters, and Alexander offered the following:

(Amendment Bar Code: 690733)

**Amendment 12**—On page 18, lines 9-12 remove from the bill: all of said lines

and insert in lieu thereof: *constitute permanent total disability. Only claimants with catastrophic injuries are eligible for permanent total benefits.* In no other case may permanent total disability *benefits* be awarded.

Rep. Ross moved the adoption of the amendment, which was adopted.

Representative(s) Brutus offered the following:

(Amendment Bar Code: 745129)

**Amendment 13**—On page 18, line 27, remove from the bill: all of said lines

and insert in lieu thereof: *Security benefits under 42 U.S.C. ss. 402 and 423.*

Rep. Brutus moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 189

Yeas—47

Allen	Gelber	Kosmas	Seiler
Ausley	Gottlieb	Kottkamp	Simmons
Bean	Greenstein	Lee	Siplin
Bendross-Mindingall	Harper	Lerner	Slosberg
Betancourt	Henriquez	Machek	Smith
Brutus	Heyman	Meadows	Sobel
Bucher	Holloway	Peterman	Stansel
Bullard	Jennings	Rich	Weissman
Cusack	Jordan	Richardson	Wiles
Fields	Joyner	Ritter	Wilson
Frankel	Justice	Romeo	Wishner
Gannon	Kendrick	Ryan	

Nays—62

Alexander	Byrd	Green	Miller
Arza	Cantens	Haridopolos	Murman
Attkisson	Clarke	Harrell	Needelman
Atwater	Crow	Harrington	Negron
Baker	Detert	Hart	Paul
Ball	Diaz de la Portilla	Hogan	Pickens
Barreiro	Diaz-Balart	Kallinger	Prieguez
Baxley	Dockery	Kilmer	Ross
Bennett	Farkas	Kravitz	Rubio
Bense	Fasano	Kyle	Sorensen
Benson	Fiorentino	Littlefield	Spratt
Berfield	Flanagan	Mack	Trovillion
Billirakis	Garcia	Mahon	Wallace
Bowen	Gardiner	Mayfield	Waters
Brown	Gibson	Mealor	
Brummer	Goodlette	Melvin	

Votes after roll call:

Nays—Andrews, Johnson

THE SPEAKER IN THE CHAIR

Representative(s) Seiler offered the following:

(Amendment Bar Code: 980107)

**Amendment 14**—On page 21, lines 29 through 30, remove from the bill: all of said lines

and insert in lieu thereof: *work. If the certification and evaluation are performed*

Rep. Seiler moved the adoption of the amendment, which failed of adoption.

Representative(s) Henriquez offered the following:

(Amendment Bar Code: 655693)

**Amendment 15**—On page 22, lines 29 through 31, remove from the bill: all of said lines

and insert in lieu thereof: *to the commencement of such employment.*

Rep. Henriquez moved the adoption of the amendment, which failed of adoption.

Representative(s) Lerner offered the following:

(Amendment Bar Code: 752557)

**Amendment 16**—On page 23, lines 9 through 14, remove from the bill: all of said lines

and insert in lieu thereof: *employment than for the general public.*

Rep. Lerner moved the adoption of the amendment, which failed of adoption.

Representative(s) Sobel offered the following:

(Amendment Bar Code: 755765)

**Amendment 17**—On page 28, line 12, remove from the bill: all of said lines

and insert in lieu thereof: *or attendance must accompany the petition, if in the possession of the claimant at the time of filing.*

Rep. Sobel moved the adoption of the amendment, which failed of adoption.

Representative(s) Brutus offered the following:

(Amendment Bar Code: 465207)

**Amendment 18 (with title amendment)**—On page 35, between lines 5 and 6,

insert:

Section 15. Subsection (3) of section 440.24, Florida Statutes, is amended to read:

440.24 Enforcement of compensation orders; penalties.—

(3) In any case where the employer is a self-insurer and fails to comply with any compensation order of a judge of compensation claims or court within 10 days after such order becomes final, the division *shall* may suspend or revoke any authorization previously given to the employer to become a self-insurer, and the division *shall* may sell such of the securities deposited by such self-insurer with the division as may be necessary to satisfy such order.

And the title is amended as follows:

On page 2, line 20, before the word “amending”,

insert: amending s. 440.24, F.S.; requiring suspension or revocation of an authorization for an employer to become a self-insurer under certain circumstances; requiring sale of certain securities to satisfy certain orders;

Rep. Brutus moved the adoption of the amendment, which failed of adoption.

Representative(s) Brutus offered the following:

(Amendment Bar Code: 032973)

**Amendment 19**—On page 43, line 24 through page 46, line 4, remove from the bill: all of said lines

and insert in lieu thereof:

440.34 Attorney’s fees; costs.—

A fee, gratuity, or other consideration may not be paid for services rendered for a claimant in connection with any proceedings arising under this chapter, unless approved as reasonable by the judge of compensation claims or court having jurisdiction over such proceedings. Except as provided by this subsection, any attorney’s fee approved by a judge of compensation claims for services rendered to a claimant must equal to 25 ~~20~~ percent of the first \$5,000 of the amount of the benefits secured, 20 ~~15~~ percent of the next \$5,000 of the amount of the benefits secured, 15 ~~10~~ percent of the remaining amount of the benefits secured to be provided during the first 10 years after the date the claim is filed, and 10 ~~5~~ percent of the benefits secured after 10 years.

(a) However, the judge of compensation claims ~~shall consider the following factors in each case and may approve an increase or decrease the attorney’s fee of up to \$2,500, based on a reasonable hourly rate, if, in her or his judgement, the judge of compensation claims expressly finds that the attorney’s fee based on benefits secured fails to finally compensate the attorney and that the circumstances of the particular case warrant such action. This monetary limitation to hourly rate fees does not apply to attorney’s fees paid under s.440.34(3)(c). Such fees shall be allowed for any petition for benefits that was ripe, due, and owing and~~

*should have been raised in such petition under this paragraph. Any fees are waived on any other benefits which were not raised and which were ripe, due, and owing at the time the issues are resolved.*

(b) *The judge of compensation claims shall not approve a compensation order, a joint stipulation for lump-sum settlement, a stipulation or agreement between a claimant and his or her attorney, or any other agreement related to benefits under this chapter which provides for an attorney’s fee in excess of the amount permitted by this section.*

~~(a) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly.~~

~~(b) The fee customarily charged in the locality for similar legal services.~~

~~(c) The amount involved in the controversy and the benefits resulting to the claimant.~~

~~(d) The time limitation imposed by the claimant or the circumstances.~~

~~(e) The experience, reputation, and ability of the lawyer or lawyers performing services.~~

~~(f) The contingency or certainty of a fee.~~

(3) If the claimant should prevail in any proceedings before a judge of compensation claims or court, there shall be taxed against the employer the reasonable costs of such proceedings, not to include the attorney’s fees of the claimant. A claimant shall be responsible for the payment of her or his own attorney’s fees, except that a claimant shall be entitled to recover a reasonable attorney’s fee from a carrier or employer:

(a) Against whom she or he successfully asserts a *petition claim* for medical benefits only, if the claimant has not filed or is not entitled to file at such time a claim for disability, permanent impairment, wage-loss, or death benefits, arising out of the same accident; or

(b) In any case in which the employer or carrier files a *response to petition notice of denial* with the *Office of the Judges of Compensation Claims division* and the injured person has employed an attorney in the successful prosecution of the *petition claim*; or

(c) In a proceeding in which a carrier or employer denies that an injury occurred for which compensation benefits are payable, and the claimant prevails on the issue of compensability; or

(d) In cases where the claimant successfully prevails in proceedings filed under s. 440.24 or s.440.28.

*Regardless of the date benefits were initially requested, attorney’s fees shall not attach under this subsection until 30 days from the date the carrier or employer, if self-insured, receives the petition. In applying the factors set forth in subsection (1) to cases arising under paragraphs (a), (b), (c), and (d), the Judge of Compensation Claims must only consider only such benefits and the time reasonably spent in obtaining them as were secured for the claimant within the scope of paragraphs (a), (b), (c), and (d).*

Rep. Brutus moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 190

Yeas—45

Ausley	Frankel	Heyman	Kosmas
Bendross-Mindingall	Gannon	Holloway	Kottkamp
Betancourt	Gelber	Jennings	Lee
Brutus	Gottlieb	Jordan	Lerner
Bucher	Greenstein	Joyner	Machek
Bullard	Harper	Justice	McGriff
Fields	Henriquez	Kendrick	Meadows

Peterman	Ryan	Smith	Wilson
Rich	Seiler	Sobel	Wishner
Richardson	Simmons	Stansel	
Ritter	Siplin	Weissman	
Romeo	Slosberg	Wiles	

Nays—73

The Chair	Brown	Goodlette	Mealor
Alexander	Brummer	Green	Melvin
Allen	Byrd	Haridopolos	Miller
Andrews	Cantens	Harrell	Murman
Argenziano	Carassas	Harrington	Needelman
Arza	Clarke	Hart	Negron
Attkisson	Crow	Hogan	Pickens
Atwater	Cusack	Johnson	Prieguez
Baker	Detert	Kallinger	Ross
Ball	Diaz de la Portilla	Kilmer	Rubio
Barreiro	Diaz-Balart	Kravitz	Russell
Baxley	Dockery	Kyle	Sorensen
Bean	Farkas	Lacasa	Spratt
Bennett	Fasano	Littlefield	Trovillion
Bense	Fiorentino	Lynn	Wallace
Benson	Flanagan	Mack	Waters
Berfield	Garcia	Mahon	
Bilirakis	Gardiner	Mayfield	
Bowen	Gibson	Maygarden	

Representative(s) Ross, Waters, and Alexander offered the following:

(Amendment Bar Code: 534435)

**Amendment 20**—On page 46, lines 21 & 22 remove from the bill: all of said lines

and insert in lieu thereof:

Section 20. Effective October 1, 2001, subsections (1) and (2) of section 440.4416, Florida Statutes, are amended to read:

Rep. Waters moved the adoption of the amendment, which was adopted.

Representative(s) Brown, Ross, Waters, and Alexander offered the following:

(Amendment Bar Code: 693665)

**Amendment 21 (with title amendment)**—On page 51, between lines 17 & 18 of the bill

insert:

Section 22. *The amendments to ss. 440.02 and 440.15 in this act shall not be construed to affect any determination of disability under s. 112.18, 112.181, or s. 112.19, Florida Statutes.*

And the title is amended as follows:

On page 3, line 29, after the semicolon

insert: providing that determinations under ss. 112.18, 112.181, 112.19, F.S., are not affected;

Rep. Brown moved the adoption of the amendment, which was adopted.

Representative(s) Brutus offered the following:

(Amendment Bar Code: 570575)

**Amendment 22**—On page 51, between lines 19 and 20 of the bill

insert:

Section 23. *It is the intent of the Legislature that the cost of workers' compensation insurance be reduced to employers who are required to maintain such coverage. On September 1, 2001, rates for workers'*

*compensation insurance shall be reduced by each insurer as defined in s. 624.08, commercial self-insurance fund as defined in s. 624.462, and group self-insurer as defined in s. 440.02. The September 1, 2001, rate reduction for each such insurer, commercial self-insurance fund, and group self-insurer shall be 25 percent of the rates that were effective on January 1, 2001, and such revised rates shall remain in effect until January 1, 2003. There shall be no exceptions to the requirements of this provision, unless the Department of Insurance finds that the use of the revised rates by a particular insurer, commercial self-insurance fund, or group self-insurer will result in rates which are inadequate to the extent that the continued use of such rates jeopardizes the solvency of the insurer, commercial self-insurance fund or group self-insurer. Any new or renewal workers' compensation insurance policy entered into on or after September 1, 2001, shall reflect the 25 percent reduction in rates for the required coverage under this act. The Department of Insurance shall adopt rules pertaining to the applicability of this section to the unexpired term of all workers' compensation insurance policies in existence on September 1, 2001. Any insurer, commercial self-insurance fund or group self-insurer which as an approved deviation or discount in existence on or before September 1, 2001, shall discontinue use of such deviation or discount as of September 1, 2001, with regard to all insureds. No insurer, commercial self-insurance fund or group self-insurer shall make written application of the Department of Insurance for permission to file a uniform percentage decrease below the revised rates effective as of September 2, 2001.*

Rep. Brutus moved the adoption of the amendment, which failed of adoption.

Representative(s) Ross, Waters, and Alexander offered the following:

(Amendment Bar Code: 285091)

**Amendment 23**—On page 51, lines 26 & 27 remove from the bill: all of said lines

and insert in lieu thereof: Except as otherwise provided herein, this act shall take effect January 1, 2002.

Rep. Waters moved the adoption of the amendment, which was adopted.

On motion by Rep. Ross, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Ross offered the following:

(Amendment Bar Code: 681841)

**Amendment 24**—On page 46, lines 24-26, remove from the bill: all of said lines

and insert in lieu thereof:

(1) There is created within the department of ~~Labor and Employment Security~~ the Workers' Compensation Oversight Board. The board shall be composed of the following members,

Rep. Ross moved the adoption of the amendment, which was adopted.

On motion by Rep. Ross, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Ross offered the following:

(Amendment Bar Code: 913543)

**Amendment 25**—On page 18, line 1 remove from the bill: *physically*

Rep. Ross moved the adoption of the amendment, which was adopted.

Rep. Ryan moved that, under Rule 12.2(c), a late-filed amendment be allowed for consideration, which was not agreed to.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Goodlette, the House moved to the consideration of CS/CS/HB 179 on Special Orders.

**CS/CS/HB 179**—A bill to be entitled An act relating to child care facilities; amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; providing an effective date.

—was read the second time by title.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 402153)

**Amendment 1 (with title amendment)**—On page 4, between lines 11 and 12 of the bill

insert:

Section 5. Subsection (6) of section 402.301, Florida Statutes, is amended to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing.

(2) It is the intent of the Legislature that all owners, operators, and child care personnel shall be of good moral character.

(3) It shall be the policy of the state to ensure protection of children and to encourage child care providers and parents to share responsibility for and to assist in the improvement of child care programs.

(4) It shall be the policy of the state to promote public and private employer initiatives to establish day care services for their employees.

(5) It is the further legislative intent that the freedom of religion of all citizens shall be inviolate. Nothing in ss. 402.301-402.319 shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.

(6) It is further the intent that membership organizations *that do not provide child care for school-age children for more than four hours per day, and are affiliated with national organizations which do not provide child care*, whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures, shall not be considered child care facilities and therefore, their personnel shall not be required to be screened. *Care for children under the age of Kindergarten is considered child care and is subject to the provisions of s. 402.301 through 402.19.*

And the title is amended as follows:

On page 1, line 18

insert:

amending s. 402.301, F.S., specifying which membership organizations are not considered child care facilities;

Rep. Lynn moved the adoption of the amendment, which was adopted.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 193785)

**Amendment 2 (with title amendment)**—On page 3, between lines 21 and 22, of the bill

insert:

Section 4. *Upon the effective date of this act, the Department of Children and Family Services shall implement the provisions of this act relating to compilation, maintenance, and availability of data, public access thereto, and uniform penalties, and such implementation shall not be subject to an appropriation.*

And the title is amended as follows:

On page 1, line 15,

after the semicolon insert: providing that implementation is not subject to an appropriation;

Rep. Lynn moved the adoption of the amendment, which was adopted.

Representative(s) Rich offered the following:

(Amendment Bar Code: 852373)

**Amendment 3 (with title amendment)**—On page 4, between lines 11 and 12,

insert:

Section 5. *The Social Services Estimating Conference shall determine and agree to by May 31 of each year the projected utilization rates for the temporary cash assistance and welfare transition child care funding category and the working poor child care funding category. Notwithstanding the provisions of chapter 216, if a surplus is projected in the temporary cash assistance and welfare transition child care funding category and there is a determined need in the working poor child care funding category, the surplus funds shall be used to provide subsidies for families who are income eligible and served in the working poor child care funding category.*

And the title is amended as follows:

On page 1, line 18,

after the semicolon insert: requiring the Social Services Estimating Conference to determine utilization rates for child care finding categories; requiring surplus child care funds be used to provide child care for income eligible families;

Rep. Rich moved the adoption of the amendment. Subsequently, **Amendment 3** was withdrawn.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**Motions**

On motion by Rep. Byrd, the rules were waived and **HB 1157** was added to the Special Order Calendar.

On motion by Rep. Byrd, the House agreed to consider the following series of bills on Special Orders: HBs 1419, 601, 1157 and 1565; CS/HB 333; and CS/HB 987.

**HB 1419**—A bill to be entitled An act relating to historic preservation; repealing pt. I of ch. 266, F.S.; eliminating general provisions relating to historic preservation boards of trustees and the responsibilities of the Department of State with respect thereto; repealing ss. 266.0011, 266.0012, 266.0013, 266.0014, 266.0015, 266.00155, 266.0016, and 266.0017, F.S.; eliminating the Historic Pensacola Board of Trustees; amending s. 267.031, F.S.; providing powers and duties of the Division

of Historical Resources; providing for the establishment of historic preservation regional offices; providing purpose; requiring the division to establish a citizen support organization for each regional office; requiring the division to establish and maintain a central inventory of historic properties; requiring the employment of a state archaeologist; providing qualifications and responsibilities for the state archaeologist; requiring the employment of a state historic preservation officer and other personnel; providing for designation and responsibilities of the state historic preservation officer; amending s. 267.061, F.S.; correcting a cross reference; requiring rules for historic property renovation to be based on certain national guidelines and standards; repealing provisions relating to division responsibilities, state archaeologist, and state historic preservation officer; amending s. 267.0612, F.S.; deleting provisions relating to the Historic Preservation Advisory Council; creating the Florida Historical Commission; providing powers and duties; providing composition of the commission; providing for initial membership and subsequent appointments; providing terms and organization; providing responsibilities of the commission; providing that specified members of the commission shall sit as Florida's National Register Review Board; amending s. 267.0617, F.S.; requiring review of special category historic preservation grants-in-aid by the Florida Historical Commission; defining such grants; providing for review of other grants by grant review panels; conforming cross references; amending s. 267.062, F.S.; correcting a cross reference; amending s. 267.072, F.S., relating to Museum of Florida History programs; renumbering provisions relating to historical museum grants as s. 267.0619, F.S.; revising provisions with respect to grant application review; renumbering provisions relating to the Great Floridians program as s. 267.073, F.S.; correcting a cross reference; creating s. 267.074, F.S.; requiring the Division of Historical Resources to coordinate and direct the Historical Marker Program; delineating program responsibilities; providing classification of markers; requiring the division to establish a central register of markers and to establish and maintain the Florida Register of Heritage Landmarks; requiring rules; requiring a comprehensive plan; providing for the establishment of fees; specifying funding sources for markers; creating s. 267.0743, F.S.; creating the State Historical Marker Council; providing for membership, meetings, organization, and responsibilities of the council; amending s. 267.081, F.S.; authorizing the division to exercise the right of trademark and service mark over specified terms; creating s. 267.115, F.S.; providing division authority and responsibilities pertaining to objects of historical or archaeological value; requiring maintenance of records; providing for loan, sale, exchange, or other disposition of objects under certain circumstances; providing for disposition of funds; providing for rules; providing a penalty; providing for contracts; allowing program for administering finds of artifacts in state-owned river bottoms; amending s. 267.13, F.S.; revising provisions with respect to restitution for the commission of practices prohibited under ch. 267, F.S.; defining value elements for purposes of determining restitution; amending s. 267.14, F.S.; providing public policy declarations; creating s. 267.173, F.S.; requiring the Department of State to contract with the University of West Florida for management of certain state-owned properties; providing contract goals; requiring use of proceeds derived from the management of such properties; authorizing transfer and ownership of certain artifacts, documents, and properties to the university; providing for transfer of records, property, personnel, and funds of the Historic Pensacola Board of Trustees to the university; specifying certain powers and duties of the University of West Florida; providing that the university may contract with its direct-support organization to perform all acts necessary to assist the university in carrying out its historic preservation and historic education responsibilities; delineating certain powers; authorizing the Department of State to contract with the University of West Florida to serve as a regional office; providing an exception to the requirement for a separate direct-support organization for regional offices; amending and renumbering s. 266.0018, F.S.; requiring the authorization of a direct-support organization to assist the University of West Florida in historic preservation and historic preservation education purposes and responsibilities; conforming references; providing membership criteria and selection; delineating contract and other governance requirements; providing for preservation of validity of judicial or administrative actions involving the Historic Pensacola Preservation Board of Trustees;

amending ss. 607.1901 and 872.05, F.S.; correcting cross references; providing effective dates.

—was read the second time by title.

The Committee on State Administration offered the following:

(Amendment Bar Code: 293101)

**Amendment 1**—On page 11, line 7, of the bill

insert after the period: *Additionally these commission members shall serve as the legislative historic preservation advisory body to the speaker and the president with respect to the collection and preservation of the historic records of both houses of the Legislature.*

Rep. Trovillion moved the adoption of the amendment, which was adopted.

On motion by Rep. Trovillion, the rules were waived and HB 1419, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 191

Yeas—114

Alexander	Cusack	Jennings	Paul
Allen	Detert	Johnson	Peterman
Andrews	Diaz de la Portilla	Jordan	Pickens
Arza	Diaz-Balart	Joyner	Prieguez
Attkisson	Dockery	Justice	Rich
Atwater	Farkas	Kallinger	Richardson
Ausley	Fasano	Kendrick	Ritter
Baker	Fields	Kilmer	Romeo
Ball	Fiorentino	Kosmas	Ross
Barreiro	Flanagan	Kottkamp	Rubio
Baxley	Frankel	Kravitz	Russell
Bean	Gannon	Kyle	Ryan
Bendross-Mindingall	Garcia	Lacasa	Seiler
Bennett	Gardiner	Lee	Simmons
Bense	Gelber	Lerner	Siplin
Benson	Gibson	Littlefield	Slosberg
Berfield	Goodlette	Lynn	Smith
Betancourt	Gottlieb	Machek	Sobel
Bilirakis	Green	Mack	Sorensen
Bowen	Greenstein	Mahon	Spratt
Brown	Haridopolos	Mayfield	Stansel
Brummer	Harper	Maygarden	Trovillion
Bucher	Harrell	McGriff	Wallace
Bullard	Harrington	Mealor	Waters
Byrd	Hart	Melvin	Weissman
Cantens	Henriquez	Miller	Wiles
Carassas	Heyman	Murman	Wilson
Clarke	Hogan	Needelman	
Crow	Holloway	Negron	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 601**—A bill to be entitled An act relating to judgment liens on personal property; amending s. 55.201, F.S.; revising language with respect to the central database of judgment liens on certain personal property; amending s. 55.202, F.S.; revising language with respect to liens on personal property which are the result of judgments, orders, and decrees; amending s. 55.203, F.S.; revising language with respect to judgment lien certificates; deleting the requirement of the inclusion of certain information; amending s. 55.204, F.S.; revising language with respect to the duration and continuation of a judgment lien; revising a timeframe for the acquisition of a second judgment lien; increasing the time period for the retention of a lien file by the Department of State; amending s. 55.205, F.S.; revising language with respect to the effect of a judgment lien; providing for certain liens to be superior to a judgment lien; amending s. 55.206, F.S.; revising language with respect to the

amendment of a filed judgment lien; amending s. 55.207, F.S.; revising language with respect to the correction of a judgment lien file; amending s. 55.208, F.S.; revising language with respect to the effect of a filed judgment lien on writs of execution previously delivered to a sheriff; amending s. 55.209, F.S.; revising language with respect to the duties of the Department of State in collecting processing fees for filed documents; amending s. 55.604, F.S.; revising language with respect to the recognition and enforcement of certain foreign judgments; amending s. 55.605, F.S.; revising language with respect to grounds for nonrecognition; eliminating the requirement that the department maintain a described list; amending s. 56.21, F.S.; revising language with respect to execution sales; amending s. 56.27, F.S.; revising language with respect to executions; providing effective dates.

—was read the second time by title.

The Committee on Judicial Oversight offered the following:

(Amendment Bar Code: 630197)

**Amendment 1**—On page 8, line 30 through page 9, line 3 remove from the bill: all of said lines

and insert in lieu thereof: therein for a minimum of 1 year after the judgment lien lapses in accordance with this section.

Rep. Pickens moved the adoption of the amendment, which failed of adoption.

The Committee on Judicial Oversight offered the following:

(Amendment Bar Code: 633187)

**Amendment 2 (with title amendment)**—On page 9, between lines 3 and 4 of the bill

insert:

(7) *Nothing in this section shall be construed to extend the life of a judgment lien beyond the time that the underlying judgment, order, decree, or warrant otherwise expires or becomes invalid pursuant to law.*

And the title is amended as follows:

On page 1, line 18, after the word and semicolon “State;”

insert providing that filing of a judgment lien certificate does not extend the life of a judgment, order, decree, or warrant;

Rep. Pickens moved the adoption of the amendment, which failed of adoption.

The Committee on Judicial Oversight offered the following:

(Amendment Bar Code: 140691)

**Amendment 3 (with title amendment)**—On page 17, between lines 9 - 10 of the bill insert:

Section 14. Section 77.01, Florida Statutes, is amended to read:

77.01 Right to garnishment.—Every person or entity who has sued to recover a debt or has recovered judgment in any court against any person or entity has a right to a writ of garnishment, in the manner hereinafter provided, to subject any debt due ~~or any debt under a negotiable instrument that will become due~~ to a defendant by a third person or any debt not evidenced by a negotiable instrument that will become due absolutely through the passage of time only to defendant by a third person, and any tangible or intangible personal property of defendant in the possession or control of a third person. The officers, agents, and employees of any companies or corporations are third persons in regard to the companies or corporations, and as such are subject to garnishment after judgment against the companies or corporations.

Section 15. Subsections (1) and (2) of section 77.041, Florida Statutes, are amended to read:

77.041 Notice to individual defendant for claim of exemption from garnishment; procedure for hearing.—

(1) Upon application for a writ of garnishment by a plaintiff, *if the defendant is an individual* the clerk of the court shall attach to the writ the following “Notice to Defendant”:

NOTICE TO DEFENDANT OF RIGHT AGAINST  
GARNISHMENT OF WAGES, MONEY,  
AND OTHER PROPERTY

The Writ of Garnishment delivered to you with this Notice means that wages, money, and other property belonging to you have been garnished to pay a court judgment against you. HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY, OR PROPERTY. READ THIS NOTICE CAREFULLY.

State and federal laws provide that certain wages, money, and property, even if deposited in a bank, savings and loan, or credit union, may not be taken to pay certain types of court judgments. Such wages, money, and property are exempt from garnishment. The major exemptions are listed below on the form for Claim of Exemption and Request for Hearing. This list does not include all possible exemptions. You should consult a lawyer for specific advice.

TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF GARNISHMENT.

If you request a hearing, it will be held as soon as possible after your request is received by the court. The plaintiff must file any objection within 2 business days if you hand delivered to the plaintiff a copy of the form for Claim of Exemption and Request for Hearing or, alternatively, 7 days if you mailed a copy of the form for claim and request to the plaintiff. If the plaintiff files an objection to your Claim of Exemption and Request for Hearing, the clerk will notify you and the other parties of the time and date of the hearing. You may attend the hearing with or without an attorney. If the plaintiff fails to file an objection, no hearing is required, the writ of garnishment will be dissolved and your wages, money, or property will be released.

YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE AVAILABLE. CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA.

CLAIM OF EXEMPTION AND  
REQUEST FOR HEARING

I claim exemptions from garnishment under the following categories as checked:

- .... 1. Head of family wages. (You must check a. or b. below.)
- .... a. I provide more than one-half of the support for a child or other dependent and have net earnings of \$500 or less per week.
- .... b. I provide more than one-half of the support for a child or other dependent, have net earnings of more than \$500 per week, but have not agreed in writing to have my wages garnished.
- .... 2. Social Security benefits.
- .... 3. Supplemental Security Income benefits.

- .... 4. Public assistance (welfare).
- .... 5. Workers' Compensation.
- .... 6. Unemployment Compensation.
- .... 7. Veterans' benefits.
- .... 8. Retirement or profit-sharing benefits or pension money.
- .... 9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.
- .... 10. Disability income benefits.
- .... 11. Prepaid College Trust Fund or Medical Savings Account.
- .... 12. Other exemptions as provided by law.  
..... (explain)

I request a hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

Address: .....

Telephone number:.....

The statements made in this request are true to the best of my knowledge and belief.

.....

Defendant's signature

Date.....

STATE OF FLORIDA

COUNTY OF

Sworn and subscribed to before me this ..... day of . . .(month and year). . ., by . . .(name of person making statement). . .

Notary Public/Deputy Clerk

Personally Known ..... OR Produced Identification. . . .

Type of Identification Produced. ....

(2) The plaintiff must mail, by first class, a copy of the writ of garnishment, a copy of the motion for writ of garnishment, and, if the defendant is an individual, the "Notice to Defendant" to the defendant's last known address within 5 business days after the writ is issued or 3 business days after the writ is served on the garnishee, whichever is later. However, if such documents are returned as undeliverable by the post office, or if the last known address is not discoverable after diligent search, the plaintiff must mail, by first class, the documents to the defendant at the defendant's place of employment. The plaintiff shall file in the proceeding a certificate of such service.

Section 16. Subsection (5) of section 678.1051, Florida Statutes, is amended to read:

678.1051 Notice of adverse claim.—

(5) Filing of a financing statement under chapter 679, or a judgment lien certificate under chapter 55, is not notice of an adverse claim to a financial asset.

And the title is amended as follows:

On page 2, line 11, after the semicolon,

insert: amending s. 77.01, F.S.; providing that certain debts related to negotiable instruments are not subject to garnishment; amending s. 77.041, F.S.; providing that only individuals subject to garnishment must be provided a "Notice of Defendant"; amending s. 678.1051, F.S.; providing that a judgment lien certificate does not constitute an adverse claim against a financial asset;

Rep. Pickens moved the adoption of the amendment, which failed of adoption.

The Committee on Judicial Oversight offered the following:

(Amendment Bar Code: 343915)

**Amendment 4**—In the title, on page 1, lines 1 - 2, remove from the bill: judgment liens on personal property and insert in lieu thereof: judgments

Rep. Pickens moved the adoption of the amendment, which failed of adoption.

Representative(s) Pickens offered the following:

(Amendment Bar Code: 371501)

**Amendment 5 (with title amendment)**— Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 55.201, Florida Statutes, is amended to read:

55.201 Central database of judgment liens on personal property.— The Department of State shall maintain a database of judgment lien files records established in accordance with ss. 55.201-55.209.

Section 2. Section 55.202, Florida Statutes, is amended to read:

55.202 Judgments, orders, and decrees; lien on personal property.—

(1) A judgment lien securing the unpaid amount of any money judgment may be acquired by the holder of a judgment entered by:

(a) *Enforceable in this state under its laws or the laws of the United States A court of this state;*

~~(b) A court of the United States having jurisdiction in this state;~~

~~(c) A court of the United States or any other state to the extent enforceable under the Florida Enforcement of Foreign Judgments Act, ss. 55.501-55.509;~~

~~(d) A foreign state as defined in the Uniform Out of country Foreign Money Judgment Recognition Act, ss. 55.601-55.607, from the time and to the extent enforceable thereunder;~~

~~(b)(e)~~ Entered by an issuing tribunal with respect to a support order being enforced in this state pursuant to chapter 88; or

~~(c)(f)~~ Enforceable by operation of law pursuant to s. 61.14(6).

(2) A judgment lien may be acquired on a the judgment debtor's interest in all personal property in this state subject to execution under s. 56.061 in this state, other than fixtures, money, negotiable instruments, and mortgages.

(a) A judgment lien is acquired by filing recording a judgment lien certificate in accordance with s. 55.203 with the Department of State after the judgment has become final and if no stay of the judgment or its enforcement is then in effect at the time the certificate is filed.

(b) For any tax lien, warrant, or assessment, or judgment collected by the Department of Revenue granted by law to the state or any of the political subdivisions for any tax enumerated in s. 72.011, a judgment lien may be acquired by filing the judgment lien certificate information recording the lien or warrant with the Department of State in accordance with s. 55.205(5).

(c) Except as provided in s. 55.208, the effective date of a judgment lien is the date, including the time of day, of filing. Although A judgment lien is effective as of the date of recording, but no lien attaches to property, and a creditor does not become a lien creditor as to liens under chapter 679, until the debtor acquires an interest in the property, priority among competing judgment liens is determined in order of filing date and time.

(d) Except as provided in s. 55.204(3), a judgment creditor may file record only one effective judgment lien certificate based upon a particular judgment.



(3) Except as otherwise provided in s. 55.208, the priority of a judgment lien acquired in accordance with this section or s. 55.204(3) is established at the *date and time* the judgment lien is *filed recorded*. ~~Such judgment lien is deemed recorded as of its effective date as provided in this section or s. 55.204(3).~~

(4) As used in ss. 55.201-55.209, the terms "holder of a judgment" and "judgment creditor" include the Department of Revenue with respect to a judgment being enforced by the Department of Revenue as the state IV-D agency.

(5) Liens, assessments, *warrants*, or judgments *filed pursuant to paragraph (2)(b) administered by or secured on behalf of any state agency or political subdivision of the state* may be filed directly into the central database by *the Department of Revenue such agency or subdivision* through electronic or information data exchange programs approved by the Department of State. *Such filings must contain the information set forth in s. 55.203(1).*

Section 3. Section 55.203, Florida Statutes, is amended to read:

55.203 Judgment lien certificate; content, recording, and indexing.—

(1) An original judgment lien certificate, ~~as provided in s. 55.202,~~ must include:

(a) The legal name of each judgment debtor and, if a recorded legal entity, the registered name and document filing number as shown in the records of the Department of State.

(b) ~~The last known address and social security number, federal identification number, or, in the instance in which the judgment creditor is a state agency or a political subdivision of the state, a taxpayer or other distinct identification number of each judgment debtor, except that in cases of default judgment, the social security number must be included only if known, or federal employer identification number of each judgment debtor if shown on the judgment itself.~~

(c) The legal name of the judgment creditor and, if a recorded legal entity, the registered name and document filing number as shown in the records of the Department of State, and the name of the judgment creditor's attorney or duly authorized representative, if any.

(d) ~~The address and social security number or federal employer identification number of the judgment creditor.~~

(e) The identity of the court which entered the judgment and the case number and the date the written judgment was entered.

(f) The amount due on the money judgment and the applicable interest rate.

(g) The signature of the judgment creditor or the judgment creditor's attorney or duly authorized representative.

(h) With respect to a lien ~~acquired~~ *created* by a delivery of a writ of execution to a sheriff prior to October 1, 2001, an affidavit by the judgment creditor which attests that the person or entity possesses any documentary evidence of the date of delivery of the writ, and a statement of that date or a certification by the sheriff of the date as provided in s. 30.17(4).

(2) A second judgment lien certificate, as provided in s. 55.204(3), must include the information required in subsection (1) and must state the file number assigned to the *file record* of the original judgment lien certificate, the money amount remaining unpaid, and the interest accrued thereon.

(3) An amendment, as provided in s. 55.206, or a correction statement, as provided in s. 55.207, must state the file number of the judgment lien *file record* to which the amendment or correction statement relates and must state the action, change, or statement to be added.

(4) The Department of State shall examine, for compliance with ss. 55.201-55.209, each document submitted for *filing recording* and shall

accept or reject the document accordingly. For each judgment lien certificate ~~filed recorded~~, the department shall:

(a) Create a *file record*.

(b) Assign a unique file number to the record.

(c) Include the *date and time* of filing of the judgment lien certificate.

(d) Maintain the *file record* in a database accessible to the public via the Internet.

(e) Index the judgment lien certificate according to the name of each judgment debtor.

(f) Index all subsequently filed documents relating to an original judgment lien certificate in a manner that associates them to the original judgment lien certificate.

(5) ~~The validity of~~ A judgment lien certificate *substantially satisfying the requirements of this section is effective even if it has minor errors or omissions that make the filing recorded under this section may not be defeated by technical or clerical errors made in good faith which are not seriously misleading, nor may any claim of estoppel be based on such errors.*

(6) The Department of State shall prescribe mandatory forms of all documents to be filed under this section.

Section 4. Section 55.204, Florida Statutes, is amended to read:

55.204 Duration and continuation of judgment lien; destruction of records.—

(1) Except as provided in this section, a judgment lien acquired under s. 55.202 lapses and becomes invalid 5 years after the date of *filing recording* the judgment lien certificate.

(2) Liens securing the payment of child support or tax obligations as set forth in s. 95.091(1)(b) shall not lapse until 20 years after the date of the original filing of the warrant or other document required by law to establish a lien. No second lien based on the original filing may be obtained.

(3) At any time within 6 months before *or 6 months after* the scheduled lapse of a judgment lien under subsection (1), the judgment creditor may acquire a second judgment lien by *filing recording* a new judgment lien certificate. *The effective date of the second judgment lien is becomes effective on the date of lapse of the original judgment lien or on the date and time on which the judgment lien certificate is filed recorded, whichever is later. The second judgment lien is deemed recorded on its effective date.* The second judgment lien is ~~deemed~~ a new judgment lien and not a continuation of the original judgment lien. The second judgment lien permanently lapses and becomes invalid 5 years after its *filing effective* date, and no additional liens based on the original judgment or any judgment based on the original judgment may be *acquired obtained*.

(4) A judgment lien continues only as to itemized property for an additional 90 days after lapse of the lien. Such judgment lien will continue only if:

(a) The property had been itemized and its location described with sufficient particularity in the instructions for levy;

(b) The levy had been delivered to the sheriff prior to the date of lapse of the lien to permit the sheriff to act; and

(c) The property was located in the county in which the sheriff has jurisdiction at the time of delivery of the instruction for levy. Subsequent removal of the property does not defeat the lien. A court may order continuation of the lien beyond the 90-day period on a showing that extraordinary circumstances have prevented levy.

(5) The date of lapse of a judgment lien whose enforceability has been temporarily stayed or enjoined as a result of any legal or equitable proceeding is tolled until 30 days after the stay or injunction is terminated.

(6) The Department of State shall maintain each judgment lien *file record* and all information contained therein for a minimum of 1 year after the judgment lien lapses in accordance with this section.

(7) *Nothing in this section shall be construed to extend the life of a judgment lien beyond the time that the underlying judgment, order, decree, or warrant otherwise expires or becomes invalid pursuant to law.*

Section 5. Section 55.205, Florida Statutes, is amended to read:

55.205 Effect of judgment lien.—

(1) A valid judgment lien gives the judgment creditor the right to *proceed against take possession of the property of the debtor subject to levy* through writ of execution, garnishment, or other judicial process. A judgment creditor who has not *acquired recorded* a judgment lien *as provided in s. 55.202 certificate in accordance with s. 55.203* or whose lien has lapsed may nevertheless *proceed against take possession of the judgment debtor's property through such other judicial process. Such* A judgment creditor proceeding by writ of execution *acquires obtains* a lien as of the time of levy and only on the property levied upon. Except as provided in s. 55.208, such judgment creditor takes subject to the claims and interest of priority judgment creditors.

(2) A buyer in the ordinary course of business as defined in s. 671.201(9) takes free of a judgment lien *acquired as provided in s. 55.202 or s. 55.204 created under this section* even though the buyer knows of its existence. A valid security interest as defined in chapter 679 in after-acquired property of the judgment debtor which is perfected *before the debtor acquires an interest in the property prior to the effective date of a judgment lien* takes priority over the judgment lien on the after-acquired property.

(3) *An individual buyer of goods for personal, family, or household use who buys the goods from a seller who held the goods for personal, family, or household use, and who pays value without knowledge that the goods are subject to a judgment lien, is entitled, to the extent of the value paid, to a lien on the goods superior to the judgment lien. If the buyer has made improvements to the goods, or other reasons justify doing so, a court may adjust the amount secured by the lien as the equities may require.*

(4) *A buyer of stock in a corporation takes free of a judgment lien hereunder if the buyer pays value in good faith without notice as defined in s. 678.1051.*

Section 6. Section 55.206, Florida Statutes, is amended to read:

55.206 Amendment of judgment lien *file record*; termination, partial release, assignment, continuation, tolling, correction.—

(1) An amendment to a judgment lien *acquired as provided* under s. 55.202 may be *filed recorded* by or on behalf of the judgment creditor of record, which may provide for:

(a) The termination, partial release, or assignment of the judgment creditor's interest in a judgment lien;

(b) The continuation and termination of the continuation of a judgment lien, as provided in s. 55.204(4);

(c) The tolling and termination of the tolling of a lapse of a judgment lien, as provided in s. 55.204(5); or

(d) The correction or change of any other information provided in the *record of a judgment lien file*.

(2) Within 30 days following receipt of a written demand by a judgment debtor after the obligation underlying a judgment lien has been fully or partially released, the judgment lienholder must deliver to the judgment debtor a written statement indicating that there is no longer a claim for a lien on the personal property of the judgment debtor or that the judgment lien has been partially released and setting forth the value of the lien remaining unpaid as of the date of the statement. A statement signed by an assignee must include or be accompanied by a separate written acknowledgement of assignment signed by or for the benefit of the judgment creditor of record. If the judgment lienholder

fails to deliver such a statement within 30 days after proper written demand therefor, the judgment lienholder is liable to the judgment debtor for \$100, and for any actual or consequential damages, including reasonable attorney's fees, caused by such failure to the judgment debtor.

(3) The judgment debtor, the judgment creditor, or assignee may file such statement with the Department of State.

Section 7. Section 55.207, Florida Statutes, is amended to read:

55.207 Correction of judgment lien *file record*.—

(1) A person may file with the Department of State a correction statement with respect to a judgment lien *file record*, as provided in s. 55.203, indexed under *any* the person's name, if the person believes that the *file record* is inaccurate or that the judgment lien certificate was wrongfully filed.

(2) A correction statement must:

(a) State the judgment debtor named and the file number assigned to the judgment lien *file record* to which the correction statement relates;

(b) Indicate that it is a correction statement;

(c) Provide the basis for the person's belief that the judgment lien certificate was wrongfully filed or the *file record* is inaccurate; and

(d) Indicate the manner in which the person believes the *file record* should be corrected to cure any inaccuracy.

(3) The department shall ensure that a correction statement is indexed and available in the same manner as any *filed recorded* lien certificate in the central database of judgment lien *files records*.

(4) The filing of a correction statement does not affect the effectiveness of the judgment lien or other *filing filed record*.

Section 8. Section 55.208, Florida Statutes, is amended to read:

55.208 Effect of *filed recorded* judgment lien on writs of execution previously delivered to a sheriff.—

(1) Any lien created by a writ of execution which has been delivered to the sheriff of any county before October 1, 2001, remains in effect for 2 years thereafter as to any property of the judgment debtor located in that county before October 1, 2001, and remaining within that county after that date. As to any property of the judgment debtor brought into the county on or after October 1, 2001, such writs create no lien, inchoate or otherwise.

(2) If a judgment creditor who has delivered a writ of execution to a sheriff in any county prior to October 1, 2001, properly files a judgment lien certificate with the Department of State by October 1, 2003, the resulting judgment lien is deemed *filed recorded* on the date the writ was delivered to the sheriff as to all *leviable* property of the judgment debtor *subject to execution in this state under s. 56.061* which is located in that county on October 1, 2001, and that remains continuously in that county thereafter. *Priority of such judgment liens is determined as of the effective date they are considered to have been filed.* As to all other property of the judgment debtor, the effective date of the judgment lien is as provided in s. 55.202. The duration of all judgment liens is as provided in s. 55.204, ~~regardless of the date on which a lien is determined to have been recorded.~~

(3) If a judgment creditor who has delivered a writ of execution to a sheriff in any county before October 1, 2001, does not properly *file record* a judgment lien certificate with the Department of State by October 1, 2003, such writ is considered to have been abandoned and to be of no effect after October 1, 2003.

Section 9. Section 55.209, Florida Statutes, is amended to read:

55.209 Department of State; processing fees, responsibilities.—

(1) Except for liens, assessments, *warrants*, or judgments filed electronically by a state agency or a political subdivision of the state, as

provided in s. 55.202(2) ~~s. 55.202(6)~~, the Department of State shall collect the following nonrefundable processing fees for all documents filed ~~or recorded~~ in accordance with ss. 55.201-55.209:

(a) For any judgment lien certificate or other documents permitted to be filed, \$20.

(b) For the certification of any *filed recorded* document, \$10.

(c) For copies of judgment lien documents which are produced by the Department of State, \$1 per page or part thereof. However, no charge may be collected for copies provided in an on-line electronic format via the Internet.

(d) For indexing a judgment lien by multiple judgment debtor names, \$5 per additional name.

(e) For each additional facing page attached to a judgment lien certificate or document permitted to be filed ~~or recorded~~, \$5.

(2) Unless otherwise provided by law, the Department of State may not conduct any search of the database established under s. 55.201 to determine the existence of any judgment lien *file record* or to perform any service other than in connection with those services for which payment of services are required under this section. The information maintained in the database is for public notice purposes only and the department may make no certification or determination of the validity of any judgment lien acquired under ss. 55.202 and 55.204(3).

Section 10. Subsections (6) and (8) of section 55.604, Florida Statutes, are amended to read:

55.604 Recognition and enforcement.—Except as provided in s. 55.605, a foreign judgment meeting the requirements of s. 55.603 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. Procedures for recognition and enforceability of a foreign judgment shall be as follows:

(6) Once an order recognizing the foreign judgment has been entered by a court of this state, the order and a copy of the judgment ~~shall be filed with the Department of State and~~ may be recorded in any other county of this state without further notice or proceedings, and shall be enforceable in the same manner as the judgment of a court of this state.

(8) A judgment lien on personal property is acquired only when a judgment lien certificate *is filed in accordance with s. 55.203 satisfying the requirements of s. 55.203* ~~has been recorded~~ with the Department of State.

Section 11. Section 55.605, Florida Statutes, is amended to read:

55.605 Grounds for nonrecognition.—

(1) A foreign judgment is not conclusive if:

(a) The judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law.

(b) The foreign court did not have personal jurisdiction over the defendant.

(c) The foreign court did not have jurisdiction over the subject matter.

(2) A foreign judgment need not be recognized if:

(a) The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him or her to defend.

(b) The judgment was obtained by fraud.

(c) The cause of action or claim for relief on which the judgment is based is repugnant to the public policy of this state.

(d) The judgment conflicts with another final and conclusive order.

(e) The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court.

(f) In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

(g) The foreign jurisdiction where judgment was rendered would not give recognition to a similar judgment rendered in this state. ~~For purposes of this paragraph, the Secretary of State shall establish and maintain a list of foreign jurisdictions where the condition specified in this paragraph has been found to apply.~~

Section 12. Section 56.21, Florida Statutes, is amended to read:

56.21 Execution sales; notice.—Notice of all sales under execution shall be given by advertisement once each week for 4 successive weeks in a newspaper published in the county in which the sale is to take place. The time of such notice may be shortened in the discretion of the court from which the execution issued, upon affidavit that the property to be sold is subject to decay and will not sell for its full value if held until date of sale. On or before the date of the first publication or posting of the notice of sale, a copy of the notice of sale shall be furnished by certified mail to the attorney of record of the judgment debtor, or to the judgment debtor at the judgment debtor's last known address if the judgment debtor does not have an attorney of record. Such copy of the notice of sale shall be mailed even though a default judgment was entered. When levying upon personal property, a notice of such levy and execution sale and a copy of the affidavit required by s. 56.27(4) shall be made by the levying creditor to the attorney of record of the judgment creditor or the judgment creditor who has *acquired a judgment lien recorded a judgment lien certificate* ~~as provided in s. 55.202 or s. 55.204(3)~~ at the address listed in the judgment lien certificate, or, if amended, in any amendment to the judgment lien certificate, and to all secured creditors who have filed financing statements as provided in s. 679.401 in the name of the judgment debtor reflecting a security interest in property of the kind to be sold at the execution sale at the address listed in the financing statement, or, if amended, in any amendment to the financing statement. Such notice shall be made in the same manner as notice is made to any judgment debtor under this section. When levying upon real property, notice of such levy and execution sale shall be made to the property owner of record in the same manner as notice is made to any judgment debtor pursuant to this section. When selling real or personal property, the sale date shall not be earlier than 30 days after the date of the first advertisement.

Section 13. Subsections (1) and (2) of section 56.27, Florida Statutes, are amended to read:

56.27 Executions; payment of money collected.—

(1) All money received under executions shall be paid, in the order prescribed, to the following: the sheriff, for costs; the levying creditor in the amount of \$500 as liquidated expenses; and the *priority lienholder under s. 55.202, s. 55.204(3), or s. 55.208(2) judgment lienholder having the earliest recorded judgment lien acquired under ss. 55.202 and 55.204(3)*, ~~as set forth in an affidavit required by subsection (4), or his or her attorney, in satisfaction of the judgment lien, provided that the judgment lien has not lapsed at the time of the levy. The receipt of the attorney shall be a release of the officer paying the money to him or her. When the name of more than one attorney appears in the court file, the money shall be paid to the attorney who originally commenced the action or who made the original defense unless the file shows that another attorney has been substituted.~~

(2) When property sold under execution brings more than the amount needed to satisfy the provisions of subsection (1), the surplus shall be paid in the order of priority to any judgment lienholders whose judgment liens have not lapsed. Priority shall be based on the effective date of the judgment lien acquired under s. 55.202, ~~or s. 55.204(3), or s. 55.208(2)~~, as set forth in an affidavit required under subsection (4). If there is a surplus after all valid judgment liens and execution liens have been satisfied, the surplus must be paid to the defendant.

Section 14. Section 77.01, Florida Statutes, is amended to read:

77.01 Right to garnishment.—Every person or entity who has sued to recover a debt or has recovered judgment in any court against any person or entity has a right to a writ of garnishment, in the manner hereinafter provided, to subject any debt due or any debt under a negotiable instrument that will become due to defendant by a third person or any debt not evidenced by a negotiable instrument that will become due absolutely through the passage of time only to the defendant by a third person, and any tangible or intangible personal property of defendant in the possession or control of a third person. The officers, agents, and employees of any companies or corporations are third persons in regard to the companies or corporations, and as such are subject to garnishment after judgment against the companies or corporations.

Section 15. Section 77.041, Florida Statutes, is amended to read:

77.041 Notice to individual defendant for claim of exemption from garnishment; procedure for hearing.—

(1) Upon application for a writ of garnishment by a plaintiff, if the defendant is an individual, the clerk of the court shall attach to the writ the following "Notice to Defendant":

NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT OF WAGES, MONEY, AND OTHER PROPERTY

The Writ of Garnishment delivered to you with this Notice means that wages, money, and other property belonging to you have been garnished to pay a court judgment against you. HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY, OR PROPERTY. READ THIS NOTICE CAREFULLY.

State and federal laws provide that certain wages, money, and property, even if deposited in a bank, savings and loan, or credit union, may not be taken to pay certain types of court judgments. Such wages, money, and property are exempt from garnishment. The major exemptions are listed below on the form for Claim of Exemption and Request for Hearing. This list does not include all possible exemptions. You should consult a lawyer for specific advice.

TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF GARNISHMENT.

If you request a hearing, it will be held as soon as possible after your request is received by the court. The plaintiff must file any objection within 2 business days if you hand delivered to the plaintiff a copy of the form for Claim of Exemption and Request for Hearing or, alternatively, 7 days if you mailed a copy of the form for claim and request to the plaintiff. If the plaintiff files an objection to your Claim of Exemption and Request for Hearing, the clerk will notify you and the other parties of the time and date of the hearing. You may attend the hearing with or without an attorney. If the plaintiff fails to file an objection, no hearing is required, the writ of garnishment will be dissolved and your wages, money, or property will be released.

YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE AVAILABLE. CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE CLERK'S

OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA.

CLAIM OF EXEMPTION AND REQUEST FOR HEARING

I claim exemptions from garnishment under the following categories as checked:

- 1. Head of family wages. (You must check a. or b. below.)
a. I provide more than one-half of the support for a child or other dependent and have net earnings of \$500 or less per week.
b. I provide more than one-half of the support for a child or other dependent, have net earnings of more than \$500 per week, but have not agreed in writing to have my wages garnished.
2. Social Security benefits.
3. Supplemental Security Income benefits.
4. Public assistance (welfare).
5. Workers' Compensation.
6. Unemployment Compensation.
7. Veterans' benefits.
8. Retirement or profit-sharing benefits or pension money.
9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.
10. Disability income benefits.
11. Prepaid College Trust Fund or Medical Savings Account.
12. Other exemptions as provided by law.
(explain)

I request a hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

Address: .....

Telephone number:.....

The statements made in this request are true to the best of my knowledge and belief.

.....

Defendant's signature

Date.....

STATE OF FLORIDA

COUNTY OF

Sworn and subscribed to before me this ..... day of . . .(month and year). . ., by . . .(name of person making statement). . .

Notary Public/Deputy Clerk

Personally Known ..... OR Produced Identification. . . .

Type of Identification Produced. ....

(2) The plaintiff must mail, by first class, a copy of the writ of garnishment, a copy of the motion for writ of garnishment, and, if the defendant is an individual, the "Notice to Defendant" to the defendant's last known address within 5 business days after the writ is issued or 3 business days after the writ is served on the garnishee, whichever is later. However, if such documents are returned as undeliverable by the post office, or if the last known address is not discoverable after diligent search, the plaintiff must mail, by first class, the documents to the defendant at the defendant's place of employment. The plaintiff shall file in the proceeding a certificate of such service.

(3) Upon the filing by a defendant of a claim of exemption and request for hearing, a hearing will be held as soon as is practicable to determine the validity of the claimed exemptions. If the plaintiff does not file a sworn written statement that contests the defendant's claim of exemption within 2 business days after hand delivering the claim and request or, alternatively, 7 business days, if the claim and request were

served by mail, no hearing is required and the clerk must automatically dissolve the writ and notify the parties of the dissolution by mail.

Section 16. Subsection (5) of section 678.1051, Florida Statutes, is amended to read:

678.1051 Notice of adverse claim.—

(5) Filing of a financing statement under chapter 679 or a judgment lien certificate under chapter 55 is not notice of an adverse claim to a financial asset.

Section 17. Paragraph (a) of subsection (5) of section 713.901, Florida Statutes, and subsections (6) and (7) of that section are amended to read:

713.901 Florida Uniform Federal Lien Registration Act.—

(5) DUTIES OF FILING OFFICER.—

(a) If a notice of federal lien, a refile of a notice of federal lien, or a notice of revocation of any certificate described in paragraph (b) is presented to a filing officer who is:

1. The Secretary of State or his or her designee, *the filing officer* he or she shall cause the notice to be marked, held, and indexed in accordance with the provisions of s. 55.202 and 55.203 ~~s. 679.403(4), as if the notice were a financing statement within the meaning of the Uniform Commercial Code.~~

2. Any other officer described in subsection (3), *the filing officer* he or she shall mark and index the notice or certificate in the same manner as other instruments filed for recording in the official records.

(6) FEES.—The charges or fees of the Secretary of State, with respect to a notice or certificate filed under this section, or for searching records with respect thereto, shall be the same as prescribed in s. ~~ss. 15.091 and 679.402, for filing and indexing financing statements or other writings under chapter 679, or for searching records with respect thereto.~~ The charges or fees of the clerks of the circuit court with respect to a notice or certificate filed under this section shall be the same as prescribed in s. 28.24, relating to instruments recorded in the official records.

(7) UNIFORMITY OF APPLICATION AND CONSTRUCTION.—This section shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this section among the states enacting it and to permit a filing officer, including the Secretary of State, who is now using a paper filing system to record notices of liens, certificates, and other notices affecting federal tax liens or other federal liens to use a filing system consisting of paper or an electronic or magnetic medium, or some combination thereof, as he or she considers appropriate, and to permit federal officials to file notices of liens upon real or personal property for obligations payable to the United States, and certificates and notices affecting those liens, under the filing system being maintained by the Secretary of State or the filing officer.

Section 18. This act shall take effect October 1, 2001.

And the title is amended as follows:  
remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to judgments and liens; amending s. 55.201, F.S.; conforming terminology; amending s. 55.202, F.S.; clarifying enforceable judgments subject to law; amending s. 55.203, F.S.; providing for electronic filing of liens, assessments, warrants, and judgments directly into database; amending s. 55.204, F.S.; clarifying content of judgment lien certificates; conforming terminology and clarifying filekeeping of judgment lien files by the Department of State; providing that filing of a judgment lien certificate does not extend the life of a judgment, order, decree, or warrant; amending s. 55.205, F.S.; clarifying the effect of judgment liens upon buyers who buy without notice as defined in s. 678.1051, F.S.; amending s. 55.206, F.S.; conforming terminology regarding amendments of judgment lien files; amending s. 55.207, F.S.;

conforming terminology regarding correction of judgment lien files; amending s. 55.208, F.S.; conforming terminology regarding effect of filed judgment liens on writs of execution previously delivered to sheriffs; amending s. 55.209, F.S.; clarifying provisions regarding processing fees of judgment lien filing; amending s. 55.604, F.S.; eliminating requirement to file foreign judgments with the Department of State; amending s. 55.605, F.S.; eliminating requirements that the Secretary of State maintain a list of foreign jurisdictions recognizing judgments; amending s. 56.21, F.S.; clarifying provisions regarding execution sales; amending s. 56.27, F.S.; clarifying provisions regarding execution and payments thereunder; amending s. 77.01, F.S.; providing that certain debts related to negotiable instruments are not subject to garnishment; amending s. 77.041, F.S.; providing that only individuals subject to garnishment must be provided a "Notice to Defendant"; amending s. 678.1051, F.S.; providing that a judgment lien certificate does not constitute an adverse claim against a financial asset; amending s. 713.901, F.S., the Florida Uniform Federal Lien Registration Act; providing procedures for filing documentation relating to federal liens; providing an effective date.

Rep. Pickens moved the adoption of the amendment.

Representative(s) Pickens offered the following:

(Amendment Bar Code: 741483)

**Amendment 1 to Amendment 5 (with title amendment)**—On page 9, line 8, after the period(.), of the bill

insert: *This subsection shall not apply to:*

(a) A transfer to a relative or an insider of the judgment debtor, as such are defined at s. 726.102:

(b) A fraudulent transfer, as defined by either s. 726.105, or by U.S.C. 548;

(c) A fraudulent asset conversion as defined by s. 222.30; or

(d) A transfer of goods by a judgment debtor the value of which, in the aggregate, exceeds \$7,500.

And the title is amended as follows:

On page 24, line 23, after the semicolon “;”

insert: providing an exemption for fraudulent conveyances;

Rep. Pickens moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 5**, as amended, which was adopted.

On motion by Rep. Pickens, the rules were waived and HB 601, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 192

Yeas—117

The Chair	Benson	Cusack	Gibson
Alexander	Berfield	Detert	Goodlette
Allen	Betancourt	Diaz de la Portilla	Gottlieb
Andrews	Bilirakis	Diaz-Balart	Green
Arza	Bowen	Dockery	Greenstein
Attkisson	Brown	Farkas	Haridopolos
Atwater	Brummer	Fasano	Harper
Ausley	Brutus	Fields	Harrell
Baker	Bucher	Fiorentino	Harrington
Ball	Bullard	Flanagan	Hart
Barreiro	Byrd	Frankel	Henriquez
Baxley	Cantens	Gannon	Heyman
Bean	Carassas	Garcia	Hogan
Bennett	Clarke	Gardiner	Holloway
Bense	Crow	Gelber	Jennings

Johnson	Lynn	Peterman	Smith
Jordan	Machek	Pickens	Sobel
Joyner	Mack	Prieguez	Sorensen
Justice	Mahon	Rich	Spratt
Kallinger	Mayfield	Richardson	Stansel
Kendrick	Maygarden	Ritter	Trovillion
Kilmer	McGriff	Romeo	Wallace
Kosmas	Meadows	Ross	Waters
Kottkamp	Mealor	Rubio	Weissman
Kravitz	Melvin	Russell	Wiles
Kyle	Miller	Ryan	Wilson
Lacasa	Murman	Seiler	Wishner
Lee	Needelman	Simmons	
Lerner	Negron	Siplin	
Littlefield	Paul	Slosberg	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**HB 1157**—A bill to be entitled An act relating to the Department of State; providing legislative findings; amending s. 679.401, F.S.; providing for alternative locations of certain filings; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to establishing and maintaining the registry; providing criteria for the registry; providing effective dates.

—was read the second time by title.

The Committee on Banking offered the following:

(Amendment Bar Code: 554823)

**Amendment 1 (with title amendment)**—On page 2, line 25, through page 3, line 8, remove from the bill: all of said lines,

and insert in lieu thereof:

(c) In all other cases, by filing *under the Florida Secured Transaction Registry* ~~in the office of the Department of State~~.

(5) Notwithstanding the preceding subsections, and subject to s. 679.302(3), the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is *under the Florida Secured Transaction Registry* ~~the office of the Department of State~~.

Section 3. Section 679.4015, Florida Statutes, is created to read:

679.4015 Florida Secured Transaction Registry.—

(1) The “Florida Secured Transaction Registry means that centralized data base in which Financing Statements under the Uniform Commercial Code are filed and retrieved.

(2) The Department of State shall perform the administrative and operational functions as filing officer and filing office for the Florida Secured Transaction Registry until October 1, 2001 at which time the department shall cease serving as the designated filing officer and filing office for the Florida Secured Transaction Registry and as may otherwise be specified in this chapter.

(3) The Department of State shall immediately develop

And the title is amended as follows:

On page 1, lines 6 through 13, remove from the title of the bill: all of said lines,

and insert in lieu thereof: 679.4015, F.S.; providing a definition for the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to maintaining the registry; providing criteria for the registry;

Rep. Miller moved the adoption of the amendment, which failed of adoption.

The Committee on Banking offered the following:

(Amendment Bar Code: 763895)

**Amendment 2**—On page 3, lines 29 through 30, remove from the bill: said line,

and insert in lieu thereof: *specified in chapter 15, net of operating costs*.

Rep. Miller moved the adoption of the amendment, which failed of adoption.

The Council for Competitive Commerce offered the following:

(Amendment Bar Code: 795599)

**Amendment 3 (with title amendment)**—On page 1, line 18, through page 3, line 8, remove from the bill: all of said lines,

and insert in lieu thereof:

Section 1. Effective October 1, 2001, paragraph (c) of subsection (1) and subsection (5) of section 679.401, Florida Statutes, is amended to read:

679.401 Place of filing; erroneous filing; removal of collateral.—

(1) The proper place to file in order to perfect a security interest is as follows:

(c) In all other cases, by filing *under the Florida Secured Transaction Registry* ~~in the office of the Department of State~~.

(5) Notwithstanding the preceding subsections, and subject to s. 679.302(3), the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is *under the Florida Secured Transaction Registry* ~~the office of the Department of State~~.

Section 2. Section 679.4015, Florida Statutes, is created to read:

679.4015 Florida Secured Transaction Registry.—

(1) As used in this section, the term:

(a) The “Florida Secured Transaction Registry” or “registry” means the centralized database in which all initial financing statements, amendments, assignments, and other statements of change authorized to be filed under this chapter are filed, maintained, and retrieved. The term does not apply to documents that are filed under this chapter with the clerk of a circuit court.

(b) “Department” means the Department of State.

(c) “Materials and records” includes, but is not limited to data bases, source or object codes, and any software relating to the Florida Secured Transaction Registry or system for centralized filing under this part, regardless of the original source of its creation or maintenance.

(2) The Department of State may contract for the performance of the administrative and operational functions under this part of the filing office and filing officer for the Florida Secured Transaction Registry, provided that any such contract shall not be assignable or otherwise transferable without the express written consent of the department.

(3) The department shall perform the administrative and operational functions, as filing officer and filing office, for the Florida Secured Transaction Registry until October 1, 2001, or upon the effective date of

a contract executed by the department to administer and operate the registry, whichever occurs later. At such time, the department shall cease serving as the designated filing officer and filing office for the registry under this part, and thereafter, except to the extent it reclaims such responsibilities as provided below, shall not be responsible for the duties of the filing office and officer under this part, including determining whether documents tendered for filing under this part satisfy the requirements of law. The department shall retain authority under this part to approve the forms required to be filed under this part. If authorized by the contract, the entity performing the duties of the filing office may certify a copy of a financing statement or amendment thereto which shall be admissible in a state or federal court or other tribunal proceeding.

(4) Notwithstanding the terms and conditions of any contract to perform the administrative and operational functions of the filing office or filing officer under this part for the Florida Secured Transaction Registry, the department and the state shall retain sole and exclusive ownership of the materials and records of the registry, shall have the right to inspect and make copies of the materials and records of the registry, and shall have the right to immediately reclaim and take possession and control of the original materials and records of the registry if any entity under contract with the department to administer and operate the registry does not, or cannot, perform the terms and conditions of the contract for any reason or commences or consents to an insolvency proceeding. If the department reclaims control of the materials and records of the registry, the department shall provide for the uninterrupted fulfillment of the duties of the filing office and filing officer by administration and operation by the department until a subsequent contract for such duties can be executed. The department shall be entitled to injunctive relief if the entity fails to turn over the materials and records upon demand, and the Circuit Court for Leon County, Florida shall have exclusive original jurisdiction to adjudicate any disputes pertaining to this section or any contract entered into under this section.

(5) The Department of State shall immediately develop

And the title is amended as follows:

On page 1, lines 3 through 12,  
remove from the title of the bill: all of said lines,

and insert in lieu thereof: amending s. 679.401, F.S.; providing for alternative locations of certain filings; creating s. 679.4015, F.S.; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the

Rep. Miller moved the adoption of the amendment, which failed of adoption.

Representative(s) Miller offered the following:

(Amendment Bar Code: 863673)

**Amendment 4 (with title amendment)**—On page 1, line 17,  
remove from the bill: everything after the enacting clause,

and insert in lieu thereof:

Section 1. Subsection (6) of section 15.16, Florida Statutes, is amended to read:

15.16 Reproduction of records; admissibility in evidence; electronic receipt and transmission of records; certification; acknowledgment.—

(6) Notwithstanding s. 865.09(3)(d), the Department of State may waive the requirement that a person advertise the intention to register a fictitious name if the department indexes the fictitious name registration in a central database available to the public on the Internet ~~use government or private sector contractors in the promotion or provision of any electronic filing services.~~

Section 2. Subsection (3) of section 288.809, Florida Statutes, is amended to read:

288.809 Florida Intergovernmental Relations Foundation; use of property; board of directors; audit.—

(3) BOARD OF DIRECTORS.—The board of directors of the foundation shall be ~~composed of seven members~~ appointed by the Secretary of State, of whom no more than three shall be employees or elected officials of the state.

Section 3. Paragraph (f) of subsection (2) of section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(2) The secretary shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The secretary shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The secretary shall promulgate rules which shall:

(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen. ~~Florida law enforcement agencies shall inform the Department of State when such arrest or incarceration occurs. The secretary in turn shall notify the appropriate foreign governmental official. The secretary shall annually report on the actions taken to inform law enforcement agencies, and on the cooperation from such agencies, to the President of the Senate and the Speaker of the House of Representatives.~~

Section 4. Effective October 1, 2001, paragraph (c) of subsection (1) and subsection (5) of section 679.401, Florida Statutes, are amended to read:

679.401 Place of filing; erroneous filing; removal of collateral.—

(1) The proper place to file in order to perfect a security interest is as follows:

(c) In all other cases, by filing *under the Florida Secured Transaction Registry in the office of the Department of State.*

(5) Notwithstanding the preceding subsections, and subject to s. 679.302(3), the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is *under the Florida Secured Transaction Registry the office of the Department of State.*

Section 5. Section 679.4015, Florida Statutes, is created to read:

679.4015 Florida Secured Transaction Registry.—

(1) As used in this section, the term:

(a) “Florida Secured Transaction Registry” or “registry” means the central database in which all initial financing statements, amendments, assignments, and other statements of change authorized to be filed under this chapter are filed, maintained, and retrieved. The term does not apply to documents that are filed under this chapter with the clerk of a circuit court.

(b) “Department” means the Department of State.

(c) “Materials and records” includes, but is not limited to, databases, source or object codes, and any software relating to the Florida Secured Transaction Registry or other filing system under this chapter, regardless of the original source of its creation or maintenance.

(2) The department shall perform the duties of the filing office and filing officer under this chapter until October 1, 2001, or until the effective date of a contract executed by the department for the performance of these duties, whichever occurs later. At that time, the department shall cease serving as the filing office and filing officer under this chapter, and thereafter, except to the extent the department may reclaim those duties under paragraph (3)(d), the department is not

responsible for the performance of the duties of the filing office or filing officer under this chapter, including determinations of whether filings under this chapter satisfy the requirements of law.

(3) The department shall immediately develop and issue a request for qualifications seeking capable entities to perform the duties currently being performed by the department as the filing office and filing officer under this chapter.

(a) The qualifications shall, at a minimum, provide for the organization and maintenance of the Florida Secured Transaction Registry, which:

1. Is comparable and compatible with the department's current filing system.

2. Is open to the public and accessible through the Internet, to permit the review of all current filings of the department and all future filings in the registry, in compliance with chapter 119.

3. Provides for oversight and compliance audits by the department.

4. Requires records maintenance in compliance with this chapter and chapter 119.

5. Maintains the current level of filing fees and procedures for the deposit of revenues with the department as specified in chapter 15, net of operating costs.

(b) Under chapter 287, the department has the authority to determine and select the most qualified respondents to the request for qualifications and to negotiate and enter into one or more contracts as provided in this section.

(c) The contract may not be assignable or otherwise transferable without the express written consent of the department.

(d) Notwithstanding the terms and conditions of the contract, the department and the state retain sole and exclusive ownership of the materials and records in the registry, have the right to inspect and make copies of the materials and records in the registry, and have the right to immediately reclaim and take possession and control of the original materials and records in the registry if an entity under contract with the department does not, or cannot, perform the terms and conditions of the contract for any reason or commences an insolvency proceeding. If the department reclaims control of the materials and records in the registry, the department shall provide for the uninterrupted fulfillment of the duties of the filing office and filing officer under this chapter. The department is entitled to injunctive relief if an entity fails to turn over the materials and records upon demand, and the Circuit Court for Leon County, Florida, has exclusive original jurisdiction over any disputes pertaining to this section or any contract executed under this section.

(4) The department retains authority under this chapter to approve the forms required to be filed under this chapter. If authorized by the contract with the department, the entity performing the duties of the filing office may certify a copy of a financing statement, or an amendment thereto, which shall be admissible in a state or federal court or in a proceeding before any other tribunal.

(5) The department shall develop performance standards to ensure that the Florida Secured Transaction Registry is accurate and complete and that the users thereof are being well-served. Periodically, the department shall verify that these performance standards are being met or modified as may be needed from time to time.

Section 6. Section 901.26, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 901.26, F.S., for existing text.)

901.26 Arrest and detention of foreign nationals.—Failure to provide consular notification under the Vienna Convention on Consular Relations or other bilateral consular conventions shall not be a defense in any criminal proceeding against any foreign national and shall not be cause for the foreign national's discharge from custody.

Section 7. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 3-14,  
remove from the title of the bill: all of said lines,

and insert in lieu thereof: amending s. 15.16, F.S.; authorizing the department to waive certain advertising requirements; amending s. 288.809, F.S.; revising membership of the Florida Intergovernmental Relations Foundation; amending s. 288.816, F.S.; deleting a requirement that certain law enforcement agencies notify the department of certain arrests and incarcerations; amending s. 679.401, F.S.; specifying the Florida Secured Transaction Registry as a place for certain filings; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; prescribing duties of the department; prescribing standards for the registry; providing powers and duties of contracting entities performing services with respect to the registry; amending s. 901.26, F.S.; providing that failure to provide certain consular notification shall not be a defense in a criminal proceeding or a cause for release of a foreign national from custody; providing effective dates.

Rep. Miller moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1565**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information identifying the location of specified archaeological and cultural sites; providing an expiration date; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

The Committee on Tourism offered the following:

(Amendment Bar Code: 030983)

**Amendment 1 (with title amendment)**—On page 1, line 26 through page 2, line 25,  
remove from the bill: all of said lines

and insert in lieu thereof:  
*archaeological sites be exempt and confidential from public records requirements because the state has a serious problem with archaeological looting. The exact location of an archaeological site should be exempt from disclosure if the Division of Historical Resources determines that disclosure of the site location will create a substantial risk of harm, theft, or destruction at the site.*

(2) *The Legislature also finds that the lack of protection for sensitive sites puts the Federal Government in a difficult position. The Federal Government is mandated to share site-specific information with the Florida State Historic Preservation Officer to comply with Section 106 of the National Historic Preservation Act of 1966, as amended. However, section 304 of the National Historic Preservation Act of 1966, as amended, protects specific information concerning the location and character of cultural resources, which includes archaeological sites, when sharing that information could place them in jeopardy.*

(3) *The Legislature further finds that this exemption is required by the development of Geographic Information System databases listing sites located in the Florida Master Site File at the Florida Department of State. The Geographic Information System is a valuable tool for recording site-location and survey data for participating in research, land-use planning, and site stewardship by land managers and law enforcement officers. However, while this data can be quickly disseminated to the public via the Internet, protective measures must be placed on the sharing and use of this data for sensitive archaeological locations.*

(4) *The Legislature also finds that new implementation guidelines for the National Historic Preservation Act of 1966, as amended, require*



And the title is amended as follows:

On page 1, line 5,  
remove from the title of the bill: all of said lines

and insert in lieu thereof: specified archaeological sites;

Rep. Trovillion moved the adoption of the amendment, which failed of adoption.

The Committee on State Administration offered the following:

(Amendment Bar Code: 803387)

**Amendment 2 (with title amendment)—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Any information identifying the location of archaeological sites contained in site files or other records maintained by the Division of Historical Resources of the Department of State is exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution, if the Division of Historical Resources finds that disclosure of such information will create a substantial risk of harm, theft, or destruction at such sites. This section is subject to the Open Government Sunset Review Act in accordance with section 119.15, Florida Statutes, and expires on October 2, 2006, unless reviewed and reenacted by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that information identifying the location of archaeological sites be exempt from public records requirements because the state has a serious problem with archaeological looting. The exact location of an archaeological site should be exempt from disclosure if the Division of Historical Resources determines that disclosure of the site location will create a substantial risk of harm, theft, or destruction at the site.

(2) The Legislature also finds that the lack of protection for sensitive sites puts the federal government in a difficult position. The Federal Government is mandated to share site-specific information with the Florida State Historic Preservation Officer to comply with section 106 of the National Historic Preservation Act of 1966, as amended. However, section 304 of the National Historic Preservation Act of 1966, as amended, protects specific information concerning the location and character of cultural resources, which includes archaeological sites, when sharing that information could place them in jeopardy.

(3) The Legislature also finds that new implementation guidelines for the National Historic Preservation Act of 1966, as amended, require increased consultation with federally recognized tribes. The Legislature finds that managing information concerning Native American sacred sites and sites of cultural patrimony requires this exemption, because credible stewardship in this area necessitates the ability to protect sensitive information from public dissemination.

Section 3. This act shall take effect upon becoming law.

And the title is amended as follows:

On page 1, line 5,  
remove from the title of the bill: all of said line

and insert in lieu thereof: specified archaeological sites;

Rep. Brummer moved the adoption of the amendment, which was adopted.

On motion by Rep. Hogan, the rules were waived and HB 1565, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 193

Yeas—119

The Chair	Andrews	Attkisson	Baker
Alexander	Argenziano	Atwater	Ball
Allen	Arza	Ausley	Barreiro

Baxley	Fields	Kallinger	Pickens
Bean	Fiorentino	Kendrick	Prieguez
Bendross-Mindingall	Flanagan	Kilmer	Rich
Bennett	Frankel	Kosmas	Richardson
Bense	Gannon	Kottkamp	Ritter
Benson	Garcia	Kravitz	Romeo
Berfield	Gardiner	Kyle	Ross
Betancourt	Gelber	Lacasa	Rubio
Bilirakis	Gibson	Lee	Russell
Bowen	Goodlette	Lerner	Ryan
Brown	Gottlieb	Littlefield	Seiler
Brummer	Green	Lynn	Simmons
Brutus	Greenstein	Machek	Siplin
Bucher	Haridopolos	Mack	Slosberg
Bullard	Harper	Mahon	Smith
Byrd	Harrell	Mayfield	Sobel
Cantens	Harrington	Maygarden	Sorensen
Carassas	Hart	McGriff	Spratt
Clarke	Henriquez	Meadows	Stansel
Crow	Heyman	Mealor	Trovillion
Cusack	Hogan	Melvin	Wallace
Detert	Holloway	Miller	Waters
Diaz de la Portilla	Jennings	Murman	Weissman
Diaz-Balart	Johnson	Needelman	Wiles
Dockery	Jordan	Negron	Wilson
Farkas	Joyner	Paul	Wishner
Fasano	Justice	Peterman	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**CS/HB 333** was taken up. On motion by Rep. Kosmas, the rules were waived and SB 1166 was substituted for CS/HB 333. Under Rule 5.15, the House bill was laid on the table and—

**SB 1166**—A bill to be entitled An act relating to the Cultural Endowment Program; amending s. 265.606, F.S.; revising the types of instruments into which the trustees may invest, to include any investment-quality financial instruments; providing an effective date.

—was read the second time by title.

Representative(s) Kosmas offered the following:

(Amendment Bar Code: 050087)

**Amendment 1**—On page 1, lines 23 and 24  
remove from the bill: *State Board of Administration*

and insert in lieu thereof: *department*

Rep. Kosmas moved the adoption of the amendment, which was adopted.

On motion by Rep. Kosmas, the rules were waived and SB 1166, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 194

Yeas—118

The Chair	Baxley	Brutus	Dockery
Alexander	Bean	Bucher	Farkas
Allen	Bendross-Mindingall	Bullard	Fasano
Andrews	Bennett	Byrd	Fields
Argenziano	Bense	Cantens	Fiorentino
Arza	Benson	Carassas	Flanagan
Attkisson	Berfield	Clarke	Frankel
Atwater	Betancourt	Crow	Garcia
Ausley	Bilirakis	Cusack	Gardiner
Baker	Bowen	Detert	Gelber
Baller	Brown	Diaz de la Portilla	Gibson
Barreiro	Brummer	Diaz-Balart	Goodlette

Gottlieb	Kendrick	Mealor	Seiler
Green	Kilmer	Melvin	Simmons
Greenstein	Kosmas	Miller	Siplin
Haridopolos	Kottkamp	Murman	Slosberg
Harper	Kravitz	Needelman	Smith
Harrell	Kyle	Negron	Sobel
Harrington	Lacasa	Paul	Sorensen
Hart	Lee	Peterman	Spratt
Henriquez	Lerner	Pickens	Stansel
Heyman	Littlefield	Prieguez	Trovillion
Hogan	Lynn	Rich	Wallace
Holloway	Machek	Richardson	Waters
Jennings	Mack	Ritter	Weissman
Johnson	Mahon	Romeo	Wiles
Jordan	Mayfield	Ross	Wilson
Joyner	Maygarden	Rubio	Wishner
Justice	McGriff	Russell	
Kallinger	Meadows	Ryan	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

**CS/HB 987**—A bill to be entitled An act relating to grants administered by the Division of Cultural Affairs; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant that is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; amending s. 265.286, F.S.; expanding eligibility criteria for the challenge grant program; providing match requirements; prohibiting participation by any programs operated in state-owned cultural facilities not affiliated with the State University System; providing an effective date.

—was read the second time by title.

The Council for Ready Infrastructure offered the following:

(Amendment Bar Code: 771455)

**Amendment 1**—On page 3, line 23  
remove from the bill: *150-mile*

and insert in lieu thereof: *90-mile*

Rep. Rubio moved the adoption of the amendment, which was adopted.

The Council for Ready Infrastructure offered the following:

(Amendment Bar Code: 673809)

**Amendment 2**—On page 3, line 27,  
remove from the bill: *\$50 million*

and insert in lieu thereof: *\$20 million*

Rep. Rubio moved the adoption of the amendment, which was adopted.

On motion by Rep. Prieguez, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Prieguez offered the following:

(Amendment Bar Code: 081341)

**Amendment 3**—On page 3, between lines 27 and 28,  
insert:

(e) *Is not situated on land owned by the state.*

Rep. Prieguez moved the adoption of the amendment, which was adopted.

On motion by Rep. Rubio, the rules were waived and CS/HB 987, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 195

Yeas—113

Alexander	Crow	Holloway	Paul
Allen	Cusack	Jennings	Pickens
Andrews	Detert	Jordan	Prieguez
Argenziano	Diaz de la Portilla	Joyner	Rich
Arza	Diaz-Balart	Justice	Richardson
Attkisson	Dockery	Kallinger	Ritter
Atwater	Farkas	Kendrick	Romeo
Ausley	Fasano	Kilmer	Ross
Baker	Fields	Kosmas	Rubio
Ball	Fiorentino	Kravitz	Russell
Barreiro	Flanagan	Kyle	Ryan
Baxley	Frankel	Lacasa	Seiler
Bean	Gannon	Lee	Simmons
Bendross-Mindingall	Garcia	Lerner	Siplin
Bennett	Gardiner	Littlefield	Slosberg
Bense	Gelber	Lynn	Smith
Benson	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Green	Mayfield	Stansel
Brown	Greenstein	Maygarden	Trovillion
Brummer	Haridopolos	McGriff	Waters
Brutus	Harper	Meadows	Weissman
Bucher	Harrell	Mealor	Wiles
Bullard	Harrington	Melvin	Wilson
Byrd	Hart	Miller	Wishner
Cantens	Henriquez	Murman	
Carassas	Heyman	Needelman	
Clarke	Hogan	Negron	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

On motion by Rep. Miller, the House returned to consideration of—

**HB 1157**—A bill to be entitled An act relating to the Department of State; providing legislative findings; amending s. 679.401, F.S.; providing for alternative locations of certain filings; creating s. 679.4015, F.S.; establishing the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to establishing and maintaining the registry; providing criteria for the registry; providing effective dates.

### Reconsideration

On motion by Rep. Miller, the House reconsidered the vote by which **Amendment 4** was adopted, earlier today.

The question recurred on the adoption of Amendment 4.

On motion by Rep. Wiles, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Wiles offered the following:

(Amendment Bar Code: 265257)

**Amendment 1 to Amendment 4 (with title amendment)**—On page 1, between lines 17 and 18, of the amendment

insert:

Section 1. (1) *The Coastal Management Program of the Department of Community Affairs and the Division of Historical Resources of the Department of State shall undertake a study of the lighthouses in the state. The study must determine the location, ownership, condition, and historical significance of all lighthouses in the state and ensure that all historically significant lighthouses are nominated for inclusion on the National Register of Historic Places. The study must assess the condition and restoration needs of historic lighthouses and develop plans for appropriate future public access and use. The Coastal Management Program and the Division of Historical Resources shall take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from future deterioration. When possible, the lighthouses and associated buildings should be made available to the public for educational and recreational purposes. The Department of Community Affairs should consider these responsibilities to be a priority of the Florida Coastal Management Program and implementation of this act should be a priority in the use of coastal management funds.*

(2) *The Department of Community Affairs and the Department of State shall request in their annual legislative budget requests funding necessary to carry out the duties and responsibilities specified in this act. Funds for the rehabilitation of lighthouses should be allocated through matching grants-in-aid to state and local government agencies and to nonprofit organizations. The Department of Community Affairs may assist the Division of Historical Resources in projects to accomplish lighthouse identification, assessment, restoration, and interpretation.*

(3) *There are hereby appropriated in fiscal year 2001-2002 the sums of \$50,000 from nonrecurring General Revenue to the Department of State and \$50,000 from nonrecurring General Revenue to the Department of Community Affairs to implement the study required by this section.*

(4) *This section shall take effect upon this act becoming a law.*

And the title is amended as follows:

On page 6, line 28, of the amendment

insert: directing the Department of Community Affairs and the Department of State to conduct a study of lighthouses in the state; providing requirements of the study; providing for planning and funding responsibilities; directing each department to make a budget request for funding purposes; providing an appropriation;

Rep. Wiles moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 4**, as amended, which was adopted.

On motion by Rep. Miller, the rules were waived and HB 1157, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 196

Yeas—118

The Chair	Bendross-Mindingall	Cantens	Frankel
Alexander	Bennett	Carassas	Gannon
Allen	Bense	Clarke	Garcia
Andrews	Benson	Crow	Gardiner
Argenziano	Berfield	Cusack	Gelber
Arza	Betancourt	Detert	Gibson
Attkisson	Bilirakis	Diaz de la Portilla	Goodlette
Atwater	Bowen	Diaz-Balart	Gottlieb
Ausley	Brown	Dockery	Green
Baker	Brummer	Farkas	Greenstein
Ball	Brutus	Fasano	Haridopolos
Barreiro	Bucher	Fields	Harper
Baxley	Bullard	Fiorentino	Harrell
Bean	Byrd	Flanagan	Harrington

Hart	Lacasa	Needelman	Siplin
Henriquez	Lee	Negron	Slosberg
Heyman	Lerner	Paul	Smith
Hogan	Littlefield	Peterman	Sobel
Holloway	Lynn	Pickens	Sorensen
Jennings	Machek	Prieguez	Spratt
Jordan	Mack	Rich	Stansel
Joyner	Mahon	Richardson	Trovillion
Justice	Mayfield	Ritter	Wallace
Kallinger	Maygarden	Romeo	Waters
Kendrick	McGriff	Ross	Weissman
Kilmer	Meadows	Rubio	Wiles
Kosmas	Mealor	Russell	Wilson
Kottkamp	Melvin	Ryan	Wishner
Kravitz	Miller	Seiler	
Kyle	Murman	Simmons	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

On motion by Rep. Byrd, the House moved to the consideration of HB 1881 on Special Orders.

**HB 1881**—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to internal risk management programs in nursing homes and assisted living facilities; providing for release of such information under certain circumstances; providing an exemption from the public meetings law for meetings of internal risk management and quality assurance committees in nursing homes and assisted living facilities; providing for future legislative review and repeal; providing a statement of public necessity; creating s. 430.105, F.S.; providing for confidentiality and exemption from the public records law for information relating to clients of the Department of Elderly Affairs, clients of service providers contracting with the Department of Elderly Affairs, and certain elders receiving services through programs administered by or funded by the Department of Elderly Affairs; requiring consent for disclosure; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Representative(s) Argenziano offered the following:

(Amendment Bar Code: 492781)

**Amendment 1**—On page 2, line 14 after the period

insert: *Residents who are the subject of or identified in incident reports or other related records shall be entitled to receive a copy of those documents upon request.*

Rep. Argenziano moved the adoption of the amendment, which was adopted.

Representative(s) Brummer offered the following:

(Amendment Bar Code: 353849)

**Amendment 2**—On page 3, line 5, and On page 4, line 20, remove from the bill: 1

and insert in lieu thereof: 2

Rep. Brummer moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1915**—A bill to be entitled An act relating to agriculture and consumer services; amending s. 120.80, F.S.; providing that marketing orders under ch. 527, F.S., are not rules; amending s. 125.27, F.S.; authorizing the Department of Agriculture and Consumer Services to lease or loan equipment to governmental entities that have fire/rescue

responsibilities; limiting liability for civil damages resulting from use or possession of such equipment; amending s. 201.15, F.S.; authorizing the department to adopt rules regarding the distribution of funds for best management practices; amending s. 316.228, F.S.; revising requirements for lamps on projecting loads; amending s. 320.08, F.S.; revising definition of a truck known as a "goat"; amending s. 403.714, F.S.; deleting requirement that the department coordinate development of uniform product specifications for compost used by state agencies; amending s. 487.041, F.S.; authorizing the department to require and review data relating to the claims of pesticide products used as preventive treatment for termites; authorizing the department to adopt rules; amending s. 500.09, F.S.; authorizing fees for certain reinspection of food establishments; amending s. 500.12, F.S.; increasing the maximum food establishment operating permit fee; providing use of such fee; amending ss. 502.012 and 502.014, F.S.; revising references relating to the pasteurized milk ordinance and milk sanitation; deleting requirement that a copy of a federal temporary marketing permit for milk and milk products be forwarded to the department; amending s. 502.053, F.S.; clarifying milk testing requirements; amending s. 502.091, F.S.; authorizing the department to forgo the grading of certain milk products in an emergency; providing for labeling; amending s. 503.041, F.S.; providing that attempting to transfer a frozen dessert plant license is grounds for license suspension or revocation; amending s. 570.07, F.S.; authorizing the department to repair or build structures; providing restrictions; authorizing the department to conduct investigations of violations of laws relating to consumer protection; amending s. 503.071, F.S.; providing for the embargo, detainment, or destruction of food or food processing equipment of a frozen dessert manufacturer; amending s. 570.244, F.S.; clarifying powers and duties of the department relating to the development of agribusinesses; amending s. 570.249, F.S.; clarifying aquacultural crops eligible for Agricultural Economic Development Program disaster loans; revising loan application requirements; directing the department to establish an agribusiness market development grant program; amending s. 570.38, F.S.; increasing membership of the Animal Industry Technical Council; amending s. 580.051, F.S.; revising label requirements for commercial feed; providing a penalty; amending s. 580.065, F.S.; revising feed laboratory standards and procedures; amending s. 580.091, F.S.; removing intent language regarding feed sampling and analysis; revising department procedures relating to approval of a quality-assurance/quality-control plan; amending s. 580.112, F.S.; prohibiting distribution of a feed or feedstuff that is prohibited by federal law or regulation; amending s. 581.211, F.S.; providing a penalty for violation of rules relating to plant industry; amending s. 585.002, F.S.; limiting local government regulation with respect to the humane care and treatment of livestock and poultry; amending s. 585.145, F.S.; providing for qualification of accredited veterinarians to provide official certificates of veterinary inspection; providing conditions for denial of authority to issue such certificates; amending s. 585.155, F.S.; revising vaccination requirements for calves; amending s. 616.242, F.S.; providing additional exemptions from amusement ride safety standards; amending s. 633.557, F.S.; revising exemptions from contractor requirements for certain farm buildings; amending s. 828.22, F.S.; creating the "Humane Slaughter Act"; revising provisions relating to humane slaughter and livestock euthanasia; amending s. 828.23, F.S.; revising definitions; amending s. 828.24, F.S.; revising provisions relating to prohibited acts; amending s. 828.25, F.S.; revising provisions relating to administration of the act by the department; creating s. 828.251, F.S.; directing the department to make current technical information available to slaughterers; creating s. 828.252, F.S.; providing for humane treatment of nonambulatory animals; amending s. 828.26, F.S.; revising penalties; amending ss. 427.804 and 559.921, F.S.; correcting cross references; repealing s. 570.544(10) and (11), F.S., relating to authority of the Division of Consumer Services of the department to conduct investigations of violations of laws relating to consumer protection; providing effective dates.

—was read the second time by title.

Representative(s) Wallace offered the following:

(Amendment Bar Code: 643547)

**Amendment 1**—On page 10, line 14  
remove from the bill: \$1,000

and insert in lieu thereof: \$500

Rep. Wallace moved the adoption of the amendment.

Rep. Kyle moved that, under Rule 12.2(c), a late-filed substitute amendment be allowed for consideration, which was not agreed to.

#### THE SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the adoption of **Amendment 1**, which was adopted.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 343353)

**Amendment 2 (with title amendment)**—On page 13, between lines 21 & 22,

insert:

Section 15. *Effective upon becoming a law, sections 536.20, 536.21, and 536.22, Florida Statutes, are repealed.*

Section 16. *Effective upon becoming a law, section 570.381, Florida Statutes, is repealed.*

Section 17. Effective upon becoming a law, paragraph (b) of subsection (7) of section 550.2625, Florida Statutes, is amended to read:

550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(7)

(b) The division shall deposit these collections to the credit of the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Appaloosa Racing Promotion Fund." The Department of Agriculture and Consumer Services shall administer the funds and adopt suitable and reasonable rules for the administration thereof. The moneys in the Florida Appaloosa Racing Promotion Fund shall be allocated solely for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding of racing Appaloosas in this state; and such moneys may not be used to defray any expense of the Department of Agriculture and Consumer Services in the administration of this chapter, ~~except that the moneys generated by Appaloosa registration fees received pursuant to s. 570.381 may be used as provided in paragraph (5)(b) of that section.~~

Section 18. Effective upon becoming a law, subsection (2) of section 550.2633, Florida Statutes, is amended to read:

550.2633 Horseracing; distribution of abandoned interest in or contributions to pari-mutuel pools.—

(2) All moneys or other property which has escheated to and become the property of the state as provided herein and which is held by a permitholder authorized to conduct pari-mutuel pools in this state shall be paid annually by the permitholder to the recipient designated in this subsection within 60 days after the close of the race meeting of the permitholder. Section 550.1645 notwithstanding, such moneys shall be paid by the permitholder as follows:

(a) Funds from any harness horse races shall be paid to the Florida Standardbred Breeders and Owners Association and shall be used for the payment of breeders' awards, stallion awards, stallion stakes, additional purses, and prizes for, and for the general promotion of owning and breeding of, Florida-bred standardbred horses, as provided for in s. 550.2625.

(b) Except as provided in paragraphs (c) and (d), funds from quarter horse races shall be paid to the Florida Quarter Horse Breeders and Owners Association and shall be allocated solely for supplementing and

augmenting purses and prizes and for the general promotion of owning and breeding of racing quarter horses in this state, as provided for in s. 550.2625.

~~(e) Funds for Appaloosa races conducted under a quarter horse racing permit shall be deposited into the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Appaloosa Racing Promotion Fund" and shall be used for the payment of breeders' awards and stallion awards as provided for in s. 570.381.~~

~~(c)~~(d) Funds for Arabian horse races conducted under a quarter horse racing permit shall be deposited into the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Arabian Horse Racing Promotion Fund" and shall be used for the payment of breeders' awards and stallion awards as provided for in s. 570.382.

And the title is amended as follows:

On page 2, line 13, after the semicolon,

insert: repealing ss. 536.20, 536.21, and 536.22, F.S., relating to timber and lumber; repealing s. 570.381, F.S., relating to Appaloosa racing; amending ss. 550.2625 and 550.2633, F.S.; correcting cross references;

Rep. Spratt moved the adoption of the amendment, which was adopted.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 455985)

**Amendment 3 (with title amendment)**—On page 13 of the bill, between lines 21 & 22,

insert:

Section 15. *Effective December 31, 2002, sections 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, and 504.36, Florida Statutes, are repealed.*

And the title is amended as follows:

On page 2, line 13 after the semicolon,

insert: repealing ss. 504.21, 504.22, 504.23, 504.24, 504.25, 504.26, 504.27, 504.28, 504.29, 504.31, 504.32, 504.33, 504.34, 504.35, and 504.36, F.S.; eliminating the Florida Organic Farming and Food Law; providing an effective date.

Rep. Spratt moved the adoption of the amendment, which was adopted.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 662813)

**Amendment 4**—On page 14 of the bill, line 8, after *department*

insert: *with the coordination of the Department of Legal Affairs and any state attorney, if the violation has occurred or is occurring within her or his judicial circuit,*

Rep. Spratt moved the adoption of the amendment, which was adopted.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 082409)

**Amendment 5 (with title amendment)**—On page 17 of the bill, between lines 9 & 10,

insert:

Section 20. Subsections (2) and (10) of section 580.031, Florida Statutes, are amended to read:

580.031 Definitions of words and terms.—As used in this chapter, the term:

(2) "Commercial feed" means all materials or combinations of materials that are distributed or intended to be distributed for use as feed or for mixing in a feed for animals other than humans, except:

(a) Unmixed whole seeds, including physically altered entire unmixed seeds, when such seeds are not chemically changed or are not adulterated within the meaning of s. 580.071.

(b) Unground hay, straw, stover, silage, cobs, husks, and hulls, and individual chemical compounds or substances, when such commodities, compounds, or substances are unmixed with other substances and are not adulterated within the meaning of s. 580.071.

(c) Feed mixed by the consumer for the consumer's own use made entirely or in part from products raised on the consumer's farm, except as is provided by rules of the department.

~~(d) Any material or combination of materials that is distributed for use as feed for domestic pets such as but not limited to: dogs, cats, gerbils, hamsters, birds, fish, reptiles, and amphibians.~~

(10) "Feedstuff" means edible materials, other than commercial feed, which are distributed for animal consumption and which contribute energy or nutrients, or both, to an animal diet. The term includes ingredients as defined in this section. ~~The term does not include any material or combination of materials that is distributed for use as feed for domestic pets such as but not limited to: dogs, cats, gerbils, hamsters, birds, fish, reptiles, and amphibians.~~

And the title is amended as follows:

On page 3, line 1, after the semicolon,

insert: amending s. 580.031, F.S.; revising definitions;

Rep. Spratt moved the adoption of the amendment, which was adopted.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 444745)

**Amendment 6 (with directory language amendment)**—On page 23, line 21,

remove from the bill: all of said line

and insert in lieu thereof: horse, swine, and other ~~agriculture~~ feed.

(a) Unless otherwise provided in this chapter, the department shall not require distributors of 300 tons or less of poultry, dairy cow, beef cattle, horse, swine, or other ~~agriculture~~ feed per year to submit more than one sample of each such feed per year for analysis.

And the directory language is amended as follows:

On page 23, line 9

remove: all of said line

and insert in lieu thereof:

Section 22. Subsection (2) and

Rep. Spratt moved the adoption of the amendment, which was adopted.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 401089)

**Amendment 7 (with title amendment)**—On page 25, lines 6-18, remove from the bill: all of said lines

And the title is amended as follows:

On page 3, lines 15-18,

remove from the title of the bill: all of said lines

and insert in lieu thereof: industry; amending s. 585.145, F.S.; providing

Rep. Spratt moved the adoption of the amendment, which was adopted.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 892455)

**Amendment 8 (with title amendment)**—On page 26 of the bill, between lines 16 & 17,

insert:

Section 28. Section 589.19, Florida Statutes, is amended to read:

589.19 Creation of certain state forests; *naming of certain state forests.*—

(1) When the Board of Trustees of the Internal Improvement Trust Fund, any state agency, or any agency created by state law, authorized to accept reforestation lands in the name of the state, approve the recommendations of the Division of Forestry in reference to the acquisition of land and acquire such land, the said board, state agency, or agency created by state law, may formally designate and dedicate any area as a reforestation project, or state forest, and where so designated and dedicated such area shall be under the administration of the division which shall be authorized to manage and administer said area according to the purpose for which it was designated and dedicated.

(2) *The first state forest acquired by the Board of Trustees of the Internal Improvement Trust Fund in Baker County is to be named the John M. Bethea State Forest. This is to honor Mr. John M. Bethea who was Florida's fourth state forester and whose distinguished career in state government spanned 46 years and who is a native of Baker County.*

And the title is amended as follows:

On page 3, line 24 after the semicolon,

insert: amending s. 589.19, F.S.; naming a state forest;

Rep. Spratt moved the adoption of the amendment, which was adopted.

Representative(s) Alexander offered the following:

(Amendment Bar Code: 220211)

**Amendment 9 (with title amendment)**—On page 34, between lines 26 and 27, of the bill

insert:

Section 40. Section 20.29, Florida Statutes, is repealed:

~~20.29 Department of Citrus. The State Citrus Commission, created under chapter 601, is continued and renamed the Department of Citrus.~~

~~(1) The head of the Department of Citrus is the board, established by s. 601.04, and said board is hereby named the "Florida Citrus Commission."~~

~~(2) All of the powers, duties, and functions of the Florida Citrus Commission are continued in the board, as head of the department. The board shall derive all of its powers, duties, and functions from chapter 601.~~

~~(3) All of the personnel, records, property, and unexpended balances of appropriations and other funds are continued with the Department of Citrus as presently held.~~

Section 41. Section 601.01, Florida Statutes, is reenacted and amended to read:

601.01 *Creation of the Florida Citrus Authority* ~~Short title.~~—

(1) This chapter may be known and cited as "the Florida Citrus Code of 1949."

(2) *There is hereby created the Florida Citrus Authority, a public body corporate and politic and an independent special district and*

*instrumentality of the state, under the supervision of the Florida Citrus Commission, for the purposes and with the powers herein set forth. The Florida Citrus Authority shall have perpetual succession and sovereign immunity as provided in s. 768.28.*

(3) *The Florida Citrus Authority shall be a body corporate, shall have power to contract and be contracted with, and shall have and possess all the powers of a body corporate for all purposes necessary to fully carry out the provisions and requirements of this chapter. The Florida Citrus Authority shall adopt a corporate seal with which it shall authenticate its proceedings.*

(4) *All of the assets, personnel records, documents, records, patents, trademarks, copyrights, real property, intangible property, furniture, office equipment, supplies, operating account balances, and unexpended balances of appropriations shall be transferred from the Department of Citrus to the Florida Citrus Authority and shall continue as provided in this chapter. All liabilities of the Department of Citrus shall become the responsibility of the Florida Citrus Authority.*

(5) *The Legislature acknowledges that there are currently many services that the Department of Citrus receives by virtue of being an agency of the executive branch. These services include, but are not limited to, payroll, purchasing, computer services, accounting services, and insurance and retirement benefits. The Florida Citrus Authority shall continue to receive the same services from executive agencies as the Department of Citrus until such time that the Florida Citrus Authority has made the appropriate transition.*

(6) *All administrative rules of the Department of Citrus in effect on the effective date of this act shall become the adopted rules of the Florida Citrus Authority on the effective date of this act.*

(7) *The Florida Citrus Authority is established as an independent special district to be composed of three subdistricts as provided in s. 601.09.*

Section 42. Section 601.02, Florida Statutes, is reenacted and amended to read:

601.02 Purposes.—*The purpose of the Florida Citrus Authority is to provide advertising, marketing, research, and promotions for the benefit of the citrus industry, and to implement and enforce the regulations regarding the quality of citrus products. The goals of the Florida Citrus Authority shall be* ~~This chapter is passed:~~

~~(1) In the exercise of the police power~~ To protect the health and welfare and to stabilize and protect the citrus industry of the state.

~~(2) To help maximize~~ ~~Because the planting, growing, cultivating, spraying, pruning, and fertilizing of citrus groves and the harvesting, hauling, processing, packing, canning, and concentrating of the citrus crop produced thereon is the major agricultural enterprise of Florida and, together with the sale and distribution of the citrus said crop for the benefit of the citrus industry,~~ ~~affects the health, morals, and general economy of a vast number of citizens of the state who are either directly or indirectly dependent thereon for a livelihood, and said business is therefore of vast public interest.~~

~~(3) Because it is wise, necessary, and expedient~~ To protect and enhance the quality and reputation of Florida citrus fruit and the canned and concentrated products thereof in domestic and foreign markets.

(4) To provide means whereby producers, packers, canners, and concentrators of citrus fruit and the canned and concentrated products thereof may secure prompt and efficient inspection and classification of grades of citrus fruit and the canned and concentrated products thereof at reasonable costs, it being hereby recognized that the standardization of the citrus fruit industry of Florida by the proper grading and classification of citrus fruit and the canned and concentrated products thereof by prompt and efficient inspection under competent authority is beneficial alike to producer, packer, shipper, canner, concentrator, carrier, receiver, and consumer in that it furnishes them prima facie evidence of the quality and condition of such products and informs the

carrier and receiver of the quality of the products carried and received by them and assures the ultimate consumer of the quality of the products purchased.

(5) To enable the Florida Citrus Authority to assess citrus producers collectively to generate funds for to pay assessments to fund marketing, and research, promotions and regulatory programs for the direct benefit of the citrus industry of this state. The Florida Citrus Authority shall collect and maintain the funds collected pursuant to chapter 189 and the Florida Citrus Code; however, provisions of ss. 189.404(3)(n), 189.4045, 189.405, 189.4051, 189.415, and 189.4155 shall not be applicable to the Florida Citrus Authority. No moneys collected by the Florida Citrus Authority shall become general revenue funds nor shall such moneys be subject to legislative appropriations. Assessments collected pursuant to the Florida Citrus Code shall not be used for the purpose of eradication of canker or other pest infestation. It is the intent of the Legislature that all funds collected under this chapter and the interest accrued on such funds are consideration for a social contract between the Florida Citrus Authority state and the citrus growers of the state whereby the Florida Citrus Authority state must hold and use such funds in trust and inviolate and use them only for the purposes prescribed in this chapter.

(6) To stabilize the Florida citrus industry and to protect the public against fraud, deception, and financial loss through unscrupulous practices and haphazard methods in connection with the processing and marketing of citrus fruit and the canned or concentrated products thereof.

(7) Because said act is designed to promote the general welfare of the Florida citrus industry, which in turn will promote the general welfare and social and political economy of the state.

In the event any word, phrase, clause, sentence, paragraph, or section of this chapter is declared unconstitutional by any court of competent jurisdiction, then such declaration of such unconstitutionality shall not affect the remainder of this chapter, and the unconstitutional portion shall be considered severable, it being the intent of the Legislature that the remainder of this chapter shall continue in full force and effect.

Section 43. Section 601.03, Florida Statutes, is reenacted and amended to read:

601.03 Definitions.—In construing this chapter, where the context permits the word, phrase, or term:

(1) “Additive” means any foreign substance which, when added to any citrus fruit juice, will change the amount of total soluble solids or anhydrous citric acid therein, or the color or taste thereof, or act as an artificial preservative thereof;

(2) “Agent” means any person who, on behalf of any citrus fruit dealer, negotiates the consignment, purchase, or sale of citrus fruit, or weighs citrus fruit so that the weight thereof may be used in computing the amount to be paid therefor;

(3) “Broker” means any person engaged in the business of negotiating the sale or purchase of citrus fruit for others;

(4) “Canned products” means juices, segments, or sections of citrus fruits sealed in hermetically sealed containers at a concentration of not exceeding 20 degrees Brix and sufficiently processed by heat to ensure preservation of the product, and when regulated by the Florida Citrus Authority Department of Citrus, these same products packed in any other manner or in any other type container;

(5) “Canning plant” means any building, structure, or place where citrus fruit or the juice thereof is canned or prepared for canning at a concentration of not exceeding 20 degrees Brix for market or shipment;

(6) “Cash buyer” means any person who purchases citrus fruit in this state from the producer for the purpose of resale;

(7) “Citrus fruit” means all varieties and regulated hybrids of citrus fruit and also means processed citrus products containing 20 percent or more citrus fruit or citrus fruit juice, but, for the purposes of this chapter, shall not mean limes, lemons, marmalade, jellies, preserves,

candies, or citrus hybrids for which no specific standards have been established by the Florida Citrus Authority Department of Citrus;

(8) “Citrus fruit dealer” means any consignor, commission merchant, consignment shipper, cash buyer, broker, association, cooperative association, express or gift fruit shipper, or person who in any manner makes or attempts to make money or other thing of value on citrus fruit in any manner whatsoever, other than of growing or producing citrus fruit, but the term shall not include retail establishments whose sales are direct to consumers and not for resale or persons or firms trading solely in citrus futures contracts on a regulated commodity exchange;

(9) “Citrus producing area” means that part or parts of the state in which citrus fruit is grown or produced;

(10) “Color-add” or “color-added” means the application or use of any coloring matter to any citrus fruit;

(11) “Coloring matter” means any dye, or any liquid or concentrate or material containing a dye or materials which react to form a dye, used or intended to be used for the purpose of enhancing the color of citrus fruit by the addition of artificial color to the peel thereof; provided that said term shall not include any process or treatment of fruit which merely brings out or accelerates the natural color of the fruit;

(12) “Coloring room” means any room or place where citrus fruit is placed, with or without the use of heat or any gas, for the purpose of bringing out the natural color of the fruit;

(13) “Florida Citrus Commission” or “commission” means the 12-member board appointed by the Governor and confirmed by the Senate that serves Florida Citrus Commission as the head and governing body of the Florida Citrus Authority Department of Citrus;

(14) “Florida Citrus Authority Department of Agriculture” or “authority” means the Florida Citrus Authority Department of Agriculture and Consumer Services of the State of Florida;

(15) “Commission merchant” means any person engaged in the business of receiving any citrus fruit for sale on commission for or on behalf of another;

(16) “Concentrated products” means:

(a) Frozen citrus fruit juice frozen at a concentration of exceeding 20 degrees Brix and kept at a sufficiently freezing temperature to ensure preservation of the product; and

(b) Citrus fruit juice sealed in hermetically sealed containers at a concentration of exceeding 20 degrees Brix and sufficiently processed by heat to ensure preservation of the product;

(17) “Concentrating plant” means any building, structure, or place where citrus fruit is canned, frozen, or prepared for canning or freezing at a concentration of more than 20 degrees Brix for market or shipment;

(18) “Consignment shipper” means any person who contracts with the producer of citrus fruit for the marketing thereof for the sole account and risk of such producer and who agrees to pay such producer the net proceeds derived from such sale;

(19) “Consignor” means any person, other than a producer, who ships or delivers to any commission merchant or dealer any citrus fruit for handling, sale, or resale;

(20) “Express or gift fruit shipper” means any person having an established place of business who ships or delivers for transportation in any manner, citrus fruit to a consumer and not for the purpose of resale;

(21) “Fresh fruit juice distributor” means any person extracting and preparing for market or shipment any citrus fruit juice in fresh form;

(22) “Grapefruit” means the fruit Citrus paradisi Macf., commonly called grapefruit and shall include white, red, and pink meated varieties;

(23) “Handler” means any person engaged within this state in the business of distributing citrus fruit in the primary channel of trade or

any person engaged as a processor in the business of processing citrus fruit;

(24) "Manufacturer" means any person who shall manufacture, sell or offer for sale, or license or offer for license for use any coloring matter, or any soaps, oils, waxes, gases, gas-forming material, or other similar compositions, or the component parts thereof on or in the processing of citrus fruits;

(25) "Oranges" means the fruit *Citrus sinensis* Osbeck, commonly called sweet oranges;

(26) "Packinghouse" means any building, structure, or place where citrus fruit is packed or otherwise prepared for market or shipment in fresh form;

(27) "Person" means any natural person, partnership, association, corporation, trust, estate, or other legal entity;

(28) "Primary channel of trade" means that fruit shall be deemed to have been delivered into the primary channel of trade when it is sold or delivered for shipment in fresh form, or when it is received and accepted at a canning, concentrating, or processing plant for canning, concentrating, or processing;

(29) "Producer" means any person growing or producing citrus in this state for market;

(30) "Ship" or "shipping" means to move or cause citrus fruit or the canned or concentrated products thereof to be moved in intrastate, interstate, or foreign commerce by rail, truck, boat, or airplane, or any other means;

(31) "Shipper" means any person engaged in shipping, or causing to be shipped, citrus fruit or the canned or concentrated products thereof in intrastate, interstate, or foreign commerce, whether as owner, agent, or otherwise;

(32) "Shipping season" means that period of time beginning August 1 of one year and ending July 31 of the following year;

(33) "Standard packed box" means 1 $\frac{3}{8}$  bushels of citrus fruit, whether in bulk or containers;

(34) "Tangerines" means the fruit *Citrus reticulata* Blanco, commonly called tangerines;

(35) "Lemons" including "rough" lemons means the acid lemons of *Citrus limon*, including the varieties eureka, genoa, wheatley, amerfo, belair, and villafranca of the Eureka group; varieties bonnie brae, kennedy, lisbon, messer, messina, and sicily of the Lisbon group; varieties meyer, cuban, ponderosa, and rough of the Anomalous group; varieties dorshapo and millsweet of the Sweet Lemon group, and other varieties not included above such as everbearing, palestine sweet, perrine, and spheriola;

(36) "Sour oranges"—"sour" or "bitter" oranges means the fruit of *Citrus aurantium* L. and contains several subspecies. Among the most important are varieties african, brazilian, rubidoux, and standard of the Normal group; varieties daidai, goleta, bouquet of the Aberrant group; variety chinooto of the Myrtifolia group; and varieties bittersweet and paraguay of the Bittersweet group;

(37) "Citrus hybrids" means but shall not be limited to hybrids between or among sour orange (*C. aurantium*), pummelo (*C. grandis*), lemon (*C. limon*), lime (*C. aurantifolia*), citron (*C. medica*), grapefruit (*C. paradisi*), tangerine or mandarin orange (*C. reticulata*), sweet orange (*C. sinensis*), tangelo (*C. reticulata* x *C. paradisi* or *C. grandis*), tangor (*C. reticulata* x *C. sinensis*), kumquat (*Fortunella*, species), trifoliolate orange (*Poncirus trifoliata*), and varieties of these species;

(38) "Processor" means any person engaged within this state in the business of canning, concentrating, or otherwise processing citrus fruit for market other than for shipment in fresh fruit form.

Section 44. Section 601.04, Florida Statutes, is reenacted and amended to read:

601.04 Florida Citrus Commission; creation and membership.—

(1)(a) There is hereby created and established within the *Florida Citrus Authority* ~~Department of Citrus~~ a board to be known and designated as the "Florida Citrus Commission" to be composed of 12 practical citrus fruit persons who are resident citizens of the state, each of whom is and has been actively engaged in growing, growing and shipping, or growing and processing of citrus fruit in the state for a period of at least 5 years immediately prior to appointment to the said commission and has, during said period, derived a major portion of her or his income therefrom or, during said time, has been the owner of, member of, officer of, or paid employee of a corporation, firm, or partnership which has, during said time, derived the major portion of its income from the growing, growing and shipping, or growing and processing of citrus fruit.

(b) Seven members of the commission shall be designated as grower members and shall be primarily engaged in the growing of citrus fruit as an individual owner; as the owner of, or as stockholder of, a corporation; or as a member of a firm or partnership primarily engaged in citrus growing. None of such members shall receive any compensation from any licensed citrus fruit dealer or handler, as defined in s. 601.03, other than gift fruit shippers, but any of the grower members shall not be disqualified as a member if, individually, or as the owner of, a member of, an officer of, or a stockholder of a corporation, firm, or partnership primarily engaged in citrus growing which processes, packs, and markets its own fruit and whose business is primarily not purchasing and handling fruit grown by others. Five members of the commission shall be designated as grower-handler members and shall be engaged as owners, or as paid officers or employees, of a corporation, firm, partnership, or other business unit engaged in handling citrus fruit. Two of such five grower-handler members shall be primarily engaged in the fresh fruit business and three of such five grower-handler members shall be primarily engaged in the processing of citrus fruits.

(c) There shall be four members of the commission from each of the three citrus ~~subdistricts~~ ~~districts~~. Each member must reside in the ~~subdistrict~~ ~~district~~ from which she or he was appointed. For the purposes of this section, the residence of a member shall be the actual physical and permanent residence of the member.

(2)(a) The members of such commission shall possess the qualifications herein provided and shall be appointed by the Governor for terms of 3 years each. Appointments shall be made by February 1 preceding the commencement of the term and shall be subject to confirmation by the Senate in the following legislative session. Four members shall be appointed each year. Such members shall serve until their respective successors are appointed and qualified. The regular terms shall begin on June 1 and shall end on May 31 of the third year after such appointment.

(b) When appointments are made, the Governor shall publicly announce the actual classification and ~~subdistrict~~ ~~district~~ that each appointee represents. A majority of the members of the commission shall constitute a quorum for the transaction of all business and the carrying out of the duties of the commission. Before entering upon the discharge of their duties as members of the commission, each member shall take and subscribe to the oath of office prescribed in s. 5, Art. II of the State Constitution. The qualification of each member as herein required shall continue throughout the respective term of office, and in the event a member should, after appointment, fail to meet the qualifications or classification which she or he possessed at the time of appointment as above set forth, such member shall resign or be removed and be replaced with a member possessing the proper qualifications and classification.

(c) When making an appointment to the commission, the Governor shall announce the ~~subdistrict~~ ~~district~~ and classification of the person appointed.

(3)(a) The commission is authorized to elect a chair and vice chair and such other officers as it may deem advisable.



(b) The chair, subject to commission concurrence, may appoint such advisory committees or councils composed of industry representatives as the chair deems appropriate, setting forth areas of committee or council concern which are consistent with the statutory powers and duties of the commission and the *Florida Citrus Authority* ~~Department of Citrus~~.

(4) It is the intent of the Legislature that the commission be redistricted every 5 years. Redistricting shall be based on the total boxes produced from each of the three ~~subdistricts~~ ~~districts~~ during that 5-year period.

Section 45. Section 601.05, Florida Statutes, is repealed:

~~601.05 Department of Citrus a body corporate.—The Department of Citrus shall be a body corporate, shall have power to contract and be contracted with, and shall have and possess all the powers of a body corporate for all purposes necessary for fully carrying out the provisions and requirements of this chapter. The Department of Citrus shall adopt a corporate seal with which it shall authenticate its proceedings.~~

Section 46. Section 601.06, Florida Statutes, is reenacted and amended to read:

601.06 Compensation and expenses of commission members.—Each member of the commission shall receive the sum of \$25 per day for each day or fraction thereof spent while en route to or from, or in actual attendance at, regular or special meetings of the commission or meetings of committees of the commission, or in transacting other business authorized by the *Florida Citrus Authority* ~~Department of Citrus~~ in addition to per diem and reimbursement of expenses as authorized by law. *All laws that are applicable to state agencies and public officers and employees regarding per diem and reimbursement shall be applicable to the Florida Citrus Authority and the Florida Citrus Commission.*

Section 47. Section 601.07, Florida Statutes, is reenacted and amended to read:

601.07 Location of executive offices.—The executive offices of the *Florida Citrus Authority* ~~Department of Citrus~~ shall be established and maintained at Lakeland.

Section 48. Section 601.08, Florida Statutes, is reenacted and amended to read:

601.08 Authenticated copies of commission records as evidence.—Copies of the proceedings, records, and acts of the commission and certificates purporting to relate the facts concerning such proceedings, records, and acts signed by the chair of the commission and authenticated by the seal of the *Florida Citrus Authority* ~~Department of Citrus~~ shall be prima facie evidence thereof in all the courts of the state.

Section 49. Section 601.09, Florida Statutes, is reenacted and amended to read:

601.09 Citrus ~~subdistricts~~ ~~districts~~.—The independent special district known as the *Florida Citrus Authority* ~~citrus belt of the state, for purposes of this chapter~~, is divided into three ~~subdistricts~~ ~~districts~~ composed of the following counties:

(1) Citrus ~~Subdistrict~~ ~~District~~ One: Pasco, Pinellas, Sarasota, Hillsborough, Manatee, Hernando, Citrus, Sumter, Lake, Seminole, Marion, Levy, Alachua, Putnam, Flagler, Highlands, Orange, Polk, and St. Johns Counties.

(2) Citrus ~~Subdistrict~~ ~~District~~ Two: Hardee, DeSoto, Charlotte, Glades, Lee, Hendry, Collier, and Monroe Counties.

(3) Citrus ~~Subdistrict~~ ~~District~~ Three: Brevard, Indian River, St. Lucie, Martin, Okeechobee, Broward, Osceola, Dade, Volusia, and Palm Beach Counties.

Section 50. Section 601.091, Florida Statutes, is reenacted to read:

601.091 Florida SunRidge, Indian River, and Gulf production areas, boundaries and designation.—

(1) Unless otherwise specifically provided by final court order entered as a result of a legal proceeding instituted prior to July 1, 1976, only citrus fruit grown within the boundaries of a specified production area of this state, or processed citrus products prepared solely from such citrus fruit, may be identified, classified, labeled, or otherwise designated with the name of such production area or identified, classified, labeled, or otherwise designated in any manner so as to imply that such citrus fruit, or processed citrus product produced therefrom, was grown in the specified production area.

(2) The "Indian River" production area of this state shall encompass only that part of the state particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of Section 23, Township 14 South, Range 31 East; thence continue south to the southwest corner of Section 35, Township 14 South, Range 31 East; thence east to the northwest corner of Township 15 South, Range 32 East; thence south to the southwest corner of Township 17 South, Range 32 East; thence east to the northwest corner of Township 18 South, Range 33 East; thence south to the St. Johns River, thence along the main channel of the St. Johns River and through Lake Harney, Lake Pointsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence south to the south line of Brevard County; thence east to the line between Ranges 36 East and 37 East; thence south to the southwest corner of St. Lucie County; thence east to the line between Ranges 39 East and 40 East; thence south to the south line of Martin County; thence east to the line between Ranges 40 East and 41 East; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

(3) The "Gulf" production area of this state shall encompass all of Charlotte, Collier, Glades, Hendry, and Lee Counties.

(4) The "Florida SunRidge" production area of this state shall encompass all the area of the state not included within the boundaries established by subsections (2) and (3).

Section 51. Section 601.10, Florida Statutes, is reenacted and amended to read:

601.10 Powers of the *Florida Citrus Authority* ~~Department of Citrus~~.—The *Florida Citrus Authority* ~~Department of Citrus~~ shall have and shall exercise such general and specific powers as are delegated to it by the *Florida Constitution*, this chapter and other statutes of the state regarding special taxing districts, which powers shall include, but shall not be confined to, the following:

(1) To assess and collect taxes to conduct marketing, advertising, research, regulatory, or promotional activities for citrus products in the United States and foreign countries with the intent of increasing the use, purchase, and consumption of citrus products.

(2) To authorize, conduct, or participate in programs and/or efforts designed to develop and protect the domestic and foreign markets of citrus products.

(3) The *Florida Citrus Authority* shall plan and conduct campaigns for commodity advertising, publicity, and sales promotion, and may conduct campaigns to encourage noncommodity advertising, to increase the consumption of citrus fruits, and may contract for any such advertising, publicity, and sales promotion service. To accomplish such purpose, the *Florida Citrus Authority* shall have the powers and duties:

(a) To disseminate information relating to:

1. Citrus fruits and the importance thereof in preserving the public health, the economy thereof in the diet of the people, and the importance thereof in the nutrition of children;

2. The manner, method, and means used and employed in the production and marketing of citrus fruits and information relating to

laws of the state regulating and safeguarding such production and marketing;

3. The added cost to the producer and dealer in producing and handling citrus fruits to meet the high standards imposed by the state that ensure a pure and wholesome product;

4. The effect upon the public health which would result from a breakdown of the Florida citrus industry or any part thereof;

5. The reasons why producers and dealers should receive a reasonable return on their labor and investment;

6. The problem of furnishing the consumer at all times with an abundant supply of fine quality citrus fruits at reasonable prices;

7. Factors of instability peculiar to the citrus fruit industry, such as unbalanced production, the effect of the weather, the influence of consumer purchasing power, and price relative to the cost of other items of food in the normal diet of people, all to the end that an intelligent and increasing consumer demand may be created;

8. The possibilities with particular reference to increased consumption of citrus fruits; and

9. Such other, further, and additional information which tends to promote increased consumption of citrus fruits and which fosters a better understanding and more efficient cooperation among producers, dealers, and the consuming public; and

(b) To decide upon some distinctive and suggestive trade name and to promote its use in all ways to advertise Florida citrus fruit.

(4)(1) To adopt and, from time to time, alter, rescind, modify, or amend all proper and necessary rules, regulations, and orders for the exercise of its powers and the performance of its duties under this chapter and other statutes of the state, which rules and regulations shall have the force and effect of law when not inconsistent therewith. In implementing, amending, and enforcing rules, the Florida Citrus Authority shall follow the provisions of chapter 120 and subsequent amendments thereto.

(5)(2) To act as the general supervisory authority over the administration and enforcement of this chapter and to exercise such other powers and perform such other duties as may be imposed upon it by other laws of the state. The Florida Citrus Authority has the authority to appoint the Florida Citrus Commission members to serve as hearing officers regarding rulings and decisions of the Florida Citrus Authority and the Florida Citrus Commission.

(6)(a)(3) To employ and, at its pleasure, discharge an executive director, a secretary, and such attorneys, clerks, and employees as it deems necessary and to outline their powers and duties and fix their compensation.

(b) The Florida Citrus Authority shall have the authority to implement and amend rules and policies regarding, but not limited to, job designations, classifications, annual leave, sick leave, overtime, and compensatory time that are applicable to each Florida Citrus Authority employee. The Florida Citrus Authority shall utilize the provisions of chapter 110 and administrative rules regarding state and public employees as guidelines when adopting its own policies and procedures.

(c) The Florida Citrus Authority ~~Department of Citrus~~ may pay, or participate in the payment of, premiums for health, accident, and life insurance for its full-time employees, pursuant to such rules or regulations as it may adopt; and such payments shall be in addition to the regular salaries of such full-time employees. It is the intent of the Legislature that the Florida Citrus Authority will continue to participate in the Florida Retirement System and the state group health insurance plan based upon the fee and cost structure consistent with fees and costs assessed to state agencies and employees for participation in these programs. However, the Florida Citrus Authority is authorized and empowered to provide group insurance for its employees in the same manner and with the same provisions and limitations authorized for other employees by ss. 112.08, 112.09, 112.10, 112.11, and 112.14. The

payment of such or similar benefits to its employees in foreign countries, including, but not limited to, social security, retirement, and other similar fringe benefit costs, may be in accordance with laws in effect in the country of employment, except that no benefits will be payable to employees not authorized for other state employees, as provided in the Career Service System.

(d) The Florida Citrus Authority shall have the authority to establish policies and procedures regarding employees' rights to ownership of patents, trademarks, copyrights, or other intellectual property created or developed while employed by the Florida Citrus Authority.

(7)(a) The fiscal year of the Florida Citrus Authority created under the provisions of this chapter shall extend from October 1 of one year through September 30 of the following year. The executive director of the Florida Citrus Authority shall, on or before July 15 of each year, submit for consideration by the Florida Citrus Commission a tentative budget for the Florida Citrus Authority covering its proposed operation and requirements for the ensuing fiscal year. The budget shall set forth, classified by object and purpose, and by fund if so designated, the proposed expenditures of the Florida Citrus Authority or other debt for the conduct of the affairs of the Florida Citrus Authority generally, and for other purposes, to which may be added an amount to be held as a reserve. Florida Citrus Authority administrative and operating expenses must be identified in the budget and allocated among programs.

(b) The budget shall also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted. There shall be shown the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year, and the estimated amount to be raised by district taxes and from other sources for meeting the requirements of the district.

(c) The meeting to finally adopt a budget shall be by and before the Florida Citrus Commission and may be continued from day to day until terminated by the Florida Citrus Commission. The final budget for the Florida Citrus Authority will thereupon be the operating and fiscal guide for the Florida Citrus Authority for the ensuing year; however, transfers of funds may be made within the budget by action of the Florida Citrus Commission at a public meeting of the Florida Citrus Commission. Should the Florida Citrus Authority receive unanticipated funds after the adoption of the final budget, the final budget may be amended by including such funds. However, in the event of a disaster or an emergency arising to prevent or avert the same, the Florida Citrus Commission shall not be limited by the budget but shall have authority to apply such funds as may be available therefor or as may be procured for such purpose.

(d) The Florida Citrus Authority shall have an annual financial audit of its accounts and records as provided in s. 11.45. A copy of the audit shall be filed with the Auditor General and the Florida Citrus Commission.

(8)(a) To establish and amend purchasing and contracting policies and procedures for the Florida Citrus Authority. The Florida Citrus Authority is authorized to establish procedures for disbursement of funds and such amendments and in such a manner as prescribed by the Florida Citrus Commission. The Florida Citrus Commission may establish, by rule, a procedure for the disbursement of funds by means of wire or electronic transfer. It is the intent of the Legislature that the Florida Citrus Authority shall utilize chapter 287 and other state administrative purchasing rules as guidelines when adopting its own policies and procedures.

(b) In order to provide for the works described by this chapter, the Florida Citrus Authority, as approved by the Florida Citrus Commission, is hereby authorized and empowered to borrow money temporarily, from time to time, for a period not to exceed 1 year at any one time, not including renewals thereof, and to issue its promissory notes therefor upon such terms and at such rates of interest as the Florida Citrus Commission may deem advisable, payable from the taxes herein levied and imposed, and the increment thereof. Any of such notes may be used in payment of amounts due, or to become due, upon contracts made or to be made by the Florida Citrus Authority for carrying out the work authorized and provided for herein, and the Florida Citrus Authority

may, to secure the payment of any of such notes, hypothecate bonds herein authorized to be issued, and may thereafter redeem such hypothecated bonds. Any of the notes so issued may be paid out of the proceeds of revenues authorized to be assessed by this chapter.

(9)(4) To purchase or authorize the purchase of all office equipment and supplies and to incur all necessary expenses in connection with and required for the proper carrying out of the provisions of this chapter and other applicable laws.

(10)(5) To investigate violations of the provisions of this chapter and other laws conferring powers and duties upon the *Florida Citrus Authority Department of Citrus*, and to report its findings or recommendations in connection therewith to the Department of Agriculture and Consumer Services.

(11)(6) To incur such reasonable obligations and expenses as may be necessary and proper for the discharge of its powers and duties under this or other laws, and to have such obligations and expenses paid out of the funds authorized by *this chapter law* to be collected and expended. The executive director of the *Florida Citrus Authority Department of Citrus*, or such other person specifically designated by the commission to act in the event the executive director is either unable or not available to act, is authorized to execute contracts and agreements previously approved by the commission during a regular or special meeting, on behalf of the *Florida Citrus Authority Department of Citrus*; and the secretary or assistant secretary of the commission is authorized to attest to the signature of the executive director or other designated person.

(12)(7) To adopt, promulgate, alter, rescind, modify, amend, and enforce rules and regulations and establish minimum maturity and quality standards for citrus fruits not inconsistent with existing laws, to regulate and control methods and practices followed or used in harvesting, grading, packing, extracting, canning, concentrating, sectionizing, or otherwise processing citrus fruits or citrus juices or the products thereof for human consumption, including the addition or prohibition of any and all additives, and including application to or use of coloring matter thereon and coloring of fruit by placing in coloring room with or without use of heat or any form of gas in such process, to the end that such methods and practices as affect the eating and keeping qualities and depreciate the value of citrus fruits or the juices or other food products thereof in any form may be minimized to the greatest extent possible, if not altogether eliminated. *The provisions of chapter 120 shall apply to the rulemaking activities of the Florida Citrus Authority.*

(13)(8) To prepare and disseminate information of importance to citrus growers, handlers, shippers, processors, and industry-related and interested persons and organizations, relating to *Florida Citrus Authority Department of Citrus* activities and the production, handling, shipping, processing, and marketing of citrus fruit and processed citrus products. Any information which consists of a trade secret as defined in s. 812.081(1)(c) is confidential and exempt from the provisions of s. 119.07(1), and shall not be disclosed. For referendum and other notice and informational purposes, the *Florida Citrus Authority Department of Citrus* may prepare and maintain, from the best available sources, a citrus grower mailing list. Such list shall be a public record available as other public records, but it shall not be subject to the purging provisions of s. 283.55.

(14)(a)(9) *The Florida Citrus Authority shall have the authority to deposit funds, revenues, and/or assessments into banks or saving associations. All deposits shall be in accordance with chapter 280, and rule 4C-2, Florida Administrative Code, and amendments thereto.*

(b) When, in the opinion of the *Florida Citrus Authority Department of Citrus*, the funds and/or tax revenues collected pursuant to this chapter, whether allocated for research, advertising or promotion, reserve funds, advertising incentive plans, *regulatory programs*, or other purposes, are not immediately needed for the purpose for which such funds are provided, the *Florida Citrus Authority Treasurer* is authorized and shall, upon the request and approval of the Department of Citrus, or its executive director general manager if she or he has been given such authority, is authorized to invest and reinvest the funds

designated and for the period of time specified in such request. In the investment of such funds, the *Florida Citrus Authority Treasurer* shall have the powers and be subject to the limitations provided for in s. 18.125.

(10) ~~Subject to the concurrence of the Treasurer,~~

(15) Whenever the *Florida Citrus Authority department* contracts with a foreign entity for performance of services or the purchase of materials, and such contract requires payment in equivalent foreign currency, the *Florida Citrus Authority department* may, for payment of such contract obligation, deposit sufficient *Florida Citrus Authority state funds* in a foreign bank, or purchase foreign currency at the current market rate, up to an amount not in excess of the contract obligation. ~~All payments from these funds must have prior audit approval from the office of the Comptroller.~~

(16)(11) To conduct an annual merchandising and management meeting in this state for department field personnel and to make direct payment, by means of vendor contracts approved by the commission, for all necessary lodging, meals, facilities, and training expenses for department employees attending such annual meeting, in lieu of payment of individual employee per diem allowances as established by s. 112.061.

(12) ~~Notwithstanding the provisions of part I of chapter 287, to promulgate rules for the purpose of entering into contracts which are primarily for promotional and advertising services and promotional events which may include commodities involving a service. Such rules shall include the authority to negotiate costs with the offerors of such services and commodities who have been determined to be qualified on the basis of technical merit, creative ability, and professional competency. Contracts pursuant to this subsection may provide for advance payments when the department determines that such provision is essential to acquiring the service.~~

(17) *To maintain all Florida Citrus Authority records in accordance with chapter 119.*

(18) *To conduct all meetings of the Florida Citrus Authority, committees, and councils in accordance with the public meetings law pursuant to chapter 286.*

(19) *To conduct all activities in accordance with the Code of Ethics for Public Officers and Employees, part III of chapter 112.*

(20)(13) To investigate or address the transportation problems affecting the citrus industry.

(21)(14) To investigate or research the mechanical harvesting of citrus fruit grown in Florida.

(22) *To advertise cattle feed and promote its use.*

(23)(15) To provide by rule a list of forms used in conducting its business. The adoption of such rule constitutes sufficient notice to the public of the existence of the forms and negates the need to place specific citation to such list throughout the related chapters of the Florida Administrative Code.

Section 52. Section 601.101, Florida Statutes, is reenacted and amended to read:

601.101 Ownership of rights under patent and trademark laws developed or acquired pursuant to the authorities of this chapter.— Notwithstanding any provision of chapter 286, the legal title and every right, interest, claim, or demand of any kind in and to any patent, trademark, copyright, certification mark, or other right acquired under the patent and trademark laws of the United States or this state or any foreign country, or the application for the same, now, heretofore, or as may be hereafter owned or held, acquired, or developed by the *Florida Citrus Authority Department of Citrus*, under the authority and directions given it by this chapter, is vested in the *Florida Citrus Authority Department of Citrus* for the use, benefit, and purposes provided in this chapter. The *Florida Citrus Authority Department of Citrus* is hereby vested with and is authorized to exercise any and all of

the normal incidents of such ownership, including the receipt and disposition of royalties. Any sums received as royalties from any such rights are hereby appropriated to the *Florida Citrus Authority Department of Citrus* for any and all of the purposes and uses provided in this chapter.

Section 53. Section 601.11, Florida Statutes, is reenacted and amended to read:

601.11 Power of *Florida Citrus Authority Department of Citrus* to establish standards.—The *Florida Citrus Authority Department of Citrus* shall have full and plenary power to, and may, establish state grades and minimum maturity and quality standards not inconsistent with existing laws for citrus fruits and food products thereof containing 20 percent or more citrus or citrus juice, whether canned or concentrated, or otherwise processed, including standards for frozen concentrate for manufacturing purposes, and for containers therefor, and shall prescribe rules or regulations governing the marking, branding, labeling, tagging, or stamping of citrus fruit, or products thereof whether canned or concentrated, or otherwise processed, and upon containers therefor for the purpose of showing the name and address of the person marketing such citrus fruit or products thereof whether canned or concentrated or otherwise processed; the grade, quality, variety, type, or size of citrus fruit, the grade, quality, variety, type, and amount of the products thereof whether canned or concentrated or otherwise processed, and the quality, type, size, dimensions, and shape of containers therefor, and to regulate or prohibit the use of containers which have been previously used for the sale, transportation, or shipment of citrus fruit or the products thereof whether canned or concentrated or otherwise processed, or any other commodity; provided, however, that the use of secondhand containers for sale and delivery of citrus fruit for retail consumption within the state shall not be prohibited; provided, however, that no standard, regulation, rule, or order under this section which is repugnant to any requirement made mandatory under federal law or regulations shall apply to citrus fruit, or the products thereof, whether canned or concentrated or otherwise processed, or to containers therefor, which are being shipped from this state in interstate commerce. All citrus fruit and the products thereof whether canned or concentrated or otherwise processed sold, or offered for sale, or offered for shipment within or without the state shall be graded and marked as required by this section and the regulations, rules, and orders adopted and made under authority of this section, which regulations, rules, and orders shall, when not inconsistent with state or federal law, have the force and effect of law.

Section 54. Section 601.111, Florida Statutes, is reenacted and amended to read:

601.111 *Florida Citrus Authority Department of Citrus* authorized to lower maturity standards.—

(1) The Legislature of the state finds and declares that emergencies creating abnormal conditions in the Florida citrus industry, such as unusual climatic conditions that produce unusual growing conditions of citrus fruit, freezes and hurricanes, or other acts of God that may affect a substantial part of the citrus industry, require that the *Florida Citrus Authority Department of Citrus* be given the power and authority to lower the maturity standards established by law for citrus fruit or any variety thereof, not including oranges except as specified in subsection (2), under and subject to the limitations, conditions, restrictions, and provisions and within the standards hereinafter prescribed and established.

(2) In the event of an emergency such as is mentioned in subsection (1), the said *Florida Citrus Authority Department of Citrus*, in addition to all other powers and authority which it now possesses, which have heretofore been granted or delegated to it by the Legislature shall have the additional power to issue rules and regulations to:

(a) Lower by not more than 10 percent the existing minimum requirement as to the total soluble solids of the juice of citrus fruit or any variety, except oranges, or size thereof;

(b) Lower by not more than 10 percent the existing ratio of total soluble solids of the juice of citrus fruit or any variety thereof, except oranges, to the anhydrous citric acid;

(c) Lower by not more than 10 percent the existing minimum requirement for juice content of citrus fruit or any variety or size thereof; and

(d) Lower by not more than 10 percent the existing minimum requirement for the content of anhydrous citric acid for oranges.

Any action under this subsection shall not be taken without the consent of at least nine members of the Florida Citrus Commission. Any regulation adopted pursuant to this section shall be by the affirmative vote of at least nine members of said Florida Citrus Commission, and every such regulation shall contain an expiration date not later than 1 year from its effective date.

(3) This act shall not repeal any other section or part of this chapter, but shall be deemed as supplemental and additional to the express power vested in the *Florida Citrus Authority Department of Citrus*, subject only to the limitations, restrictions, conditions, provisions, and standards herein set forth.

Section 55. Section 601.13, Florida Statutes, is reenacted and amended to read:

601.13 Citrus research; administration by *Florida Citrus Authority Department of Citrus*; appropriation.—

(1) The administration of this section shall be vested in the *Florida Citrus Authority Department of Citrus* which shall prescribe suitable and reasonable rules and regulations for the proper carrying out of the provisions hereof.

(2) It shall be the duty of the *Florida Citrus Authority Department of Citrus*, and it is empowered:

(a) To conduct or cause to be conducted a thorough and comprehensive study of citrus fruit and the juices thereof

1. With respect to the quality and maturity of said fruit and the juices thereof, including proper effort to assemble data and arrive at a proper standard of quality, grade, and maturity with reference to its texture, stability, and general marketability and so far as possible reduce such findings to specific and readily understood chemical, mathematical, or descriptive terms, and

2. With respect to the nutritional and other value or values of such fruit and the juices thereof

and to provide suitable facilities and equipment of every kind whatsoever proper and necessary in connection with all such work.

(b) To conduct or cause to be conducted such study and research as is necessary to provide all the information and data required to be disseminated pursuant to the provisions of this section.

(c) To provide suitable and sufficient laboratory facilities and equipment, making use of the laboratory facilities and equipment of the University of Florida, insofar as it is practicable for the purpose of conducting thorough and comprehensive study and research to determine all possible new and further uses for citrus fruit and citrus fruit juices and the products and byproducts into which the same can be converted or manufactured, as well as to determine and develop new and profitable methods and instruments of distribution thereof.

(d) To carry on, or cause to be carried on, suitable experiments in an effort to prove the commercial value of each, and determine and develop new and further use for citrus fruit and citrus fruit juices or the products and byproducts into which the same can be converted or manufactured.

(e) To carry on or cause to be carried on suitable experiments in an effort to prove the commercial value of any and all new profitable methods and instruments of distribution of citrus fruit and citrus fruit juices and the products and byproducts into which the same can be converted or manufactured.

(f) To carry on or cause to be carried on an economic and marketing research program relating to citrus fruits, products or byproducts thereof.

(g) To enter into any mutually satisfactory contracts or agreements with any person, firm, institution, corporation, or business unit, as well as any state or federal agency, which the *Florida Citrus Authority Department of Citrus* deems wise, necessary, and expedient in the carrying out of any of the provisions of this chapter.

(h) To incur and pay such expenses and obligations as are necessary in connection with and required for the proper carrying out of the provisions of this chapter.

(3) There is hereby appropriated and made available for defraying the expenses of the administration of this section from the moneys derived from advertising excise taxes levied on citrus fruit such amounts as the *Florida Citrus Authority Department of Citrus* may deem necessary within the percentage limitations imposed by s. 601.15.

Section 56. Section 601.15, Florida Statutes, is reenacted and amended to read:

601.15 Advertising campaign; methods of conducting; Excise tax; emergency reserves reserve fund; citrus research.—

(1) The administration of this section shall be vested in the *Florida Citrus Authority Department of Citrus*, which shall prescribe suitable and reasonable rules and regulations for the enforcement hereof, and the *Florida Citrus Authority Department of Citrus* shall administer the taxes levied and imposed hereby. All funds collected under this section and the interest accrued on such funds are consideration for a social contract between the *Florida Citrus Authority state* and the citrus growers of the state whereby the state must hold *and utilize* such funds in trust and inviolate and use them only for the purposes prescribed in this chapter. The *Florida Citrus Authority Department of Citrus* shall have power to cause its duly authorized agent or representative to enter upon the premises of any handler of citrus fruits and to examine or cause to be examined any books, papers, records, or memoranda bearing on the amount of taxes payable and to secure other information directly or indirectly concerned in the enforcement hereof. Any person who is required to pay the taxes levied and imposed and who by any practice or evasion makes it difficult to enforce the provisions hereof by inspection, or any person who, after demand by the *Florida Citrus Authority Department of Citrus* or any agent or representative designated by it for that purpose, refuses to allow full inspection of the premises or any part thereof or any books, records, documents, or other instruments in any manner relating to the liability of the taxpayer for the tax imposed or hinders or in anywise delays or prevents such inspection, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

~~(2) The Department of Citrus shall plan and conduct campaigns for commodity advertising, publicity, and sales promotion, and may conduct campaigns to encourage noncommodity advertising, to increase the consumption of citrus fruits and may contract for any such advertising, publicity, and sales promotion service. To accomplish such purpose, the Department of Citrus shall have power, and it shall be its duty:~~

~~(a) To disseminate information relating to:~~

~~1. Citrus fruits and the importance thereof in preserving the public health, the economy thereof in the diet of the people, and the importance thereof in the nutrition of children;~~

~~2. The manner, method, and means used and employed in the production and marketing of citrus fruits and information relating to laws of the state regulating and safeguarding such production and marketing;~~

~~3. The added cost to the producer and dealer in producing and handling citrus fruits to meet the high standards imposed by the state that ensure a pure and wholesome product;~~

~~4. The effect upon the public health which would result from a breakdown of the Florida citrus industry or any part thereof;~~

~~5. The reasons why producers and dealers should receive a reasonable return on their labor and investment;~~

~~6. The problem of furnishing the consumer at all times with an abundant supply of fine quality citrus fruits at reasonable prices;~~

~~7. Factors of instability peculiar to the citrus fruit industry, such as unbalanced production, the effect of the weather, the influence of consumer purchasing power, and price relative to the cost of other items of food in the normal diet of people, all to the end that an intelligent and increasing consumer demand may be created;~~

~~8. The possibilities with particular reference to increased consumption of citrus fruits; and~~

~~9. Such other, further, and additional information which tends to promote increased consumption of citrus fruits and which fosters a better understanding and more efficient cooperation among producers, dealers, and the consuming public; and~~

~~(b) To decide upon some distinctive and suggestive trade name and to promote its use in all ways to advertise Florida citrus fruit.~~

(2)(3)(a) There is hereby levied and *assessed* imposed upon each standard-packed box of citrus fruit grown and placed into the primary channel of trade in this state an excise tax at annual rates for each citrus season as determined from the tables in this paragraph and based upon the previous season's actual statewide production as reported in the United States Department of Agriculture Citrus Crop Production Forecast as of June 1.

1. The following tax rates, expressed in cents per box, shall apply to grapefruit which enters the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999- 2000 and thereafter
80 and greater	33	34	35	36	37
75-79.99	35	36	37	38	39
70-74.99	37	38	39	41	42
65-69.99	40	41	42	44	45
60-64.99	43	44	46	47	49
55-59.99	47	48	50	51	53
50-54.99	51	53	55	56	58
45-49.99	57	59	60	62	64
40-44.99	63	65	67	69	71
Less than 40	72	74	76	79	81

2. The following tax rates, expressed in cents per box, shall apply to grapefruit which enters the primary channel of trade for use in processed forms:

Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999- 2000 and thereafter
80 and greater	23	24	25	25	26
75-79.99	25	25	26	27	28
70-74.99	26	27	28	29	30
65-69.99	28	29	30	31	32
60-64.99	31	32	32	33	34
55-59.99	33	34	35	36	37
50-54.99	36	38	39	40	41
45-49.99	40	41	43	44	45
40-44.99	45	46	48	49	51
Less than 40	51	53	54	56	57

3. The following tax rates, expressed in cents per box, shall apply to oranges which enter the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999- 2000 and thereafter
255 and greater	23	24	25	26	26
245-254.9	24	25	26	27	27
235-244.9	25	26	27	28	28
225-234.9	26	27	28	29	30
215-224.9	28	28	29	30	31
205-214.9	29	30	31	32	33
195-204.9	30	31	32	33	34
185-194.9	32	33	34	35	36
175-184.9	34	35	36	37	38
165-174.9	36	37	38	39	40
155-164.9	38	39	40	41	43
Less than 155	41	42	43	44	46

4. The following tax rates, expressed in cents per box, shall apply to oranges which enter the primary channel of trade for use in processed form:

Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999- 2000 and thereafter
255 and greater	15	16	16	17	17
245-254.9	16	16	17	17	18
235-244.9	17	17	18	18	19
225-234.9	17	18	18	19	19
215-224.9	18	19	19	20	20
205-214.9	19	20	20	21	21
195-204.9	20	21	21	22	22
185-194.9	21	22	22	23	24
175-184.9	22	23	23	24	25
165-174.9	23	24	25	26	26
155-164.9	25	26	26	27	28
Less than 155	27	27	28	29	30

5. The tax rate levied each year upon oranges which enter the primary channel of trade for use in processed form, pursuant to this paragraph and subsection (4), shall also apply in that year to tangerines and citrus hybrids regulated by the *Florida Citrus Authority Department of Citrus* which enter the primary channel of trade for use in processed form.

6. The following tax rates, expressed in cents per box, shall apply to tangerines and citrus hybrids regulated by the *Florida Citrus Authority Department of Citrus* which enter the primary channel of trade for use in fresh form:

Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999- 2000 and thereafter
13 and greater	24	24	25	26	27
12 - 12.99	26	26	27	28	29
11 - 11.99	28	29	30	30	31
10 - 10.99	31	31	32	33	34
9 - 9.99	34	35	36	37	38
8 - 8.99	38	39	40	41	42
7 - 7.99	43	44	45	47	48
Less than 7	49	51	52	54	56

(b) Whenever citrus fruit is purchased, acquired, or handled on a weight basis, the following weights shall be deemed the equivalent of one standard-packed box for tax purposes under this section:

1. Grapefruit, 85 pounds.
2. Oranges, 90 pounds.
3. Tangerines, 95 pounds.

4. Citrus hybrids, 90 pounds.

(c) The excise taxes imposed by this section do not apply to citrus fruit used for noncommercial domestic consumption on the premises where produced.

(d) For purposes of this subsection, a citrus season begins on August 1 of a year and ends on July 31 of the following year.

(e) The commission, upon an affirmative vote of nine of its members and by an order entered by it prior to August 1 of any year, may reduce the tax rates specified in this subsection if the commission determines that the specified tax rate will result in collection of funds, during the ensuing citrus season, which exceed projected needs. The reduction shall apply only to the citrus season which immediately follows entry of the order providing for reduction. Such tax reduction may be applied by variety and on the basis of whether the fruit enters the primary channel of trade for use in fresh or processed form.

(3)(4) Every handler shall keep a complete and accurate record of all citrus fruit handled by her or him. Such record shall be in such form and contain such other information as the *Florida Citrus Authority Department of Citrus* shall by rule or regulation prescribe. Such records shall be preserved by such handlers for a period of 1 year and shall be offered for inspection at any time upon oral or written demand by the *Florida Citrus Authority Department of Citrus* or its duly authorized agents or representatives.

(4)(5) Every handler shall, at such times and in such manner as the *Florida Citrus Authority Department of Citrus* may by rule require, file with the *Florida Citrus Authority Department of Citrus* a return certified as true and correct, on forms furnished by the *Florida Citrus Authority Department of Citrus*, stating, in addition to other information, the number of standard-packed boxes of each kind of citrus fruit handled by such handler in the primary channel of trade during the period of time covered by the return. Full payment of all excise taxes due for the period reported shall accompany each handler's return.

(5)(6)(a) All excise taxes levied and imposed pursuant to the provisions of this section shall be due and payable and shall be paid, or the amount thereof guaranteed as hereinafter provided, at the time the citrus fruit is first handled in the primary channels of trade. All such taxes shall be paid, or the payment thereof shall be guaranteed, to the *Florida Citrus Authority Department of Citrus* by the person first handling the fruit in the primary channel of trade, except that payment of taxes on fruit delivered or sold for processing in this state shall be paid, or payment thereof shall be guaranteed in accordance with *Florida Citrus Authority Department of Citrus* rules, by the person processing such fruit.

(b) Periodic payment of excise taxes upon citrus fruit by the person liable for such payment shall be permitted only in accordance with *Florida Citrus Authority Department of Citrus* rules; and the payment thereof shall be guaranteed by the posting of a good and sufficient cash bond, an appropriate certificate of deposit, or an approved surety bond in an amount and manner as prescribed by *Florida Citrus Authority Department of Citrus* rule. Evidence of such guarantee of payment of excise taxes shall be made on the grade certificate in such manner and form as may be prescribed by *Florida Citrus Authority Department of Citrus* rule.

(c) All taxes collected by the *Florida Citrus Authority Department of Citrus* shall be delivered *directly* to the *Florida Citrus Authority State Treasury* for payment into the proper *operating account advertising fund*.

(6)(7) All excise taxes levied and collected under the provisions of this chapter shall be paid to the *Florida Citrus Authority into the State Treasury* on or before the 15th day of each month; such moneys shall be accounted for in the *operating accounts of a special fund to be designated as the Florida Citrus Authority Florida Citrus Advertising Trust Fund*, and all moneys in such *accounts fund* are to be hereby appropriated to the *Florida Citrus Authority Department of Citrus* for the following purposes:

~~(a) Three percent of all income of a revenue nature deposited in this fund, including transfers from any subsidiary accounts thereof and any interest income, shall be deposited in the General Revenue Fund pursuant to chapter 215.~~

~~(a)(b)~~ Not more than 24 percent of such *operating accounts trust fund* shall be expended for the activities authorized by s. 601.13 and for the cost of those general overhead, research and development, maintenance, salaries, professional fees, enforcement costs, and other such expenses which are not related to advertising, merchandising, public relations, trade luncheons, publicity, and other associated activities. The cost of general overhead, maintenance, salaries, professional fees, enforcement costs, and other such expenses which are related to advertising, merchandising, public relations, trade luncheons, publicity, and associated activities shall be paid from the balance of the *operating accounts Citrus Advertising Trust Fund* and shall not be included in the 24-percent limitation.

~~(b)(e)~~ The balance of the moneys in the *Florida Citrus Authority operating accounts Florida Citrus Advertising Trust Fund* shall be used by the *Florida Citrus Authority Department of Citrus* for defraying those expenses not included within the 24-percent limitation established by paragraph (b). After payment of such expenses, the money levied and collected under the provisions of subsection (3) shall be used exclusively for commodity and noncommodity advertising, merchandising, publicity, or sales promotion of citrus products in both fresh form and processed form, including citrus cattle feed and all other products of citrus fruits, produced in the state, in such equitable manner and proration as the *Florida Citrus Authority Department of Citrus* may determine, but funds expended for commodity advertising thereunder shall be expended through an established advertising agency. A proration of moneys between commodity programs and noncommodity programs, and among types of citrus products, shall be made on or before November 1 of each shipping season and may not thereafter be modified for that shipping season unless the department finds such action necessary to preserve the economic welfare of the citrus industry.

~~(c)(d)~~ The pro rata portion of moneys allocated to each type of citrus product in noncommodity programs shall be used by the department to encourage substantial increases in the effectiveness, frequency, and volume of noncommodity advertising, merchandising, publicity, and sales promotion of such citrus products through rebates and incentive payments to handlers and trade customers for these activities. The *Florida Citrus Authority Department of Citrus* is authorized and directed to adopt rules providing for the use of such moneys. The rules shall establish alternate incentive programs, including at least one incentive program for product sold under advertised brands, one incentive program for product sold under private label brands, and one incentive program for product sold in bulk. For each incentive program, the rules shall establish eligibility and performance requirements and shall provide appropriate limitations on amounts payable to a handler or trade customer for a particular season. Such limitations may relate to the amount of citrus excise taxes levied and collected on the citrus product handled by such handler or trade customer during a 12-month representative period. The department may require from participants in noncommodity advertising and promotional programs commercial information necessary to determine eligibility for and performance in such programs. Any information so required which constitutes a "trade secret" as defined in s. 812.081 is confidential and exempt from the provisions of s. 119.07(1).

~~(7)(8)(a)~~ On certification by any employee of the *Florida Citrus Authority Department of Citrus* that her or his actual and necessary expenses on any particular day while traveling outside the state exceeded the per diem provided by law, such employee shall show such excess on her or his regular expense voucher and support the same by the proof required pursuant to rules and regulations to be promulgated by the *Florida Citrus Authority Department of Citrus*.

(b) The *Florida Citrus Authority Department of Citrus* is authorized to spend such amount as it deems advisable for guests involved in promotional activities in the sale of Florida citrus fruits and products.

(c) All obligations, expenses, and costs incurred under the provisions of this section *and other applicable sections of this chapter* shall be paid *in the method and manner established by the Florida Citrus Authority out of the Citrus Advertising Fund upon warrant of the Comptroller when vouchers thereof, approved by the Department of Citrus, are exhibited.*

~~(8)(9)(a)~~ Any handler who fails to file a return or to pay any tax within the time required shall thereby forfeit to the *Florida Citrus Authority Department of Citrus* a penalty of 5 percent of the amount of tax determined to be due; but the *Florida Citrus Authority Department of Citrus*, if satisfied that the delay was excusable, may remit all or any part of such penalty. Such penalty shall be paid to the *Florida Citrus Authority Department of Citrus* and disposed of as provided with respect to moneys derived from the taxes levied and imposed by subsection (3).

(b) The *Florida Citrus Authority Department of Citrus* may collect any taxes levied and assessed by this chapter in any or all of the following methods:

1. By the voluntary payment by the person liable therefor.
2. By a suit at law. *All actions filed by or against the Florida Citrus Authority shall be initiated in the courts located in Polk County, Florida.*
3. By a suit in equity to enjoin and restrain any handler, citrus fruit dealer, or other person owing such taxes from operating her or his business or engaging in business as a citrus fruit dealer until the delinquent taxes are paid. Such action may include an accounting to determine the amount of taxes plus delinquencies due. In any such proceeding, it is not necessary to allege or prove that an adequate remedy at law does not exist.

(10) The powers and duties of the *Florida Citrus Authority* are *outlined in s. 601.10. Department of Citrus* include the following:

~~(a) To adopt and from time to time alter, rescind, modify, and amend all proper and necessary rules, regulations, and orders for the exercise of its powers and the performance of its duties under this chapter.~~

~~(b) To employ and at its pleasure discharge an advertising manager, agents, advertising agencies, and such clerical and other help as it deems necessary and to outline their powers and duties and fix their compensation.~~

~~(c) To make in the name of the Department of Citrus such advertising contracts and other agreements as may be necessary.~~

~~(d) To keep books, records, and accounts of all of its doings, which books, records, and accounts shall be open to inspection and audit by the Auditor General at all times.~~

~~(e) To purchase or authorize the purchase of all office equipment and supplies and to incur all other reasonable and necessary expenses and obligations in connection with and required for the proper carrying out of the provisions of this chapter.~~

~~(f) To conduct, and pay out of the Florida Citrus Advertising Trust Fund, premium and prize promotions designed to increase the use of citrus in any form.~~

~~(g) To advertise citrus cattle feed and promote its use.~~

~~(h) To conduct marketing activities in foreign countries and other programs designed to develop and protect domestic and international markets.~~

Section 57. Section 601.152, Florida Statutes, is reenacted and amended to read:

601.152 Special marketing orders.—

(1)(a) Whenever, upon its own motion or upon petition of any handler or producer or group or association of handlers or producers of citrus fruit, the commission, upon affirmative vote of nine of its members, determines:

1. That the conduct of a special advertising and promotional marketing campaign or the conduct of market and product research and development, in addition to the advertising campaign being conducted pursuant to s. 601.15 and the research being conducted pursuant to the other provisions of the Florida Citrus Code, may substantially further increase the consumer acceptance and consumption of, and strengthen the market for, any type, variety, or form of citrus fruit or processed citrus product by further increasing the number of families buying such citrus fruit or such processed citrus product or by further increasing the quantity of such citrus fruit or processed citrus product purchased by buying families; and

2. That such substantial further increase and strengthening may be of substantial benefit to handlers thereof, producers thereof, and to the economy and well-being of the state

the commission shall direct that a proposed marketing order be formulated for a special marketing campaign of advertising and sales promotion, including, but not limited to, brand advertising rebate promotions or the conduct of market and product research and development for such type, variety, or form of citrus fruit or processed citrus product, and shall designate a public hearing to consider adoption and implementation of such proposed marketing order.

(b) Notice of the time, place, and purpose of such public hearing shall be:

1. Mailed, not less than 10 days prior to such hearing, to each handler who, during the 12 months immediately preceding such mailing, has first handled in the primary channel of trade in Florida the type, variety, and form of citrus fruit or citrus product specified in the proposed marketing order, and to each handler who the *Florida Citrus Authority* ~~Department of Citrus~~ has good cause to believe will, during the period of time covered by the proposed marketing order, first handle in the primary channel of trade in Florida the type, variety, and form of citrus fruit or processed citrus product specified in such proposed marketing order.

2. Published in the Florida Administrative Weekly not less than 10 days prior to such hearing.

(c) A full and complete record of all proceedings at such public hearing shall be made and filed by the department at its offices, which record, when signed by the chair of the commission and authenticated by the seal of the department, shall constitute prima facie evidence of such proceedings in all courts of this state.

(d) Copies of the proposed marketing order shall be made available to the public at the offices of the *Florida Citrus Authority* ~~Department of Citrus~~ at Lakeland at least 5 days prior to such hearing and shall be in sufficient detail to apprise all persons having an interest therein of the approximate amount of moneys proposed to be expended; the assessments to be levied thereunder; and the general details of the proposed marketing order for a special marketing campaign of advertising or sales promotion or market or product research and development. Among the details so specified shall be the period of time during which the assessment imposed pursuant to subsection (8) will be levied upon the privilege so assessed, which period may not be greater than 2 years. The order may, however, provide that the expenditure of the funds received from the imposition of such assessments shall not be so confined, but may be expended during such time or times as shall be specified in the proposed marketing order, which may be either during the shipping season immediately preceding the shipping seasons during which such assessments are imposed or during, or at any time subsequent to, the shipping seasons during which such assessments are imposed. Nothing herein shall be construed to prevent the imposition of a subsequent marketing order either before, during, or after the expenditure of funds collected pursuant to a previously imposed marketing order, provided the aggregate of the assessments imposed may not exceed the maximum permitted under subsection (8).

(e) A proposed marketing order shall specify the type, variety, and form of citrus fruit or processed citrus product to be covered by the order and whether it applies:

1. To such citrus fruit or processed citrus product if it was so packed or processed from fruit first placed in the primary channel of trade in Florida during the period of time specified in the marketing order for the imposition of such assessments, or

2. To such citrus fruit or processed citrus product if it was so packed, processed, or shipped in such type, variety, and form during the period of time specified in the marketing order for the imposition of such assessments.

(f) If a marketing order provides for a brand advertising rebate promotion, the details specified shall include the requirements which must be met by the handler, broker, distributor, or grower in order to be eligible for rebate of advertising or promotional expenditures; the amount, or a method for computing the amount, rebatable; and the procedure for making rebates.

(g) Any marketing order may provide that policy decisions with respect to details not specifically set forth in such marketing order may be made either by the commission upon its own motion or by the commission upon the recommendation of any handlers' committee that may be established by the order. Otherwise such policy decisions shall be made by the commission.

(2) After such notice and hearing, the commission shall determine whether or not implementation of the new special marketing order, as originally proposed or as amended at the public hearing, will substantially further increase the consumer acceptance and consumption of the citrus fruit or processed citrus product specified in such marketing order and that such substantial further increase in the consumer acceptance and consumption thereof will be of substantial benefit to the handlers and producers thereof and to the economy and well-being of the state. If the commission so determines and if it adopts a marketing order, the commission shall direct that such marketing order be subjected to a referendum of the handlers who have, during a representative period to be selected by the commission, handled in the primary channel of trade in Florida the type, variety, and form of citrus fruit or processed citrus product specified in such marketing order.

(3) No marketing order adopted pursuant to this section shall be effective unless and until the commission, at a public meeting, determines such marketing order to have been assented to by referendum by at least 67 percent of the handlers covered by the marketing order who, during the representative period determined by the commission, first handled in the primary channel of trade in Florida not less than 51 percent of the total volume of the type, variety, and form of citrus fruit or processed citrus product specified in the marketing order.

(4) The *Florida Citrus Authority* ~~Department of Citrus~~ is authorized to prescribe such procedures as it deems necessary properly to conduct a referendum among handlers covered by the marketing order to determine whether such marketing order has been so assented to.

(5)(a) Any marketing order adopted pursuant to this section and subsequently approved by referendum as provided herein shall become effective 15 days after referendum approval is officially determined by the commission. Chapter 120 does not apply to this section. Any such marketing order shall be reviewable by any person adversely affected, by certiorari to the district courts of appeal in the manner prescribed by the Florida Rules of Appellate Procedure. The venue of the proceeding for such review shall be the appellate district which includes the county in which the hearings were conducted or, if the venue cannot be thus determined, the appellate district wherein the *Florida Citrus Authority* ~~Department of Citrus~~ executive offices are located.

(b) In cases in which certiorari is granted pursuant to this section, the court may issue its mandate or order with directions to the agency to enter in the proceedings as is appropriate on the record, or the court may remand the cause for such further proceedings, including the taking of testimony, as may to the court seem necessary or proper:

1. To accord the parties due process of law;
2. To establish a sufficient record for review;



3. To accord the parties their constitutional, statutory, or procedural rights; or

4. To accomplish the purposes and objectives of the law pursuant to which the administrative proceeding was initiated.

(6) Any marketing order so implemented under this section may be amended subsequent to its implementation, provided such amendment has been formulated, published, subjected to public hearing, determined by the commission to meet the requirements set forth in the other subsections hereof, and assented to in the same manner and in accordance with all of the procedures and requirements set forth in this section for implementation of the original marketing order. Any such amendment may:

(a) Terminate, extend, accelerate, or defer the conduct of the campaign.

(b) Defer for one or more shipping seasons the imposition of assessments thereunder.

(c) Extend by not more than 2 additional years the period of time during which the assessments imposed pursuant to subsection (8) may be levied upon the privilege so assessed.

(d) Increase (subject to the maximum limitations imposed herein) or reduce the assessments or the amount of moneys to be expended.

(e) Alter the general details of the campaign.

(f) Otherwise amend the originally implemented marketing order.

(7) For the purpose of carrying out any and all provisions of this section, the department, or its duly authorized or designated representative or representatives, may hold hearings, take testimony, and administer oaths. Copies of the proceedings, records, and acts of the department and the handlers' committee, if any, established by the marketing order and certificates purporting to relate the facts concerning such proceedings, records, and acts signed by the chair of the commission and authenticated by the seal of the department shall be prima facie evidence thereof in all the courts of the state.

(8)(a) Each person who, during the period of time specified in any marketing order implemented pursuant to this section, first handles in the primary channel of trade in Florida any citrus fruit or processed citrus product of the type, variety, and form specified in such marketing order shall, for the privilege of so handling such citrus fruit or such citrus product, pay to the *Florida Citrus Authority Department of Citrus* such assessments as are levied and imposed thereon by such marketing order, which funds shall be used by the *Florida Citrus Authority Department of Citrus* to defray the necessary expenses incurred in the formation, issuance, administration, and enforcement of such marketing order and in the conduct of the special marketing campaign or market and product research and development provided for in such marketing order. However, such assessments levied and imposed pursuant hereto shall be at a rate not to exceed 8 cents per standard-packed box on citrus fruits in fresh form, 1.3 cents per gallon on single strength citrus juices or sections, or 1.3 cents per pound of soluble citrus solids on concentrated citrus juices.

(b) The *Florida Citrus Authority Department of Citrus* shall prescribe procedures for the assessment and collection of such funds to defray the necessary expenses incurred, or expected to be incurred, by the *Florida Citrus Authority Department of Citrus* in the formation, issuance, administration, and enforcement of any marketing order implemented pursuant to the provisions of this section.

(c) Every handler shall, at such times as the department may require, file with the *Florida Citrus Authority Department of Citrus* a return, not under oath, on forms to be prescribed and furnished by the *Florida Citrus Authority Department of Citrus*, certified as true and correct, stating the quantity of the type, variety, and form of citrus fruit or citrus product specified in the marketing order first handled in the primary channels of trade in Florida by such handler during the period of time specified in the marketing order. Such returns shall contain any further information deemed by the *Florida Citrus Authority*

*Department of Citrus* to be reasonably necessary to properly administer or enforce the provisions of this section or any marketing order implemented hereunder. Information that, if disclosed, would reveal a trade secret, as defined in s. 812.081, of any person subject to a marketing order is confidential and exempt from the provisions of s. 119.07(1).

(d) All assessments imposed under and pursuant to the provisions of this section shall be due and payable and shall be paid by such handlers at such times and in such installments as the commission shall prescribe in such marketing order, or the amount thereof shall be provided for and guaranteed by giving a surety bond or cash deposit or as the *Florida Citrus Authority Department of Citrus* may otherwise prescribe.

(9)(a) All moneys collected by the *Florida Citrus Authority Department of Citrus* under this section shall be set aside in the operating accounts of the *Florida Citrus Authority Florida Citrus Advertising Trust Fund* as a special fund to be known as the "Citrus Special Marketing Order Fund." All moneys in such accounts fund, after deducting the service charge provided in s. 601.15(7), are hereby appropriated to the *Florida Citrus Authority Department of Citrus* for the actual expenses incurred by the *Florida Citrus Authority Department of Citrus* with respect to the formulation, issuance, administration, and enforcement of any marketing order so implemented and in the conduct of the special marketing campaign or market and product research and development to be carried out pursuant to any such marketing order so implemented. Upon the completion of the special marketing campaign or market and product research and development provided for pursuant to any marketing order so implemented hereunder, any and all moneys remaining and not required by the *Florida Citrus Authority Department of Citrus* to defray the expenses of such marketing order shall be deposited to and made a part of the general operating accounts of the *Florida Citrus Authority Florida Citrus Advertising Trust Fund* created by s. 601.15.

(b) If the *Florida Citrus Authority Department of Citrus* finds it necessary to do so, it may transfer to the Citrus Special Marketing Order Fund from any other portion of the *Florida Citrus Authority operating accounts Florida Citrus Advertising Trust Fund*, including the emergency reserves Reserve Fund and any other special or reserve fund, such sum of money as the *Florida Citrus Authority Department of Citrus* determines is initially required to formulate, issue, administer, and enforce any such marketing order and conduct the special marketing campaign or market and product research and development to be carried out pursuant to such marketing order until moneys in the Citrus Special Marketing Order Fund derived from assessments imposed and collected pursuant to this section are sufficient for such purposes, and thereafter repay such advance out of the Citrus Special Marketing Order Fund.

(10)(a) Any handler who fails to file a return or to pay any assessment within the time required shall thereby forfeit to the *Florida Citrus Authority Department of Citrus* a penalty of 5 percent of the amount of assessment then due; but the *Florida Citrus Authority Department of Citrus*, upon good cause shown, may waive all or any part of such penalty. Such penalty shall be paid to the *Florida Citrus Authority Department of Citrus* and disposed of as provided with respect to moneys derived from the assessments imposed pursuant to this section.

(b) The *Florida Citrus Authority Department of Citrus* may collect the assessments imposed pursuant to this section in either or all of the following methods:

1. The voluntary payment by the handler liable therefor.;

2. By a suit at law. Any suit initiated by or filed against the *Florida Citrus Authority*, must be filed in the courts located in Polk County, Florida.;

3. By a suit in equity to enjoin and restrain any handler owing such assessments from operating his or her business or engaging in business as a citrus fruit dealer until the delinquent assessments are paid. Such

action may include an accounting to determine the amount of assessments plus delinquencies due. In any such proceeding, it shall not be necessary to allege or prove that an adequate remedy at law does not exist.

(11) This section shall be liberally construed to effectuate the purposes set forth and as additional and supplemental powers vested in the *Florida Citrus Authority* ~~Department of Citrus~~ under the police power of this state.

Section 58. Section 601.154, Florida Statutes, is reenacted and amended to read:

601.154 Citrus Stabilization Act of Florida.—

(1) The purposes of this section are:

(a) To enable producers of oranges (*Citrus sinensis* Osbeck), grapefruit (*Citrus paradisi* Macf.), tangerines (*Citrus reticulata* Blanco), or citrus hybrids regulated by the *Florida Citrus Authority* ~~Department of Citrus~~ in the State of Florida, which producers deliver or cause such oranges, grapefruit, tangerines, or citrus hybrids to be delivered into the primary channel of trade, with the aid and under the direction and control of the state, more effectively to correlate the supply of their oranges, grapefruit, tangerines, or citrus hybrids with market demands therefor.

(b) To establish and maintain orderly marketing of oranges, grapefruit, tangerines, or citrus hybrids grown in Florida or the products thereof.

(c) To provide methods and means for the development of new and larger markets for oranges, grapefruit, tangerines, or citrus hybrids grown in Florida, or the products thereof.

(d) To eliminate or reduce economic waste in the production, handling, and marketing of oranges, grapefruit, tangerines, or citrus hybrids grown in Florida.

(e) To restore and maintain adequate purchasing power for orange, grapefruit, tangerine, or citrus hybrid producers of Florida.

(f) To conserve the agricultural wealth of the state.

(g) To stabilize the production and marketing of oranges, grapefruit, tangerines, or citrus hybrids and products thereof in the Florida citrus industry, as the Legislature finds it will promote and protect the health, peace, safety, and general welfare of the people of this state, which in turn will promote the general welfare and social and political economy of this state.

(2)(a) The *Florida Citrus Authority* ~~Department of Citrus~~ shall administer and enforce the provisions of this section. In order to effectuate the declared purposes of this section, the *Florida Citrus Authority* ~~Department of Citrus~~ is hereby authorized to issue, administer, and enforce the provisions of marketing orders hereunder in the way and manner hereinafter provided.

(b) Whenever the commission has reason to believe that the issuance of a marketing order, or any amendment thereof after its issuance, will tend to effectuate the declared purposes of this section, it shall at a regular or special meeting of the commission, either upon its own motion or upon application of any producer or group or association of producers of oranges, grapefruit, tangerines, or citrus hybrids, provide for a public hearing upon a proposed marketing order or amendment thereof.

(c) Due notice of any hearing called for such purpose shall be given by the commission by publishing notice one time of the time and place of such hearing in at least eight daily newspapers of wide circulation within the citrus producing area of the state to be selected by the commission. Such notice shall be so published not fewer than 7 days or more than 60 days prior to the date set for such hearing. A copy of the proposed marketing order or amendment thereto shall be available at the commission for examination or copying by any interested party on or before the date of publication of notice of hearing, and such notice shall so state. Such hearing shall be open to the public. All testimony

shall be received under oath and a full and complete record of all proceedings at any such hearing shall be made and filed by the commission in its offices, which record signed by the chair of the commission and authenticated by the seal of the commission shall constitute prima facie evidence of such proceedings in all courts of the state.

(3)(a) After such notice and hearing, the *Florida Citrus Authority* ~~Department of Citrus~~ may issue a marketing order or amendment as originally proposed or as the same may be modified based on evidence submitted at the hearing if it finds and sets forth in such marketing order or amendment that such order or amendment, as the case may be, will tend to:

1. Return to producers of oranges, grapefruit, tangerines, or citrus hybrids in Florida at least average cost of production.

2. Prevent the unreasonable or unnecessary waste of the wealth of the orange, grapefruit, tangerine, or citrus hybrid industry and of the economy of the state.

3. Protect the interests of consumers of oranges, grapefruit, tangerines, or citrus hybrids and the products thereof.

(b) In making the findings set forth in this subsection, the *Florida Citrus Authority* ~~Department of Citrus~~ shall take into consideration any and all relevant and material facts available to it, including but not limited to the following factors:

1. The quantity and quality of oranges, grapefruit, tangerines, or citrus hybrids and products thereof available for sale and distribution.

2. The quantity and quality of oranges, grapefruit, tangerines, or citrus hybrids and products thereof being purchased by consumers.

3. The cost of producing oranges, grapefruit, tangerines, or citrus hybrids as determined by available records, statistics, and surveys.

4. The level of prices of commodities which compete with Florida oranges, grapefruit, tangerines, or citrus hybrids and products thereof.

5. The level of prices of commodities, services, and articles which orange, grapefruit, tangerine, or citrus hybrid producers and handlers commonly buy and utilize.

(4)(a) Every marketing order issued pursuant to the provisions of this section shall provide for an advisory council to advise the *Florida Citrus Authority* ~~Department of Citrus~~ in the administration thereof. Two members of such advisory council shall be appointed by the commission chair, subject to commission concurrence, from each of the three citrus districts as defined in s. 601.09 from producer nominees submitted by producers on or before the date of the hearing provided for in subsection (2). To qualify for appointment, such producer nominees shall meet the same qualifications as those for grower members of the commission set forth in s. 601.04(1).

(b) If the marketing order contains provisions authorized by paragraph (5)(c) or paragraph (5)(e) pertaining to processed citrus products, six additional members of such advisory council shall be appointed by the commission chair, subject to commission concurrence, from processor nominees, each of whom shall be experienced in and actively engaged in an executive capacity as an officer, employee, or owner of a corporation or other business unit engaged in processing the type of processed orange, grapefruit, tangerine, or citrus hybrid products to be purchased or marketed pursuant to the provisions of such marketing order, which processor nominees shall have been submitted by processors on or before the date of such hearing.

(c) If the marketing order contains provisions authorized by paragraph (5)(b) or paragraph (5)(e) pertaining to fresh citrus fruits, six additional members of such advisory council shall be appointed by the commission chair, subject to commission concurrence, from shipper nominees, each of whom shall be experienced in and actively engaged in an executive capacity as an officer, employee, or owner of a corporation or other business unit engaged in shipping fresh oranges, grapefruit, tangerines, or citrus hybrids to be purchased or marketed pursuant to

the provisions of such marketing order, which fresh fruit shipper nominees shall have been submitted by fresh fruit shippers on or before the date of such hearing.

(d) Members appointed pursuant to paragraph (a), paragraph (b), or paragraph (c) shall initially include two such members appointed for 4-year terms and two such members appointed for 2-year terms. Thereafter, members shall be appointed for 4-year terms. An appointment to fill a vacancy shall be for the remainder of the unexpired term. Upon expiration of the terms of members of existing advisory councils created pursuant to this section, members shall be appointed for 4-year terms.

(e) The advisory council shall elect annually a chair, a vice chair, and a secretary. The advisory council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules of procedure. A complete record of the proceedings of each meeting shall be kept, which shall show the names of the members present and the actions taken.

(f) The *Florida Citrus Authority* ~~Department of Citrus~~ may, if it sees fit, appoint one or more advisory committees to advise the department in the administration of each marketing order created pursuant to this section. The majority of the members of any such advisory committee or committees shall be producers.

(g) No member of the advisory council or advisory committees shall receive a salary, but each member of the advisory council shall be entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(h) The *Florida Citrus Authority* ~~Department of Citrus~~ may employ necessary personnel, including those performing or furnishing professional or technical services, fix their compensation and terms of employment, and may incur such expenses to be paid from moneys collected as hereinafter provided as the *Florida Citrus Authority* ~~Department of Citrus~~ may deem necessary to perform properly such of its duties and those of the advisory council as are authorized herein. The duties of such advisory council shall include the following:

1. To recommend to the *Florida Citrus Authority* ~~Department of Citrus~~ administrative rules and regulations relating to the marketing order. With respect to rules and regulations relating to the provisions of paragraph (5)(c) or paragraph (5)(e), the same may be adopted by the *Florida Citrus Authority* ~~Department of Citrus~~ only upon the recommendation of the advisory council by a vote of both a majority of the producer members and a majority of the processor members of such advisory council. With respect to rules and regulations relating to paragraph (5)(b), the same may be adopted by the *Florida Citrus Authority* ~~Department of Citrus~~ only upon the recommendation of the advisory council by a vote of both a majority of the producer members and a majority of the fresh orange, grapefruit, tangerine, or citrus hybrid shipper members of such advisory council.

2. To receive and report to the *Florida Citrus Authority* ~~Department of Citrus~~ any and all complaints with respect to alleged violations of the marketing order and rules and regulations thereunder.

3. To recommend to the *Florida Citrus Authority* ~~Department of Citrus~~ amendments to the marketing order and request a public hearing and referendum thereon.

4. To advise the *Florida Citrus Authority* ~~Department of Citrus~~ in the assessment and the collection of funds hereunder.

5. To advise the *Florida Citrus Authority* ~~Department of Citrus~~ in the collection of such necessary information and data as the *Florida Citrus Authority* ~~Department of Citrus~~ may deem necessary to the proper administration of this section.

(5) Subject to the legislative restrictions and limitations set forth herein, any marketing order issued by the *Florida Citrus Authority* ~~Department of Citrus~~ pursuant to this section may contain one or more of the following provisions relating to oranges, grapefruit, tangerines, or

citrus hybrids, or products thereof, produced within this state, but no others:

(a) Provisions for determining, or providing methods for determining, the present and future existence and extent of the supply of oranges, grapefruit, tangerines, or citrus hybrids or products thereof.

(b) Provisions authorizing the imposition of quality standards for oranges, grapefruit, tangerines, or citrus hybrids, fixing the minimum ratios of total soluble solids of the juice of such oranges, grapefruit, tangerines, or citrus hybrids to the anhydrous citric acid thereof or the minimum total soluble solids of the juice thereof or both at levels higher than those provided in s. 601.20(1)-(31) or s. 601.17, or in the *Florida Citrus Authority* ~~Department of Citrus~~ rules governing the same.

(c) Provisions for the establishment of a reserve pool of frozen concentrated orange or grapefruit juice or any other type of processed orange or grapefruit product which can be stored without expectation of significant quality loss for a period of not less than 20 years, for disposition following serious freezes, hurricanes, or other catastrophes which result in a shortage of oranges or grapefruit or processed orange or grapefruit products as hereinafter provided, and for the renting or leasing of facilities for the storage thereof.

(d) Provisions for the establishing of assessments as hereinafter provided on producers, or associations of producers, to provide funds for the formulation, issuance, administration, operation, and enforcement of any marketing order promulgated hereunder.

(e) Provisions for underwriting or subsidizing the development or expansion of markets for oranges, grapefruit, tangerines, or citrus hybrids, or the products thereof.

(f) Provisions for the borrowing of money by the *Florida Citrus Authority* ~~Department of Citrus~~ to effectuate the particular marketing order.

(g) Provisions for the establishment of such plans or programs for advertising, merchandising, and sales promotion to create new or larger domestic or foreign markets for oranges, grapefruit, tangerines, or citrus hybrids grown in the state and the processed products and byproducts thereof as circumstances may warrant.

(h) Provisions incidental to and not inconsistent with the foregoing provisions.

(6)(a) No marketing order, or amendment thereto, issued pursuant to this section shall become effective unless and until the *Florida Citrus Authority* ~~Department of Citrus~~ finds that such order has been assented to in writing by at least 65 percent of the producers voting in a referendum on the marketing order. The marketing order must also be consented to in writing by producers voting in the referendum who, during a preceding representative shipping season determined by the *Florida Citrus Authority* ~~Department of Citrus~~, produced and delivered or caused to be delivered into the primary channel of trade not less than 65 percent of the total number of standard-packed boxes of oranges, grapefruit, tangerines, or citrus hybrids, or the equivalent thereof which were found by the *Florida Citrus Authority* ~~Department of Citrus~~ to have been produced and delivered by such voting producers into the primary channel of trade during such representative period.

(b) No marketing order or amendment thereto issued pursuant to this section which contains provisions authorized by paragraph (5)(c) or paragraph (5)(e) pertaining to processed citrus products shall become effective unless and until such order has also been submitted to processors who, during a preceding representative shipping season determined by the *Florida Citrus Authority* ~~Department of Citrus~~, handled in the primary channel of trade the type or types of processed orange, grapefruit, tangerine, or citrus hybrid products specified for purchase or marketing by the provisions of such marketing order, and the *Florida Citrus Authority* ~~Department of Citrus~~ finds that such order has been assented to in writing by at least 51 percent of such processors voting in such referendum who processed, from oranges, grapefruit, tangerines, or citrus hybrids delivered into the primary channels of trade during such representative period, not less than 65 percent of the

number of gallons of such processed orange, grapefruit, tangerine, or citrus hybrid products, expressed on a single-strength basis, so processed by such voting processors from oranges, grapefruit, tangerines, or citrus hybrids delivered into the primary channel of trade during such representative period.

(c) No marketing order or amendment thereto issued pursuant to this section which contains provisions authorized by paragraph (5)(b) or paragraph (5)(e) pertaining to fresh citrus fruit shall become effective unless and until such order has also been submitted to shippers of fresh oranges, grapefruit, tangerines, or citrus hybrids who, during a preceding representative shipping season determined by the *Florida Citrus Authority Department of Citrus*, handled oranges, grapefruit, tangerines, or citrus hybrids in the primary channel of trade, and the *Florida Citrus Authority Department of Citrus* finds that such order has been assented to in writing by at least 51 percent of such shippers of fresh oranges, grapefruit, tangerines, or citrus hybrids voting in such referendum who, during such representative period, handled in the primary channel of trade not less than 65 percent of the number of standard-packed boxes of such oranges, grapefruit, tangerines, or citrus hybrids handled by such voting shippers of fresh oranges, grapefruit, tangerines, or citrus hybrids in the primary channel of trade during such representative period.

(7) The *Florida Citrus Authority Department of Citrus* is authorized to prescribe by rule or regulation such procedures as it deems necessary or required to properly conduct a referendum hereunder.

(8) Every marketing order and amendment thereto issued by the *Florida Citrus Authority Department of Citrus*, under the provisions of this section, shall be published one time, within 10 days after the same is adopted, in at least one daily newspaper of general circulation in each of two cities within the citrus-producing area of the state, to be selected by the *Florida Citrus Authority Department of Citrus*. All such orders shall become effective 5 days after the orders are found by the *Florida Citrus Authority Department of Citrus* to be so assented to, unless the *Florida Citrus Authority Department of Citrus* orders a later date. In case written protest by any affected person shall be made to any such order within 15 days after the *Florida Citrus Authority Department of Citrus* has found it so assented to, a hearing shall be conducted at a place and time determined by the *Florida Citrus Authority Department of Citrus* or its authorized agent or representative; all interested persons shall have an opportunity to be heard. Due notice of the time and place of such hearing by the *Florida Citrus Authority Department of Citrus* or its designated agent, representative, or administrative law judge shall be given to the persons making such protest. In all cases such written protests shall be filed with the *Florida Citrus Authority Department of Citrus*; however, the filing thereof shall not stay the effective date of such order. The *Florida Citrus Authority Department of Citrus* may, on application of the protestant and for good cause shown, stay the effective date of the order for such time as the *Florida Citrus Authority Department of Citrus* may direct. Any action of the *Florida Citrus Authority Department of Citrus* refusing to modify the order protested or refusing to stay the effective date of such order shall be subject to review by any court of competent jurisdiction.

(9) For the purpose of carrying out any and all provisions of this section, the commission, or its duly authorized or designated representative or representatives, may hold hearings, take testimony, and administer oaths and may, after any marketing order has become final, subpoena witnesses and issue subpoenas for the production of books, records, or documents relevant and material to the marketing order. Copies of the proceedings, records, and acts of the commission and certificates purporting to relate the facts concerning such proceedings, records, and acts, signed by the chair of the commission and authenticated by the seal of the commission, shall be prima facie evidence thereof in all the courts of the state.

(10)(a) The *Florida Citrus Authority Department of Citrus* shall suspend or terminate any marketing order, or any provision thereof, whenever it finds such order or provision does not tend to effectuate the declared purposes of this section within the standards and subject to the limitations and restrictions herein imposed. Such suspension or

termination shall not be effective until the expiration of the then-current marketing, shipping, or harvesting season, unless otherwise provided in any such marketing order.

(b) If the *Florida Citrus Authority Department of Citrus* finds that the termination or suspension of any marketing order is requested in writing by producers who produced for market during the last preceding shipping season more than 51 percent of the total standard-packed boxes of the variety of citrus fruit covered by the marketing order, the *Florida Citrus Authority Department of Citrus* shall terminate or suspend for a specified period such marketing order or provision thereof.

(11) Upon the issuance of any order of suspension or termination of any marketing order, a notice thereof shall be published one time in at least one daily newspaper of general circulation in each of two cities within the citrus-producing area of the state to be selected by the *Florida Citrus Authority Department of Citrus*. No order of suspension or termination shall become effective until the expiration of a period of 5 days from the date of such publication.

(12) For the privilege of delivering the variety of citrus fruit covered by a marketing order into the primary channel of trade, every person so engaged shall pay to the *Florida Citrus Authority Department of Citrus* an assessment specified in the marketing order. However, the aggregate of all assessments levied against any variety of citrus fruit with respect to one or more marketing orders shall not exceed 10 cents per standard-packed box or the equivalent thereof with respect to any shipping season in which such marketing order or orders are in effect. The *Florida Citrus Authority Department of Citrus* shall prescribe rules and regulations with respect to the assessment and collection of such funds.

(13)(a) Every handler, producer, or other person delivering oranges, grapefruit, tangerines, or citrus hybrids to any handler or other person shall keep a complete and accurate record of all oranges, grapefruit, tangerines, or citrus hybrids handled by her or him. Such record shall be in such form and contain such information as the *Florida Citrus Authority Department of Citrus* shall by rule or regulation prescribe. Such records shall be preserved by all such persons for a period of at least 1 year after the termination of the marketing order to which such records relate and shall be offered for inspection at any time upon oral or written demand by the *Florida Citrus Authority Department of Citrus* or its duly authorized agent or representative.

(b) Every handler shall, at such times as the *Florida Citrus Authority Department of Citrus* may by rule or regulation require, file with the *Florida Citrus Authority Department of Citrus* a return on forms to be prescribed and furnished by the *Florida Citrus Authority Department of Citrus* certifying the number of standard-packed boxes of the variety of citrus fruit covered by a marketing order handled by her or him in the primary channel of trade during the period of time prescribed by the *Florida Citrus Authority Department of Citrus*.

(c) All assessments levied and imposed under and pursuant to the provisions of this section shall be due and payable and shall be paid, or the amount thereof provided for and guaranteed as hereinafter provided, at such times and in such installments as the *Florida Citrus Authority Department of Citrus* shall by regulation prescribe. All such assessments shall be paid by the producer or other person delivering the oranges, grapefruit, tangerines, or citrus hybrids into the primary channel of trade. However, the handler who receives the citrus fruit in the primary channel of trade shall not be construed to be the person delivering the citrus fruit into the primary channel of trade, except when such handler and the producer are one and the same person. Such assessments shall be collected from the producer or other person delivering the oranges, grapefruit, tangerines, or citrus hybrids into the primary channel of trade by the handler first handling the citrus fruit in the primary channel of trade and shall be guaranteed and transmitted to the *Florida Citrus Authority Department of Citrus* by the handler so shipping or processing such citrus fruit by the giving of a security bond or cash deposit under rules and regulations promulgated by the *Florida Citrus Authority Department of Citrus*. Such assessments shall not be absorbed by the handler, unless the handler is one and the same person as the producer, but shall be deducted by the handler from the price paid or to be paid by the handler to the producer

or other person who delivered the citrus fruit into the primary channel of trade.

(14)(a) All money so collected by the *Florida Citrus Authority Department of Citrus* under this section, including the net proceeds received by the *Florida Citrus Authority Department of Citrus* from the sale of any processed orange product pursuant to paragraph (5)(c), shall be set aside in *Florida Citrus Authority operating accounts*. ~~the Florida Citrus Advertising Trust Fund as a special fund to be known as the "Citrus Stabilization Fund."~~ All moneys in such *operating accounts fund*, after deducting the service charge provided in s. 601.15(7), are hereby appropriated to the *Florida Citrus Authority Department of Citrus* for the payment of the actual expenses incurred by the *Florida Citrus Authority Department of Citrus* in the formulation, issuance, administration, enforcement, and operation of the marketing order pursuant to which such funds are so collected, except as hereinafter provided. The marketing order may provide that any moneys remaining in such fund upon the termination of a marketing order shall be refunded on a pro rata basis to all persons assessed pursuant to such marketing order; may provide that such moneys may be used to pay expenses incurred by the *Florida Citrus Authority Department of Citrus* in the formulation, issuance, administration, enforcement, and operation of any other marketing order issued pursuant to this chapter; or may provide that such moneys may be deposited to and made a part of *Florida Citrus Authority operating accounts which are funded the Citrus Advertising Trust Fund* created by s. 601.15. During the administration, enforcement, and operation of any marketing order adopted hereunder, if the commission determines that funds derived pursuant to that marketing order exceed the requirements for the desired operation of that marketing order, it may transfer such funds as it determines by its vote are excess to *operating accounts which are funded by the Florida Citrus Advertising Trust Fund* established by s. 601.15. Such transfer shall be for the purposes of advertising and promoting, including brand advertising rebate promotions, merchandising and research in regard to the particular form of citrus fruit or processed citrus product for which the funds were collected pursuant to the marketing order. The commission may also transfer any excess for the purpose of the formulation, issuance, administrative enforcement, or operation of any other marketing order adopted hereunder that is directed to the same form of citrus fruit or processed citrus product. No such transfer shall be accomplished without a public hearing and a subsequent referendum being conducted to approve such a transfer. If, after any such transfer of excess funds, it is subsequently determined that additional funds are needed for the administration, enforcement, and operation of the marketing order from which funds were transferred, and there are sufficient funds available in the fund which was the recipient of the funds transferred, the commission, upon an affirmative vote of nine of its members, may retransfer, from the recipient fund to the original fund, an amount not to exceed that originally transferred.

(b) If the commission finds it necessary to do so, it may transfer to the Citrus Stabilization Fund from the *Florida Citrus Authority operating accounts Florida Citrus Advertising Trust Fund* created in this chapter only such sum of money as the commission determines is required to formulate and issue any such marketing order until moneys in the Citrus Stabilization Fund derived from assessments imposed and collected pursuant to this section are sufficient to finance the administration, enforcement, and operation of such marketing order and to replace such transferred funds.

(15)(a) Any marketing order which contains provisions authorized by paragraph (5)(c) shall include provisions specifying:

1. The type and form of processed orange or grapefruit product proposed to be purchased, stored, and sold.
2. The maximum price at which the processed orange or grapefruit product to be pooled may be purchased or the criteria to be used in computing such maximum price.
3. The criteria to be used in determining whether a freeze, hurricane, or other catastrophe which results in a shortage of oranges or grapefruit or processed orange or grapefruit products is sufficiently

serious to justify the sale of all or part of the processed orange or grapefruit products then held in the reserve pool.

4. The minimum price at which the pooled processed orange or grapefruit product will be sold after a determination pursuant to subparagraph 3., or the criteria to be used in computing such minimum price.
5. The criteria to be used in determining upon what basis or allocation, or both, and upon what time schedule the pooled processed orange or grapefruit product may be sold to Florida processors of processed orange or grapefruit products after a determination pursuant to subparagraph 3.
6. The quality standards to which the processed orange or grapefruit product to be pooled will be required to conform.
7. The criteria for determining at what level the quantity of processed orange or grapefruit products in the reserve pool will be sufficient to accomplish the purposes intended.
8. The criteria to be used in determining to what limited extent processed orange or grapefruit products held in such reserve pool may be sold to defray costs of storage at such times when no other funds are available for such purpose.

(b) Notwithstanding any other provision of this section, the provisions of any marketing order authorized by paragraph (5)(c) may not, under any circumstances, be suspended, terminated, or amended within 12 months following a catastrophe which, under the criteria established pursuant to subparagraph (a)3., is sufficiently serious to justify the sale of all or part of the processed citrus products then held in the reserve pool.

(16) Any person who violates any provision of this section, any provision of any marketing order, or any rule or regulation of the *Florida Citrus Authority Department of Citrus* relating thereto is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(17) ~~The several circuit court courts in Polk County, Florida, is of the state~~ are hereby vested with jurisdiction specifically to enforce and to enjoin and restrain any person from violating any provisions of this section, or of any marketing order, rules, or regulations duly issued by the *Florida Citrus Authority Department of Citrus* hereunder, in any proceeding brought by the *Florida Citrus Authority Department of Citrus* in any of the circuit courts; and in any such proceeding it shall not be necessary for the *Florida Citrus Authority Department of Citrus* to post any bond or to allege or prove that an adequate remedy at law does not exist. The A circuit court may issue a temporary restraining order and preliminary injunction, as in other actions for injunctive relief, and, upon final hearing, if the final decree is in favor of the *Florida Citrus Authority Department of Citrus*, the court shall permanently enjoin the defendant or defendants from further violations, and any such final decree in favor of the *Florida Citrus Authority Department of Citrus* shall provide that the defendant or defendants pay it reasonable costs of such suit, including reasonable attorney's fees. Any such action may be commenced either in the county where the defendant resides, or in the county where any other defendant resides, if more than one defendant, or in the county where any act or omission, or part thereof, complained of occurred.

(18) This section shall be liberally construed to effectuate the purposes set forth and as additional and supplemental powers vested in the *Florida Citrus Authority Department of Citrus* under the police power of this state.

(19) Nothing herein shall be construed to authorize the *Florida Citrus Authority Department of Citrus* in any manner to fix prices of citrus.

Section 59. Section 601.155, Florida Statutes, is reenacted and amended to read:

601.155 Equalizing excise tax; credit; exemption.—

(1) The first person who exercises in this state the privilege of processing, reprocessing, blending, or mixing processed orange products or processed grapefruit products or the privilege of packaging or repackaging processed orange products or processed grapefruit products into retail or institutional size containers or, except as provided in subsection (9) or except if a tax is levied and collected on the exercise of one of the foregoing privileges, the first person having title to or possession of any processed orange product or any processed grapefruit product who exercises the privilege in this state of storing such product or removing any portion of such product from the original container in which it arrived in this state for purposes other than official inspection or direct consumption by the consumer and not for resale shall be assessed and shall pay an excise tax upon the exercise of such privilege at the rate described in subsection (2).

(2) ~~Upon the exercise of any privilege described in subsection (1),~~ The excise tax levied by this section ~~may shall be set by the Florida Citrus Authority at a the same rate not to exceed the rate per box of oranges or grapefruit utilized in the initial production of the processed citrus products so handled as that imposed, at the time of exercise of the taxable privilege, by s. 601.15 per box of oranges. The department shall set the rate for each citrus season by August 1 of each year.~~

(3) For the purposes of this section, the number of boxes of oranges or grapefruit utilized in the initial production of processed citrus products subject to the taxable privilege shall be:

(a) The actual number of boxes so utilized, if known and verified in accordance with ~~Florida Citrus Authority Department of Citrus~~ rules; or

(b) An equivalent number established by ~~Florida Citrus Authority Department of Citrus~~ rule which, on the basis of existing data, reasonably equates to the quantity of citrus contained in the product, when the actual number of boxes so utilized is not known or properly verified.

(4) For purposes of this section:

(a) "Processed orange products" means products for human consumption consisting of 20 percent or more single strength equivalent orange juice; orange sections, segments, or edible components; or whole peeled fruit.

(b) "Processed grapefruit products" means products for human consumption consisting of 20 percent or more single strength equivalent grapefruit juice; grapefruit sections, segments, or edible components; or whole peeled fruit.

(c) "Original container" includes any vessel, tanker or tank car or other transport vehicle.

(d) "Retail or institutional container" means a container having a capacity of 10 gallons or less.

(5) All products subject to the taxable privileges under this section, which products are produced in whole or in part from citrus fruit grown within the United States, are exempt from the tax imposed by this section to the extent that the products are derived from oranges or grapefruit grown within the United States. In the case of products made in part from citrus fruit grown within the United States, it shall be the burden of the persons liable for the excise tax to show the ~~Florida Citrus Authority Department of Citrus~~, through competent evidence, proof of that part which is not subject to a taxable privilege.

(6) Every person liable for the excise tax imposed by this section shall keep a complete and accurate record of the receipt, storage, handling, exercise of any taxable privilege under this section, and shipment of all products subject to the tax imposed by this section. Such record shall be preserved for a period of 1 year and shall be offered for inspection upon oral or written request by the ~~Florida Citrus Authority Department of Citrus~~ or its duly authorized agent.

(7) Every person liable for the excise tax imposed by this section shall, at such times and in such manner as the ~~Florida Citrus Authority Department of Citrus~~ may by rule require, file with the ~~Florida Citrus Authority Department of Citrus~~ a return, certified as true and correct,

on forms to be prescribed and furnished by the ~~Florida Citrus Authority Department of Citrus~~, stating, in addition to other information reasonably required by the ~~Florida Citrus Authority Department of Citrus~~, the number of units of processed orange or grapefruit products subject to this section upon which any taxable privilege under this section was exercised during the period of time covered by the return. Full payment of excise taxes due for the period reported shall accompany each return.

(8) All taxes levied and imposed by this section shall be due and payable within 61 days after the first of the taxable privileges is exercised in this state. Periodic payment of the excise taxes imposed by this section by the person first exercising the taxable privileges and liable for such payment shall be permitted only in accordance with ~~Florida Citrus Authority Department of Citrus~~ rules, and the payment thereof shall be guaranteed by the posting of an appropriate certificate of deposit, approved surety bond, or cash deposit in an amount and manner as prescribed by the ~~Florida Citrus Authority Department of Citrus~~.

(9) When any processed orange or grapefruit product is stored or removed from its original container as provided in subsection (1), the equalizing excise tax is levied on such storage or removal, and such product is subsequently shipped out of the state in a vessel, tanker or tank car, or container having a capacity greater than 10 gallons, the person who is liable for the tax shall be entitled to a tax refund, if such tax has been paid, or to a tax credit, provided she or he can provide satisfactory proof that such product has been shipped out of the state and that no privilege taxable under subsection (1) other than storage or removal from the original container was exercised prior to such shipment out of the state.

(10) All excise taxes levied and collected under the provisions of this section, including penalties, shall be paid ~~directly to the Florida Citrus Authority into the State Treasury~~ to be made a part of the ~~Florida Citrus Authority general operating accounts Florida Citrus Advertising Trust Fund~~ in the same manner, for the same purposes, and in the same proportions as set forth in s. 601.15(6)(7). Any person failing to file a return or pay any assessment within the time required shall thereby forfeit to the ~~Florida Citrus Authority Department of Citrus~~ a penalty of 5 percent of the amount of assessment then due; but the ~~Florida Citrus Authority Department of Citrus~~, on good cause shown, may waive all or any part of such penalty.

(11) This section shall be liberally construed to effectuate the purposes set forth and as additional and supplemental powers vested in the ~~Florida Citrus Authority Department of Citrus~~ under the police power of this state.

(12) *Where a taxpayer claims a refund of citrus excise taxes based upon reasons as provided in s. 215.26 and the Florida Citrus Authority agrees with the claim, the authority may enter into agreements with such taxpayer or third parties, or both, to pay all or a portion of such refund by cash or through the suspension of the authority's collection of citrus excise taxes until the amount of such refund is returned or credited to the claimant's benefit.*

Section 60. Section 601.16, Florida Statutes, is reenacted to read:

601.16 Grapefruit maturity standards; fresh and processed.—

(1)(a) Seedless grapefruit for fresh use, except as provided herein, shall not be deemed mature until:

1. Each fruit, after having been severed from the tree, shows a break in color, with yellow color predominating on not less than 25 percent of the fruit's surface in the aggregate;

2. The total soluble solids (Brix) of the juice is not less than 7.5 percent;

3. The ratio of the total soluble solids to anhydrous citric acid meets the requirements of s. 601.17; and

4. The juice content of each fruit is not less than the minimum requirements for the respective fruit size as set forth in s. 601.18.

(b) Except for the period January 1 through July 31, seedless grapefruit meeting minimum color break, ratio, and juice content requirements of paragraph (a) shall be deemed mature when the total soluble solids (Brix) of the juice is not less than 7 percent.

(c) Except for the period April 15 through July 31, seedless grapefruit meeting minimum color break, soluble solids, and juice content requirements of paragraph (a) shall be deemed mature when the ratio of soluble solids to anhydrous citric acid is not less than six to one.

(d) Except the commission may, by rule, during the period November 1 through July 31, lower by not more than 0.5 percent the minimum total soluble solids requirement established by this section for pink and red seedless grapefruit. Any such rule shall automatically expire on July 31 next following its adoption.

(2)(a) Seeded grapefruit for fresh use, except as provided herein, shall not be deemed mature until:

1. Each fruit, after having been severed from the tree, shows a break in color, with yellow color predominating on not less than 25 percent of the fruit's surface in the aggregate;

2. The total soluble solids (Brix) of the juice is not less than 8 percent;

3. The ratio of the total soluble solids to anhydrous citric acid meets the requirements of s. 601.17; and

4. The juice content of each fruit is not less than the minimum requirements for the respective fruit size as set forth in s. 601.18.

(b) Except for the period January 1 through July 31, seeded grapefruit meeting minimum color break, ratio, and juice content requirements of paragraph (a) shall be deemed mature when the total soluble solids (Brix) of the juice is not less than 7.5 percent.

(c) Except for the period April 15 through July 31, seeded grapefruit meeting minimum color break, soluble solids, and juice content requirements of paragraph (a) shall be deemed mature when the ratio of soluble solids to anhydrous citric acid is not less than six to one.

(3) Grapefruit for processing into juices and juice products shall be deemed mature as follows:

(a) For the period August 1 through November 30, maturity requirements for juice content, acid, and color break shall be the same as established herein for grapefruit for fresh use. After November 30, there shall be no minimum requirement for juice content, acid, or color break.

(b) For the period August 1 through November 30, the total soluble solids (Brix) of the juice from seedy grapefruit shall be not less than 8 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than eight to one.

(c) For the period August 1 through November 30, the total soluble solids (Brix) of the juice from seedless grapefruit shall be not less than 7.5 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than eight to one.

(d) For the period December 1 through December 31, the total soluble solids (Brix) of the juice from seedy and seedless grapefruit shall be not less than 7 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than eight to one.

(e) For the period January 1 through January 31, the total soluble solids (Brix) of the juice from seedy and seedless grapefruit shall be not less than 6.5 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than eight to one.

(f) For the period February 1 through April 14, the total soluble solids (Brix) of the juice from seedy and seedless grapefruit shall be not less than 6.5 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than six and one-half to one.

(g) For the period April 15 through July 31, the total soluble solids (Brix) of the juice from seedy and seedless grapefruit shall be not less

than 6.5 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than six to one.

(h) All grapefruit subject to inspection at a registered packinghouse, eliminated from final packing, and legally diverted from the packinghouse for processing into juice and juice products shall be deemed mature as provided in paragraphs (a)-(g), except that, for the period August 1 through January 31, the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than seven and one-half to one. For the period August 1 through January 31, such fruit failing to meet maturity standards as provided may be used in the production of products as provided in s. 601.9906(2).

(i) Any grapefruit which is subject to inspection at a registered citrus processing plant for processing into grapefruit sections and salads, eliminated from processing into grapefruit sections and salads, and diverted for processing into juice and juice products shall be deemed mature as provided in subsection (4).

(4) Grapefruit for processing into grapefruit sections and salads shall be deemed mature as follows:

(a) For the period August 1 through November 30, maturity requirements shall be the same as established herein for grapefruit for fresh use.

(b) After November 30, there shall be no minimum requirements for juice content, acid, or color break.

(c) For the period December 1 through December 31, the total soluble solids (Brix) of the juice shall be not less than 7 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall meet the requirements of s. 601.17.

(d) For the period January 1 through April 14, the total soluble solids (Brix) of the juice shall be not less than 6.5 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than six and one-half to one.

(e) For the period April 15 through July 31, the total soluble solids (Brix) of the juice shall be not less than 6.5 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than six to one.

(5) The commission may, by rule, for the period April 15 through July 31, adjust any minimum total soluble solids requirement for grapefruit for processing purposes established by this section. Any such rule shall automatically expire on July 31 following its adoption.

Section 61. Section 601.17, Florida Statutes, is reenacted to read:

601.17 Grapefruit; minimum ratios of solids to acid.—The minimum ratios of the total soluble solids of the juice of grapefruit to the anhydrous citric acid shall be as follows:

(1) When the total soluble solids of the juice is not less than 6.5 percent and not more than 9.1 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7 to 1.

(2) When the total soluble solids of the juice is not less than 9.1 percent and not more than 9.2 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.95 to 1.

(3) When the total soluble solids of the juice is not less than 9.2 percent and not more than 9.3 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.90 to 1.

(4) When the total soluble solids of the juice is not less than 9.3 percent and not more than 9.4 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.85 to 1.

(5) When the total soluble solids of the juice is not less than 9.4 percent and not more than 9.5 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.80 to 1.

(6) When the total soluble solids of the juice is not less than 9.5 percent and not more than 9.6 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.75 to 1.

(7) When the total soluble solids of the juice is not less than 9.6 percent and not more than 9.7 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.70 to 1.

(8) When the total soluble solids of the juice is not less than 9.7 percent and not more than 9.8 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.65 to 1.

(9) When the total soluble solids of the juice is not less than 9.8 percent and not more than 9.9 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.60 to 1.

(10) When the total soluble solids of the juice is not less than 9.9 percent and not more than 10 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.55 to 1.

(11) When the total soluble solids of the juice is not less than 10 percent and not more than 10.1 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.50 to 1.

(12) When the total soluble solids of the juice is not less than 10.1 percent and not more than 10.2 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.475 to 1.

(13) When the total soluble solids of the juice is not less than 10.2 percent and not more than 10.3 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.45 to 1.

(14) When the total soluble solids of the juice is not less than 10.3 percent and not more than 10.4 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.425 to 1.

(15) When the total soluble solids of the juice is not less than 10.4 percent and not more than 10.5 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.40 to 1.

(16) When the total soluble solids of the juice is not less than 10.5 percent and not more than 10.6 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.375 to 1.

(17) When the total soluble solids of the juice is not less than 10.6 percent and not more than 10.7 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.35 to 1.

(18) When the total soluble solids of the juice is not less than 10.7 percent and not more than 10.8 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.325 to 1.

(19) When the total soluble solids of the juice is not less than 10.8 percent and not more than 10.9 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.30 to 1.

(20) When the total soluble solids of the juice is not less than 10.9 percent and not more than 11 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.275 to 1.

(21) When the total soluble solids of the juice is not less than 11 percent and not more than 11.1 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.25 to 1.

(22) When the total soluble solids of the juice is not less than 11.1 percent and not more than 11.2 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.225 to 1.

(23) When the total soluble solids of the juice is not less than 11.2 percent and not more than 11.3 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.20 to 1.

(24) When the total soluble solids of the juice is not less than 11.3 percent and not more than 11.4 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.175 to 1.

(25) When the total soluble solids of the juice is not less than 11.4 percent and not more than 11.5 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.15 to 1.

(26) When the total soluble solids of the juice is not less than 11.5 percent and not more than 11.6 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.125 to 1.

(27) When the total soluble solids of the juice is not less than 11.6 percent and not more than 11.7 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.10 to 1.

(28) When the total soluble solids of the juice is not less than 11.7 percent and not more than 11.8 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.075 to 1.

(29) When the total soluble solids of the juice is not less than 11.8 percent and not more than 11.9 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.05 to 1.

(30) When the total soluble solids of the juice is not less than 11.9 percent and not more than 12 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6.025 to 1.

(31) When the total soluble solids of the juice is not less than 12 percent or is more than 12 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 6 to 1.

Section 62. Section 601.18, Florida Statutes, is reenacted and amended to read:

601.18 Grapefruit; minimum juice content.—

(1) During that period of time beginning with August 1 of each year and ending with November 15 of the same year, both dates inclusive, the minimum juice content of the juice of the respective sizes of grapefruit is as follows, each size being designated by the commercial number assigned to it based on the number of grapefruit of said size packed commercially in a standard  $\frac{1}{8}$  Florida packed box of grapefruit:

(a) A grapefruit of size 14 shall contain not less than 400 cubic centimeters of juice.

(b) A grapefruit of size 18 shall contain not less than 350 cubic centimeters of juice.

(c) A grapefruit of size 23 shall contain not less than 305 cubic centimeters of juice.

(d) A grapefruit of size 27 shall contain not less than 275 cubic centimeters of juice.

(e) A grapefruit of size 32 shall contain not less than 245 cubic centimeters of juice.

(f) A grapefruit of size 36 shall contain not less than 230 cubic centimeters of juice.

(g) A grapefruit of size 40 shall contain not less than 210 cubic centimeters of juice.

(h) A grapefruit of size 48 shall contain not less than 185 cubic centimeters of juice.

(i) A grapefruit of size 56 shall contain not less than 170 cubic centimeters of juice.

(j) A grapefruit of size 64 shall contain not less than 165 cubic centimeters of juice.

(2) During that period of time beginning with November 16 of each year and ending with March 1 of the following year, both dates inclusive, the minimum juice content of the juice of the respective sizes of grapefruit shall be as follows:

(a) A grapefruit of size 14 shall contain not less than 380 cubic centimeters of juice.

(b) A grapefruit of size 18 shall contain not less than 335 cubic centimeters of juice.

(c) A grapefruit of size 23 shall contain not less than 290 cubic centimeters of juice.

(d) A grapefruit of size 27 shall contain not less than 265 cubic centimeters of juice.



(e) A grapefruit of size 32 shall contain not less than 230 cubic centimeters of juice.

(f) A grapefruit of size 36 shall contain not less than 220 cubic centimeters of juice.

(g) A grapefruit of size 40 shall contain not less than 200 cubic centimeters of juice.

(h) A grapefruit of size 48 shall contain not less than 180 cubic centimeters of juice.

(i) A grapefruit of size 56 shall contain not less than 165 cubic centimeters of juice.

(j) A grapefruit of size 64 shall contain not less than 160 cubic centimeters of juice.

(3) During that period of time beginning with March 2 of each year and ending with July 31 of the same year, both dates inclusive, the minimum juice content of the juice of respective sizes of grapefruit shall be as follows:

(a) A grapefruit of size 14 shall contain not less than 360 cubic centimeters of juice.

(b) A grapefruit of size 18 shall contain not less than 320 cubic centimeters of juice.

(c) A grapefruit of size 23 shall contain not less than 275 cubic centimeters of juice.

(d) A grapefruit of size 27 shall contain not less than 250 cubic centimeters of juice.

(e) A grapefruit of size 32 shall contain not less than 220 cubic centimeters of juice.

(f) A grapefruit of size 36 shall contain not less than 210 cubic centimeters of juice.

(g) A grapefruit of size 40 shall contain not less than 190 cubic centimeters of juice.

(h) A grapefruit of size 48 shall contain not less than 170 cubic centimeters of juice.

(i) A grapefruit of size 56 shall contain not less than 155 cubic centimeters of juice.

(j) A grapefruit of size 64 shall contain not less than 150 cubic centimeters of juice.

(4) Provided, however, that if the *Florida Citrus Authority* ~~Department of Citrus~~ determines that unusual or abnormal conditions exist and a change in the juice requirements will be in the best interests of the citrus industry, it may, by resolution, decrease the required juice content of grapefruit, by varieties, during the period beginning November 16 and ending March 1 of the following year, both dates inclusive as provided in subsection (2), but in no event shall the required juice content during this period be less than the juice content required during the period beginning March 2 of each year and ending July 31 of the same year, as provided in subsection (3).

(5) Provided further, however, that the *Florida Citrus Authority* ~~Department of Citrus~~ is hereby authorized to establish by regulation different sizes, including changes in diameter ranges for existing sizes, for grapefruit based on the number of grapefruit as packed commercially. At that time it shall also fix for each period the minimum juice content for the respective sizes so established, but in no event shall the juice content, during any period, be proportionately less than as above fixed.

Section 63. Section 601.19, Florida Statutes, is reenacted and amended to read:

601.19 Oranges; maturity standards.—

(1) During that period of time beginning with August 1 of each year and ending with October 31 of the same year, both dates inclusive, oranges shall be deemed to be mature only when each orange, after having been clipped, picked, or otherwise severed from the tree, shows a break in color, with yellow color predominating on not less than 50 percent of the fruit's surface in the aggregate, except that oranges of the Parson Brown variety need show only such a break in color on not less than 25 percent of the fruit's surface in the aggregate; when the total soluble solids of the juice of the sample thereof is not less than 9 percent; when the ratio of total soluble solids of the juice of the sample thereof to the anhydrous citric acid is as set forth in s. 601.20; when the juice of the sample contains not less than 0.4 percent of anhydrous citric acid; and when the juice content of said orange sample is in an amount not less than at the rate of 4½ gallons of juice per standard-packed box.

(2) During that period of time beginning with November 1 of each year and ending with November 15 of the same year, both dates inclusive, oranges shall be deemed to be mature only when each orange, after having been clipped, picked, or otherwise severed from the tree, shows a break in color, with yellow color predominating on not less than 50 percent of the fruit's surface in the aggregate, except that oranges of the Parson Brown variety need show only such a break in color on not less than 25 percent of the fruit's surface in the aggregate; when the total soluble solids of the juice of the sample thereof is not less than 8.7 percent; when the ratio of total soluble solids of the juice of the sample thereof to the anhydrous citric acid is as set forth in s. 601.20; when the juice of the sample contains not less than 0.4 percent of anhydrous citric acid; and when the juice content of said orange sample is in an amount not less than at the rate of 4½ gallons of juice per standard-packed box.

(3) During that period of time beginning with November 16 of each year and ending with July 31 of the following year, both dates inclusive, oranges shall be deemed to be mature only when each orange, after having been clipped, picked, or otherwise severed from the tree, shows a break in color, with yellow color predominating on not less than 25 percent of the fruit's surface in the aggregate; when the total soluble solids of the juice of the sample thereof is not less than 8.5 percent; when the ratio of the total soluble solids of the juice of the sample thereof to the anhydrous citric acid is as set forth in s. 601.20; when the juice of the sample contains not less than 0.4 percent of anhydrous citric acid; and when the juice content of said orange sample is in an amount not less than at the rate of 4½ gallons of juice per standard-packed box. If in any particular shipping season it shall appear to the *Florida Citrus Authority* ~~Department of Citrus~~, after a public hearing held not earlier than October 5 and called and held to determine such question, that oranges are then maturing earlier than normally as herein defined in this section, then the *Florida Citrus Authority* ~~Department of Citrus~~ may by order, rule, or regulation to be issued or promulgated and to become effective not later than October 10, declare and provide that during that period of time beginning with August 1 and ending with October 16, both dates inclusive, oranges meeting all other maturity standards shall be deemed to be mature when the total soluble solids of the juice of the sample thereof is not less than 9 percent, and during that period of time beginning with October 17 and ending with October 31, both dates inclusive, oranges meeting all other maturity standards shall be deemed to be mature when the total soluble solids of the juice of the sample thereof is not less than 8.7 percent, and during that period of time beginning with November 1 and ending July 31 of the following year, both dates inclusive, oranges meeting all other maturity standards shall be deemed to be mature when the total soluble solids of the juice of the sample thereof is not less than 8.5 percent.

(4) However, from December 1 of each year to July 31 of the following year, both dates inclusive, oranges shall be deemed to be mature for canning and concentrating purposes when the total soluble solids of the juice thereof is not less than 8 percent and when the minimum ratio of the total soluble solids of the juice thereof to the anhydrous citric acid is as set forth in s. 601.20, with no minimum requirement as to juice content, acid, or color break.

Section 64. Section 601.20, Florida Statutes, is reenacted to read:

601.20 Oranges; minimum ratios of solids to acid.—The minimum ratios of the total soluble solids of the juice of oranges to the anhydrous citric acid shall be as follows:

- (1) When the total soluble solids of the juice is not less than 8 percent and not more than 8.1 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 10.50 to 1.
  - (2) When the total soluble solids of the juice is not less than 8.1 percent and not more than 8.2 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 10.45 to 1.
  - (3) When the total soluble solids of the juice is not less than 8.2 percent and not more than 8.3 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 10.40 to 1.
  - (4) When the total soluble solids of the juice is not less than 8.3 percent and not more than 8.4 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 10.35 to 1.
  - (5) When the total soluble solids of the juice is not less than 8.4 percent and not more than 8.5 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 10.30 to 1.
  - (6) When the total soluble solids of the juice is not less than 8.5 percent and not more than 8.6 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 10.25 to 1.
  - (7) When the total soluble solids of the juice is not less than 8.6 percent and not more than 8.7 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 10.20 to 1.
  - (8) When the total soluble solids of the juice is not less than 8.7 percent and not more than 8.8 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 10.15 to 1.
  - (9) When the total soluble solids of the juice is not less than 8.8 percent and not more than 8.9 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 10.10 to 1.
  - (10) When the total soluble solids of the juice is not less than 8.9 percent and not more than 9 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 10.05 to 1.
  - (11) When the total soluble solids of the juice is not less than 9 percent and not more than 9.1 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 10 to 1.
  - (12) When the total soluble solids of the juice is not less than 9.1 percent and not more than 9.2 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.95 to 1.
  - (13) When the total soluble solids of the juice is not less than 9.2 percent and not more than 9.3 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.90 to 1.
  - (14) When the total soluble solids of the juice is not less than 9.3 percent and not more than 9.4 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.85 to 1.
  - (15) When the total soluble solids of the juice is not less than 9.4 percent and not more than 9.5 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.80 to 1.
  - (16) When the total soluble solids of the juice is not less than 9.5 percent and not more than 9.6 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.75 to 1.
  - (17) When the total soluble solids of the juice is not less than 9.6 percent and not more than 9.7 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.70 to 1.
  - (18) When the total soluble solids of the juice is not less than 9.7 percent and not more than 9.8 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.65 to 1.
  - (19) When the total soluble solids of the juice is not less than 9.8 percent and not more than 9.9 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.60 to 1.
  - (20) When the total soluble solids of the juice is not less than 9.9 percent and not more than 10 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.55 to 1.
  - (21) When the total soluble solids of the juice is not less than 10 percent and not more than 10.1 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.50 to 1.
  - (22) When the total soluble solids of the juice is not less than 10.1 percent and not more than 10.2 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.45 to 1.
  - (23) When the total soluble solids of the juice is not less than 10.2 percent and not more than 10.3 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.40 to 1.
  - (24) When the total soluble solids of the juice is not less than 10.3 percent and not more than 10.4 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.35 to 1.
  - (25) When the total soluble solids of the juice is not less than 10.4 percent and not more than 10.5 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.30 to 1.
  - (26) When the total soluble solids of the juice is not less than 10.5 percent and not more than 10.6 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.25 to 1.
  - (27) When the total soluble solids of the juice is not less than 10.6 percent and not more than 10.7 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.20 to 1.
  - (28) When the total soluble solids of the juice is not less than 10.7 percent and not more than 10.8 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.15 to 1.
  - (29) When the total soluble solids of the juice is not less than 10.8 percent and not more than 10.9 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.10 to 1.
  - (30) When the total soluble solids of the juice is not less than 10.9 percent and not more than 11 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9.05 to 1.
  - (31) When the total soluble solids of the juice is 11 percent or more, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9 to 1.
- Section 65. Section 601.21, Florida Statutes, is reenacted to read:
- 601.21 Tangerine maturity standards.—
- (1) Tangerines shall be deemed to be mature only when each tangerine after having been clipped, picked, or otherwise severed from the tree, shows a break in color, with yellow color predominating on not less than 50 percent of the fruit's surface in the aggregate; when the total soluble solids of the juice thereof is not less than 9 percent; and when the ratio of total soluble solids of the juice thereof to the anhydrous citric acid is as set forth in s. 601.22.
  - (2) From November 15th of each year to July 31st of the following year, both dates inclusive, tangerines shall be deemed to be mature only when each tangerine, after having been clipped, picked, or otherwise severed from the tree, shows a break in color, with yellow color predominating on not less than 50 percent of the fruit's surface in the aggregate; and when the total soluble solids of the juice thereof is not less than 8.75 percent; and when the ratio of total soluble solids of the juice thereof to the anhydrous citric acid is as set forth in s. 601.22.
  - (3) From November 15th of each year to July 31 of the following year, both dates inclusive, tangerines shall be deemed to be mature for canning and concentrating purposes when the total soluble solids of the juice thereof is not less than 8.75 percent and when the minimum ratio of the juice thereof to the anhydrous citric acid is as set forth in s. 601.22, with no minimum requirements as to juice content, acid, or color break.
- Section 66. Section 601.22, Florida Statutes, is reenacted to read:
- 601.22 Tangerines; minimum ratios of solids to acid.—The minimum ratios of the total soluble solids of the juice of tangerines to the anhydrous citric acid shall be as follows:

- (1) When the total soluble solids of the juice is not less than 9 percent and not more than 9.1 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9 to 1.
- (2) When the total soluble solids of the juice is not less than 9.1 percent and not more than 9.2 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.9 to 1.
- (3) When the total soluble solids of the juice is not less than 9.2 percent and not more than 9.3 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.8 to 1.
- (4) When the total soluble solids of the juice is not less than 9.3 percent and not more than 9.4 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.7 to 1.
- (5) When the total soluble solids of the juice is not less than 9.4 percent and not more than 9.5 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.6 to 1.
- (6) When the total soluble solids of the juice is not less than 9.5 percent and not more than 9.6 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.5 to 1.
- (7) When the total soluble solids of the juice is not less than 9.6 percent and not more than 9.7 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.4 to 1.
- (8) When the total soluble solids of the juice is not less than 9.7 percent and not more than 9.8 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.3 to 1.
- (9) When the total soluble solids of the juice is not less than 9.8 percent and not more than 9.9 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.2 to 1.
- (10) When the total soluble solids of the juice is not less than 9.9 percent and not more than 10 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.1 to 1.
- (11) When the total soluble solids of the juice is not less than 10 percent and not more than 10.1 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8 to 1.
- (12) When the total soluble solids of the juice is not less than 10.1 percent and not more than 10.2 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.9 to 1.
- (13) When the total soluble solids of the juice is not less than 10.2 percent and not more than 10.3 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.8 to 1.
- (14) When the total soluble solids of the juice is not less than 10.3 percent and not more than 10.4 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.7 to 1.
- (15) When the total soluble solids of the juice is not less than 10.4 percent and not more than 10.5 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.6 to 1.
- (16) When the total soluble solids of the juice is not less than 10.5 percent or is more than 10.5 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.5 to 1.
- (17) Provided, however, that after November 15th of each year to July 31st of the following year, both dates inclusive, the minimum ratio of the total soluble solids of the juice of tangerines to the anhydrous citric acid shall be as follows:
- (a) When the total soluble solids of the juice is not less than 8.75 percent and not more than 8.80 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.75 to 1.
- (b) When the total soluble solids of the juice is not less than 8.80 percent and not more than 8.90 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.75 to 1.
- (c) When the total soluble solids of the juice is not less than 8.90 percent and not more than 9 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.75 to 1.
- (d) When the total soluble solids of the juice is not less than 9 percent and not more than 9.10 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.75 to 1.
- (e) When the total soluble solids of the juice is not less than 9.10 percent and not more than 9.20 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.65 to 1.
- (f) When the total soluble solids of the juice is not less than 9.20 percent and not more than 9.30 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.55 to 1.
- (g) When the total soluble solids of the juice is not less than 9.30 percent and not more than 9.40 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.45 to 1.
- (h) When the total soluble solids of the juice is not less than 9.40 percent and not more than 9.50 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.35 to 1.
- (i) When the total soluble solids of the juice is not less than 9.50 percent and not more than 9.60 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.25 to 1.
- (j) When the total soluble solids of the juice is not less than 9.60 percent and not more than 9.70 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.15 to 1.
- (k) When the total soluble solids of the juice is not less than 9.70 percent and not more than 9.80 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 8.05 to 1.
- (l) When the total soluble solids of the juice is not less than 9.80 percent and not more than 9.90 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.95 to 1.
- (m) When the total soluble solids of the juice is not less than 9.90 percent and not more than 10 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.85 to 1.
- (n) When the total soluble solids of the juice is not less than 10 percent and not more than 10.10 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.75 to 1.
- (o) When the total soluble solids of the juice is not less than 10.10 percent and not more than 10.20 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.65 to 1.
- (p) When the total soluble solids of the juice is not less than 10.20 percent and not more than 10.30 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.55 to 1.
- (q) When the total soluble solids of the juice is not less than 10.30 percent and not more than 10.40 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.45 to 1.
- (r) When the total soluble solids of the juice is not less than 10.40 percent and not more than 10.50 percent, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.35 to 1.
- (s) When the total soluble solids of the juice is not less than 10.50 percent or is more than 10.50 percent the minimum ratio of the total soluble solids to anhydrous citric acid shall be 7.25 to 1.

Section 67. Section 601.24, Florida Statutes, is reenacted and amended to read:

601.24 *Florida Citrus Authority* ~~Department of Citrus~~ to prescribe methods of testing and grading.—The *Florida Citrus Authority* ~~Department of Citrus~~ shall by rule or regulation provide the manner and method to be used in drawing samples and the quantity to be used in testing and grading of citrus fruit and the canned and concentrated products thereof and shall provide specifications and methods for use of

juice extractors to be used in extracting juice for such tests and grading purposes.

Section 68. Section 601.25, Florida Statutes, is reenacted and amended to read:

601.25 Determination of soluble solids and acid.—The *Florida Citrus Authority* ~~Department of Citrus~~ by rule or regulation shall determine the method by which juice is tested for percentage of total soluble solids, the method by which juice is tested for acidity, and the method for testing fruit for juice content. Until such time as the *Florida Citrus Authority* ~~Department of Citrus~~ may see fit to determine such method by rule or regulation, the Brix hydrometer shall be used and the reading of the hydrometer corrected for temperature shall be considered as the percent of the total soluble solids; and anhydrous citric acid shall be determined by titration of the juice using standard alkali and phenolphthalein as indicator, the total acidity being calculated as anhydrous citric acid.

Section 69. Section 601.27, Florida Statutes, is reenacted and amended to read:

601.27 Department of Agriculture *and Consumer Services*; citrus inspectors.—The inspection in the state of all citrus fruit and the canned and concentrated products thereof, and the certifying as to grades and qualifications thereof, and the enforcement of all provisions of this chapter and rules and orders made pursuant to and under authority of this chapter shall be under the direction, supervision, and control of the Department of Agriculture *and Consumer Services*. The sampling, testing, and inspection of all processed citrus products shall be done by authorized agents or inspectors of the Department of Agriculture *and Consumer Services* or pursuant to cooperative agreement between the Department of Agriculture *and Consumer Services* and any agency of the Federal Government.

Section 70. Section 601.28, Florida Statutes, is reenacted and amended to read:

601.28 Inspection fees.—

(1) There is hereby levied upon citrus fruit and processed citrus products the following inspection fees:

(a) Upon each standard-packed box or equivalent, including hourly rate equivalent, thereof of citrus fruit inspected and certified for shipment in fresh form other than fruit on which a fee is imposed by paragraph (b), such fee, to be fixed annually promptly following the release by the United States Department of Agriculture of the October citrus crop estimate, as is determined by the Department of Agriculture *and Consumer Services* to be necessary to pay:

1. The costs expected to be incurred during the then-current shipping season by the Bureau of Citrus Inspection in performing its duties with respect to such citrus fruit and by the Bureau of Citrus Technical Control in performing its duties with respect to such citrus fruit;

2. A pro rata portion of the costs expected to be incurred during the then-current shipping season by the Bureau of Citrus License and Bond;

3. A pro rata portion of the costs expected to be incurred during the then-current shipping season, by the Department of Agriculture *and Consumer Services* through its cooperative agreement with the United States Department of Agriculture, which are directly attributable to the estimation of the size of the citrus crop in Florida; and

4. The amount, if any, by which the costs actually incurred with respect to the foregoing during the preceding shipping season may have exceeded the income received during that season, or less the amounts, if any, by which the income received during the preceding shipping season may have exceeded the costs actually incurred with respect to the foregoing during that season. For the purpose of this subparagraph, income received during the preceding season shall be deemed to include all fees collected under this paragraph, plus a pro rata portion of all fees collected under s. 601.59, plus a pro rata portion of all fines and

penalties collected pursuant to this chapter, and plus all interest earned on the investment of the foregoing funds.

(b) Upon each unit, as defined by the *Florida Citrus Authority* ~~Department of Citrus~~, of citrus fruit inspected and certified for shipment in fresh form as gift fruit or for sale at roadside retail fruit stands, such fee, to be fixed annually promptly following the release by the United States Department of Agriculture of the October citrus crop estimate, as is determined by the Department of Agriculture *and Consumer Services* to be necessary to pay:

1. The costs expected to be incurred during the then-current shipping season by the Bureau of Citrus Inspection in performing its duties with respect to such citrus fruit and by the Bureau of Citrus Technical Control in performing its duties with respect to such citrus fruit;

2. A pro rata portion of the costs expected to be incurred during the then-current shipping season by the Bureau of Citrus License and Bond;

3. A pro rata portion of the costs expected to be incurred during the then-current shipping season by the Department of Agriculture *and Consumer Services* through its cooperative agreement with the United States Department of Agriculture which are directly attributable to the estimation of the size of the citrus crop in Florida; and

4. The amount, if any, by which the costs actually incurred with respect to the foregoing during the preceding shipping season may have exceeded the income received during that season, or less the amounts, if any, by which the income received during the preceding shipping season may have exceeded the costs actually incurred with respect to the foregoing during that season. For the purpose of this subparagraph, income received during the preceding shipping season shall be deemed to include all fees collected under this paragraph, plus a pro rata portion of all fees collected under s. 601.59, plus a pro rata portion of all fines and penalties collected pursuant to this chapter, and all interest earned on the investment of the foregoing funds.

(c) Upon each standard-packed box or equivalent thereof of citrus fruit inspected and certified for processing, such fee, to be fixed annually promptly following the release by the United States Department of Agriculture of the October citrus crop estimate, as is determined by the Department of Agriculture *and Consumer Services* to be necessary to pay:

1. The costs expected to be incurred during the then-current shipping season by the Bureau of Citrus Inspection in performing its duties with respect to such citrus fruit and by the Bureau of Citrus Technical Control in performing its duties with respect to such citrus fruit;

2. A pro rata portion of the costs expected to be incurred during the then-current shipping season by the Bureau of Citrus License and Bond;

3. A pro rata portion of the costs expected to be incurred during the then-current shipping season by the Department of Agriculture *and Consumer Services* through its cooperative agreement with the United States Department of Agriculture directly attributable to the estimation of the size of the citrus crop in Florida; and

4. The amount, if any, by which the costs actually incurred with respect to the foregoing during the preceding shipping season may have exceeded the income received during that season, or less the amount, if any, by which the income received during the preceding shipping season may have exceeded the costs actually incurred with respect to the foregoing during that season. For the purpose of this subparagraph, income received during the preceding shipping season shall be deemed to include all fees collected under this paragraph, a pro rata portion of all fees collected under s. 601.59, a pro rata portion of all fines and penalties collected pursuant to this chapter, and all interest earned on the investments of the foregoing funds.

(d) Upon each standard case of 24 No. 2 cans, or the equivalent thereof, of processed citrus products inspected and certified within this state, such fee, to be fixed annually promptly following the release by

the United States Department of Agriculture of the October citrus crop estimate, as is determined by the Department of Agriculture *and Consumer Services* to be necessary to pay:

1. The costs expected to be incurred during the then-current shipping season by the Bureau of Citrus Inspection, through the cooperative agreement between the Department of Agriculture *and Consumer Services* and the United States Department of Agriculture, in performing its duties with respect to processed citrus products; and

2. The amount, if any, by which the costs actually incurred with respect to the foregoing during the preceding shipping season may have exceeded the fees collected under this paragraph during that season, or less the amount, if any, by which the fees collected under this paragraph during the preceding shipping season may have exceeded the costs actually incurred with respect to the foregoing during that season.

(2)(a) Costs and income required to be prorated under the terms of paragraphs (a), (b), and (c) of subsection (1) shall be prorated on the basis of the number of boxes on which fees were assessed under the particular paragraph as compared to the total number of boxes of citrus fruit delivered into the primary channel of trade during the particular shipping season. Expenditures of funds for estimation of the size of the citrus crop in Florida by the Department of Agriculture *and Consumer Services* through its cooperative agreement with the United States Department of Agriculture shall be for service and research work related to estimating and forecasting citrus production in Florida, including, but not limited to, tree counts, using aerial photography and ground surveys, fruit counts, fruit measurement, maturity and yield surveys, damage surveys, opinion surveys, season average price determinations, and related activities.

(b) If, after the release of the October citrus crop estimate, a subsequent citrus crop estimate is so substantially different that any of the foregoing fees fixed following the October estimate are determined by the Department of Agriculture *and Consumer Services* to be insufficient to pay the estimated costs expected to be incurred as set forth in the preceding paragraphs, then the Department of Agriculture *and Consumer Services* shall determine the fee necessary to pay such estimated costs based upon such revised citrus crop estimate and shall amend such fee accordingly.

(c) In fixing the foregoing fees, the Department of Agriculture *and Consumer Services* shall provide for adequate reserves to pay costs expected to be incurred during those periods when costs are expected to exceed income.

(d) The computations of the fees provided for herein and information as to the data upon which they are based shall be furnished by the Department of Agriculture *and Consumer Services* upon request to any person liable for fees hereunder.

(3)(a) All fees levied by this section shall be applicable retroactively to a date to be fixed by the Department of Agriculture *and Consumer Services*. Such fees shall be paid to the Department of Agriculture *and Consumer Services* or the payment thereof guaranteed by the person who is the owner or operator of the facility at which the citrus fruit or processed citrus products so certified are handled under the provisions of this chapter. Payment of such fees shall be due upon the certification of the citrus fruit or processed citrus products and shall be paid periodically under such rules and regulations as shall be prescribed by the Department of Agriculture *and Consumer Services*. Payment shall be secured by the filing and posting of a bond or cash deposit in the form and amount required by the Department of Agriculture *and Consumer Services*.

(b) All fees levied and collected under the provisions of this section shall be paid into the State Treasury on or before the 15th day of each month. Such moneys shall be deposited to and made a part of the Citrus Inspection Trust Fund and are hereby appropriated to the Department of Agriculture *and Consumer Services* to be used to pay the costs incurred in its performance of the duties of the Bureau of Citrus Inspection and under the cooperative agreements referred to in subsection (1) with respect to citrus fruit and processed citrus products.

(4)(a) All persons liable for the fees imposed by this section shall keep a complete and accurate record of the receipt, sale, shipment, and processing of citrus fruit and processed citrus products subject to the fees imposed hereby. Such records shall be preserved by such persons for a period of 1 year following the end of the shipping season to which they pertain and shall be offered for inspection at any time upon oral or written demand by the Department of Agriculture *and Consumer Services*.

(b) All persons liable for the fees imposed by this section shall, at such times as the Department of Agriculture *and Consumer Services* may by rule or regulation require, file with the Department of Agriculture *and Consumer Services* a return certified as true and correct on forms to be prescribed and furnished by the Department of Agriculture *and Consumer Services* stating the number of applicable units of citrus fruit and processed citrus products which were subject to fees hereunder during the period of time covered by the return.

(5) The Department of Agriculture *and Consumer Services* shall have the power to adopt rules providing for the imposition of special fees for inspections conducted during hours not contemplated by regular state work hours. Such rules shall prescribe circumstances under which the fees levied pursuant to paragraphs (1)(a) and (b) would not apply and the fees imposed pursuant to such rules would apply. The rules shall provide that said fees shall be levied when specifically actuated by contract between the department and persons liable for the fees created by this subsection. The rules shall not allow fees to be charged which are in excess of the department's actual cost of the inspection to be made, nor shall such fees be less than those imposed by paragraphs (1)(a) and (b).

(6) When any portion of the revenues deposited to the Citrus Inspection Trust Fund is not immediately needed for the purpose for which such funds are appropriated, the Treasurer shall invest and reinvest such funds, and the earnings thereon shall be deposited to and made a part of the Citrus Inspection Trust Fund.

(7) The duties of the Department of Agriculture and Consumer Services shall include the duty to conduct hearings, through a hearing officer who shall be an attorney authorized to practice law within this state, on violations of this section and rules promulgated thereunder. Said hearing officer shall be selected by the Commissioner of Agriculture and shall be in addition to her or his regular legal staff authorized by law. Said hearing officer shall, in addition to conducting such hearings, be available to the Division of Fruit and Vegetables for other legal services on matters pertaining to violations of this chapter and rules promulgated thereunder.

Section 71. Section 601.281, Florida Statutes, is reenacted to read:

601.281 Road guard fees.—There is hereby levied upon all citrus fruit upon which inspection fees are imposed by s. 601.28 an additional fee in the amount of 1 mill per standard-packed box or the equivalent thereof. This additional fee shall be collected at the same time and in the same manner as citrus inspection fees imposed by s. 601.28. All fees levied and collected under the provisions of this section shall be paid into the State Treasury on or before the 15th day of each month. Such money shall be deposited in the General Inspection Trust Fund and is hereby appropriated to the Department of Agriculture *and Consumer Services* to defray that portion of the cost of operating road guard stations that is attributable to the services performed by the road guard stations with respect to citrus fruit. All such money not required to defray that portion of such costs shall be deposited in the Citrus Inspection Trust Fund and is hereby appropriated in the manner provided by s. 601.28(3)(b).

Section 72. Section 601.29, Florida Statutes, is reenacted and amended to read:

601.29 Powers of Department of Agriculture and Consumer Services.—The powers of the Department of Agriculture and Consumer Services or its authorized representative include, but are not limited to, the following:

(1) To enter and inspect any place within the state where citrus fruit is being prepared, colored, packed, loaded, or stored for shipment, either

in fresh or processed form, and to stop and inspect any shipment of citrus fruit or processed citrus products.

(2) To enter and survey, at any reasonable hour of the day, all commercial citrus groves for the purpose of estimating and forecasting citrus production in Florida. The property owner or lessee shall not be liable for injury to any employee or agent during the course of entry.

(3) To forbid and prohibit the shipment or sale of any citrus fruit or the canned or concentrated products thereof found to be in violation of any of the provisions of this chapter or order made or adopted under the authority of this chapter.

(4) To provide complete and adequate inspection of citrus fruit and canned and concentrated citrus products in order to permit any shipper or canning or concentrating plant to have citrus fruit or canned or concentrated citrus products graded according to the standards fixed by the United States Department of Agriculture and adopted by the Department of Agriculture and Consumer Services by rule. The Department of Agriculture and Consumer Services is authorized to enter into all necessary contracts and agreements with the United States Department of Agriculture to implement this section.

(5) To prosecute for violation of any of the citrus laws or for violation of any rule, regulation, or order promulgated by the commission or by the Department of Agriculture and Consumer Services.

(6) To institute such action at law or in equity as may appear necessary to enforce compliance with any provisions of this chapter, or to enforce compliance with any rule, regulation, or order of the *Florida Citrus Authority* ~~Department of Citrus~~ or the Department of Agriculture and Consumer Services made pursuant to the provisions of this chapter, and, in addition to any other remedy, to apply to any circuit court of this state for relief by injunction, if necessary, to protect the public interest without being compelled to allege or prove that an adequate remedy at law does not exist.

(7) To employ and fix the compensation of attorneys as it deems necessary to assist in exercising the powers and discharging the duties conferred and imposed upon the Department of Agriculture and Consumer Services by law, and particularly by subsections (5) and (6).

Section 73. Section 601.31, Florida Statutes, is reenacted and amended to read:

601.31 Citrus inspectors; employment.—The Department of Agriculture and Consumer Services may in each year employ as many citrus fruit inspectors for such period or periods, not exceeding 1 year, as said Department of Agriculture shall deem necessary for the effective enforcement of the citrus fruit laws of this state. All persons authorized to inspect and certify to the maturity and grade of citrus fruit shall be governed in the discharge of their duties as such inspectors by the provisions of law and by the rules and regulations prescribed by the *Florida Citrus Authority* ~~Department of Citrus~~ and the Department of Agriculture and Consumer Services and shall perform their duties under the direction and supervision of the Department of Agriculture and Consumer Services. ~~All citrus inspectors appointed for the enforcement of this chapter shall be persons who are duly licensed or certified by the United States Department of Agriculture as citrus fruit inspectors.~~

Section 74. Section 601.32, Florida Statutes, is reenacted and amended to read:

601.32 Compensation of inspectors.—The salaries of the chief citrus inspector, the chief laboratory inspector, the district supervising inspectors, the junior and senior inspectors, and all other necessary inspectors shall be in the amount as determined and fixed by the Department of Agriculture and Consumer Services and, in addition thereto, each of said inspectors shall be reimbursed for travel expenses as provided in s. 112.061, which shall be paid upon approval of accounts therefor by the Department of Agriculture and Consumer Services. The Department of Agriculture and Consumer Services may employ such additional field and other agents and clerical assistance at such times and for such periods and incur and pay any other expenses, including

travel expenses, as provided in s. 112.061, of the Department of Agriculture and Consumer Services during the citrus fruit season, as may be necessary for the effective enforcement of the citrus fruit laws of this state and of the regulations of the *Florida Citrus Authority* ~~Department of Citrus~~ and assure the payments of the inspection fees imposed or that may be imposed under the authority of law.

Section 75. Section 601.33, Florida Statutes, is reenacted and amended to read:

601.33 Interference with inspectors.—It is unlawful for any person to obstruct, hinder, resist, interfere with, or attempt to obstruct, hinder, resist, or interfere with any authorized inspector in the discharge of any duty imposed upon or required of her or him by the provisions of law or by any rule or regulation prescribed by the *Florida Citrus Authority* ~~Department of Citrus~~ or the Department of Agriculture and Consumer Services, or to change or attempt to change any instrument, substance, article, or fluid used by such inspector or emergency inspector in making tests of citrus fruit or the canned or concentrated products thereof.

Section 76. Section 601.34, Florida Statutes, is reenacted to read:

601.34 Duties of law enforcement officers.—Each state or county law enforcement officer shall make arrests for violations of the citrus fruit laws of this state or of any rule, regulation, or order promulgated by the commission or the Department of Agriculture and Consumer Services under authority of law when notified of such violation by the department or its duly authorized agent or representative.

Section 77. Section 601.35, Florida Statutes, is reenacted and amended to read:

601.35 Disputes as to quality, etc.; procedure.—When any dispute as to quality, grade, or condition of citrus fruit or the canned or concentrated products thereof arises, the shipper or any financially interested person may call in at his, her, or its expense an inspector licensed or certified only by the United States Department of Agriculture to inspect such citrus fruit or its canned or concentrated products. Such inspector shall issue a regular official certificate to the applicant showing the quality, grade, and condition thereof and, in all cases, such certificate shall be prima facie evidence. If such certificate shows the citrus fruit or the canned or concentrated products thereof therein-mentioned and described to conform to the provisions of this chapter and the rules, regulations, or orders of the *Florida Citrus Authority* ~~Department of Citrus~~ and of the Department of Agriculture and Consumer Services, such shipper or such financially interested person may present the original certificate to the person or representative of the person having charge of the vehicle of transportation by which such citrus fruit or the canned or concentrated products thereof is to be transported, which person or representative shall then accept such citrus fruit or the canned or concentrated products thereof for shipment provided that all other provisions of this chapter and of the rules, regulations, and orders of the *Florida Citrus Authority* ~~Department of Citrus~~ and of the Department of Agriculture and Consumer Services have been met and complied with.

Section 78. Section 601.36, Florida Statutes, is reenacted to read:

601.36 Inspection information required when two or more lots of fruit run simultaneously.—In the event that any packinghouse packing citrus fruit or canning plant canning citrus fruit or concentrating plant concentrating citrus fruit shall have present therein or shall be packing, canning, or concentrating two or more lots of fruit simultaneously, the manager or other person in charge of said packinghouse or said canning plant or said concentrating plant shall notify the citrus fruit inspector conducting inspections at said packinghouse or canning plant or concentrating plant of said fact and furnish to said inspector full information as to the source of said several lots of fruit and the number of boxes in each several lots.

Section 79. Section 601.37, Florida Statutes, is reenacted to read:

601.37 Unlawful acts of inspectors.—It is unlawful for any authorized inspector to make or deliver a certificate of inspection and maturity and quality of any citrus fruit or the canned or concentrated

products thereof upon which the inspection fees and advertising taxes have not been paid or the payment thereof guaranteed, or to make or issue any false certificate as to inspection, maturity, quality, or payment of inspection fees.

Section 80. Section 601.38, Florida Statutes, is reenacted and amended to read:

601.38 Citrus inspectors; authority.—For the purpose of enforcing the provisions of the citrus fruit laws of this state, as well as the regulations of the *Florida Citrus Authority* ~~Department of Citrus~~, citrus fruit inspectors may enter into any packinghouse or canning plant or concentrating plant at any hour of day or night and have and demand access and admission to any enclosed portion of said packinghouse, canning plant, or concentrating plant. Said citrus fruit inspectors may also inspect all packinghouse or canning plant records pertaining to receipts from groves and to details of receiving, handling, running, processing, packing, or canning citrus fruit.

Section 81. Section 601.39, Florida Statutes, is reenacted and amended to read:

601.39 Special inspectors.—In cases of emergency or necessity, when no citrus fruit inspector is available for inspection of a particular lot of citrus fruit or the canned or concentrated products thereof, the Department of Agriculture and Consumer Services may designate some fit and competent individual to inspect, test, and certify as to such lot of fruit or the canned or concentrated products thereof. Certificates made or issued by such designated individual shall be signed by her or him as “Special citrus fruit inspector.” The designated individual shall not be required to give any bond, but shall be subject to the penalties imposed for violation of any of the provisions of the citrus fruit laws.

Section 82. Section 601.40, Florida Statutes, is reenacted and amended to read:

601.40 Registration of citrus packinghouses, processing plants with department.—The owner, manager, or operator of each packinghouse, canning plant, or concentrating plant, at which it is intended to pack, can, concentrate, or prepare citrus fruit for market or transportation during the then-present or the next ensuing citrus fruit shipping season, shall register such packinghouse, canning plant, or concentrating plant and its location, shipping point, and post office with the Department of Agriculture and Consumer Services not less than 10 days before packing, canning, concentrating, or otherwise preparing any citrus fruit or the canned or concentrated products thereof for sale or transportation in or at such packinghouse, canning plant, or concentrating plant; and she or he shall, in addition to such registration, give the said Department of Agriculture and Consumer Services not less than 7 days’ written notice of the date on which packing, canning, concentrating, or other preparation for sale or transportation of citrus fruit of the then-current or the next ensuing season’s crop will be begun. The Department of Agriculture and Consumer Services shall issue a certificate of registration to each such packinghouse, canning plant, or concentrating plant registering; provided, however, that no such certificate of registration shall be issued to any packinghouse, canning plant, or concentrating plant unless the operator thereof shall have first applied for and received her or his license as a citrus fruit dealer and furnished a bond as such citrus fruit dealer in accordance with law.

Section 83. Section 601.41, Florida Statutes, is reenacted and amended to read:

601.41 Operation without registration unlawful.—It is unlawful for any person to operate a citrus fruit packinghouse, canning plant, or concentrating plant, or to pack or otherwise prepare for sale or transportation any citrus fruit at such packinghouse, canning plant, or concentrating plant without having previously registered said packinghouse, canning plant, or concentrating plant and given the notice required in s. 601.40 and having received and still having unrevoked from the Department of Agriculture and Consumer Services a certificate; provided, that no certificate of inspection and maturity of any fruit shall be issued by any authorized inspector except to a person who has registered with the Department of Agriculture and Consumer

Services during the then-current year and has an unrevoked certificate of registration and has given to said Department of Agriculture and Consumer Services the notice required.

Section 84. Section 601.42, Florida Statutes, is reenacted and amended to read:

601.42 Revocation of registration.—Whenever the Department of Agriculture and Consumer Services shall issue a certificate of registration to any packinghouse, canning plant, or concentrating plant for the purpose of processing citrus fruit or citrus products, as provided by s. 601.40, and said Department of Agriculture and Consumer Services shall thereafter revoke or suspend the license of any citrus fruit dealer who may own, operate, or have any proprietary or ownership interest in any such packinghouse, canning plant, or concentrating plant aforesaid, the certificate of registration as provided for in s. 601.40 shall automatically and without further proceedings stand suspended or revoked during the entire period of the suspension or revocation of the citrus fruit dealer’s license.

Section 85. Section 601.43, Florida Statutes, is reenacted and amended to read:

601.43 Immature and unfit citrus fruit; individual sampling.—Any oranges, grapefruit, and tangerines not conforming to the minimum maturity requirements set forth in this chapter and any citrus hybrids not conforming to the minimum maturity requirements set forth in *Florida Citrus Authority* ~~Department of Citrus~~ regulations shall be deemed and held to be immature and unfit for human consumption. In the testing of fruit to determine whether the same conforms to such requirements, any inspector shall have the right and authority to test the individual fruit in any given sample of fruit drawn in the number and by the manner as prescribed by regulations of the *Florida Citrus Authority* ~~Department of Citrus~~. If, upon the testing of the juice of said individual fruit in any sample, more than 10 percent of said individual fruit shall fail by more than one-half percentage point to meet the minimum ratio of total soluble solids to anhydrous citric acid which is required for such fruit, then all of the fruit in the lot from which said sample was drawn shall be deemed and held to be immature and unfit for human consumption.

Section 86. Section 601.44, Florida Statutes, is reenacted and amended to read:

601.44 Destruction of immature fruit.—All citrus fruit or processed citrus products prepared for sale or transportation, which is being prepared for such purpose, or which has been or is being delivered for sale or transportation that may be found immature or otherwise unfit for human consumption upon inspection and testing shall be seized and destroyed by a citrus fruit inspector or the sheriff of the county where found as may be provided by regulations prescribed by the *Florida Citrus Authority* ~~Department of Citrus~~. Said determination of immaturity or unfitness for human consumption may be made by a citrus fruit inspector at any place where such citrus fruit may be found after severance from the tree, and such seizure and destruction may likewise occur at any such place. However, in the event of seizure of citrus fruit upon the grounds that such citrus fruit fails to show a break in color required by this chapter or *Florida Citrus Authority* ~~Department of Citrus~~ regulations for that particular variety of citrus fruit, the owner or person in charge of such citrus fruit shall be allowed to separate and retain for subsequent use, in accordance with the provisions of this chapter or *Florida Citrus Authority* ~~Department of Citrus~~ regulations, that portion of such citrus fruit which shows a break in color required by this chapter or *Florida Citrus Authority* ~~Department of Citrus~~ regulations for that particular variety and, in such case, only that portion thereof which fails to show a break in color for such variety, as required by this chapter or *Florida Citrus Authority* ~~Department of Citrus~~ regulations, shall be destroyed by a citrus fruit inspector or the sheriff of the county, as may be prescribed by regulations of the *Florida Citrus Authority* ~~Department of Citrus~~.

Section 87. Section 601.45, Florida Statutes, is reenacted and amended to read:

## 601.45 Grading of fresh citrus fruit.—

(1) All citrus fruit, except as provided in s. 601.50, sold or shipped, or offered for sale or shipment, for consumption in fresh form shall be graded in a registered packinghouse in this state according to standards established by the *Florida Citrus Authority Department of Citrus*, and the grade of such fruit shall be indicated as hereinafter provided.

(2) Fresh citrus fruit being transported in bulk form shall have stamped upon such fruit, subject to department rules:

(a) The actual grade thereof; or

(b) Brands or trademarks properly registered with the *Florida Citrus Authority department* to represent state or U.S. grades, as provided in subsection (4).

(3) For fresh citrus fruit being transported when packed in a closed container approved or otherwise authorized by the *Florida Citrus Authority Department of Citrus*, it shall be sufficient if the closed container has the grade indicated thereon, in accordance with *Florida Citrus Authority department* rules, by:

(a) Stamping the grade of the fruit on the container; or

(b) Use of labels, brands, or trademarks properly registered with the *Florida Citrus Authority department* to represent state or U.S. grades, as provided in subsection (4).

(4) In accordance with such rules as the *Florida Citrus Authority Department of Citrus* may prescribe, licensed citrus fruit dealers in this state shall be entitled to register labels, brands, or trademarks for grade identification purposes. The *Florida Citrus Authority department* shall maintain a record of all labels, brands, or trademarks registered for grade identification purposes, which record may be purged as necessary.

Section 88. Section 601.46, Florida Statutes, is reenacted and amended to read:

## 601.46 Condition precedent to sale of citrus fruit.—

(1) It is unlawful, except as provided in s. 601.50, for any person to sell or offer for sale, to transport, prepare, receive, or deliver for transportation or market any citrus fruit in fresh form unless such fruit has matured in accordance with the maturity standards and is accompanied by a certificate of inspection and maturity thereof issued by a duly authorized citrus fruit inspector of the Department of Agriculture and Consumer Services. However, the *Florida Citrus Authority Department of Citrus* may by regulation provide that, in lieu of the accompaniment of such shipment by a certificate of inspection and maturity, the fact of such inspection may be shown by appropriate means on the manifest or bill of lading covering such shipment.

(2) Inspection for maturity may be made at any time, anywhere, after the fruit is severed from the tree until the shipment, after inspection and certification, is accepted by common carrier or until it has been transported beyond the state lines where being transported other than by a common carrier.

(3) Shipments in bulk, either by common carrier or otherwise, to a packinghouse for repacking in Florida must be reinspected and certified before final delivery to a carrier. However, only one inspection fee shall be paid by the shipper.

(4) It shall be unlawful at any time for any person to sell or offer for sale, transport, prepare, receive, or deliver for transportation or market any citrus fruit which is immature or otherwise unfit for human consumption, or for any person to receive any such citrus fruit under a contract of sale, or for the purpose of sale, offering for sale, transportation, or delivery for transportation thereof. However, these provisions shall not apply to sale of citrus fruit “on the trees” or to common carriers or their agents when the fruit accepted for transportation or transported by any common carrier is accompanied by proper proof of inspection, maturity, and grade.

Section 89. Section 601.461, Florida Statutes, is reenacted to read:

## 601.461 Falsification of weights; penalty.—

(1) It shall be unlawful for any person, firm, association, or corporation to falsify or alter any certificate, slip, or other document evidencing or pretending to evidence the weight of citrus fruit bought by weight or knowingly to make, utter, or deliver any such certificate, slip, or document which shall be false or to counsel, assist in, or procure any such act.

(2) Any person, firm, association, or corporation convicted of the violation of any provision of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 90. Section 601.47, Florida Statutes, is reenacted and amended to read:

601.47 Condition precedent to processing citrus.—It is unlawful for any person to can any citrus fruits or to can or concentrate the juices thereof unless such fruit is mature in accordance with the maturity standards and is accompanied by a certificate of inspection and maturity thereof issued by a duly authorized citrus fruit inspector of the Department of Agriculture and Consumer Services. Inspection for maturity shall be made at the canning or concentrating plant with the further proviso that shipments either by common carrier or otherwise to a canning plant or a concentrating plant in Florida must be reinspected and recertified before use by the canner or concentrator.

Section 91. Section 601.471, Florida Statutes, is reenacted to read:

601.471 Definition of “canned or concentrated citrus fruit products” expanded.—The term “canned or concentrated citrus fruit products” when used in ss. 601.48-601.54 shall include chilled citrus juice, chilled citrus sections, or otherwise processed products of citrus fruit.

Section 92. Section 601.48, Florida Statutes, is reenacted and amended to read:

## 601.48 Grading processed citrus products.—

~~(1) All processed citrus products for which grade standards may be established, if sold, shipped, or offered for sale or shipment, except as provided in s. 601.50, shall be inspected for grade in a registered processing plant, and shall be graded according to standards established by the Department of Citrus, and the grade of such processed citrus products shall be designated on the immediate container thereof in such manner as the Department of Citrus may by rule prescribe.~~

~~(1)(2) If such processed citrus products meet the requirements of the two highest grades as established by the Florida Citrus Authority Department of Citrus or, at the option of the processor, the two highest grades established by the United States Department of Agriculture, the processor shall have the privilege, in lieu of the grade declaration requirements of subsection (1), of using labels, brands, or trademarks properly registered with the Florida Citrus Authority Department of Citrus, as provided in subsection (2)(3), to represent state or U.S. grades.~~

~~(2)(3) In accordance with such rules as the Florida Citrus Authority Department of Citrus may prescribe, licensed citrus fruit dealers in this state shall be entitled to register labels, brands, or trademarks for grade identification purposes. The Florida Citrus Authority department shall maintain a record of all labels, brands, and trademarks registered for grade identification purposes, which record may be purged as necessary.~~

~~(3)(4) The grade labeling requirements of this section shall not apply to intrastate shipments of processed citrus products between licensed citrus fruit dealers who are operators of processing plants duly registered under s. 601.40.~~

Section 93. Section 601.49, Florida Statutes, is reenacted and amended to read:

601.49 Condition precedent to selling processed citrus products.—It is unlawful for any person, except as provided in s. 601.50, to sell or offer for sale, to transport, receive, or deliver for transportation, or market any canned or concentrated products of citrus fruits unless the same has



been inspected and is accompanied by a certificate of inspection issued by a duly authorized inspector of the Department of Agriculture and Consumer Services, provided, however, that the *Florida Citrus Authority* Department of Citrus shall by regulation provide that in lieu of the accompaniment of such shipment by a certificate of inspection, the fact of such inspection may be shown by appropriate means on the manifest or bill of lading covering such shipment.

Section 94. Section 601.50, Florida Statutes, is reenacted and amended to read:

601.50 Exemptions; sale or shipment of citrus or citrus products for certain purposes.—Irrespective of the provisions of ss. 601.45, 601.46, 601.48, 601.49, 601.51, and 601.52, the *Florida Citrus Authority* Department of Citrus under such precautionary rules and regulations as it may deem expedient may permit sale or shipment of citrus fruit or the canned or concentrated products thereof without the issuance of and filing of inspection certificate and without the grade being shown on the container thereof, of:

(1) Intrastate shipments of fresh citrus fruit for consumption or use within the state;

(2) Shipments to be used for charitable or unemployment relief purposes;

(3) Shipments to the United States Government or any of its agencies and interstate shipments to any packinghouse, canning plant, or concentrate plant for commercial processing, as may be defined by the *Florida Citrus Authority* Department of Citrus; or to fresh fruit juice distributors outside the state;

(4) Shipments by any method of transportation by “gift fruit shippers,” as defined by the *Florida Citrus Authority* Department of Citrus, but such shipments shall not be for the purpose of resale by the consignee thereof;

but, provided however that, no such rule or regulation issued hereunder shall permit or allow the sale or shipment of citrus fruit deemed by this section to be immature and unfit for human consumption nor of canned or concentrated products thereof prepared or made from citrus fruit deemed by this law to be immature and unfit for human consumption; but, provided further, that shipments under subsections (1) and (4) shall meet such minimum grade standards as may, from time to time, be established by the *Florida Citrus Authority* Department of Citrus; and, provided further that such rules and regulations shall provide for the due collection of any advertising taxes and inspection fees that may be due thereon.

Section 95. Section 601.501, Florida Statutes, is reenacted to read:

601.501 Charitable shipments tax exempt.—Shipments of citrus fruit when permitted under s. 601.50 for charitable purposes shall be exempt from all advertising taxes.

Section 96. Section 601.51, Florida Statutes, is reenacted and amended to read:

601.51 Certification required for shipment of citrus fruit or products.—No common carrier or other carrier or person, except as provided in s. 601.50, shall accept for shipment, ship, or transport any citrus fruit or the canned or concentrated products thereof until a grade certificate is issued showing the grade thereof, which certificate or a duplicate thereof shall be filed with the carrier at the point of shipment, nor shall any common carrier or other carrier or person accept for shipment or ship any citrus fruit or the canned or concentrated products thereof where written notice has been given to such common carrier, other carrier or person, or her or his representative or agent by the Department of Agriculture and Consumer Services or its authorized agent, employee, or inspector that said citrus fruit or the canned or concentrated products thereof does not comply with the provisions of law or the rules and regulations promulgated by the *Florida Citrus Authority* Department of Citrus or the Department of Agriculture and Consumer Services; provided that the shipper or handler of such citrus fruit or the canned or concentrated products thereof shall have the

privilege of repacking or remarking, and that, if or when the same shall have been repacked or remarked to conform to the provisions of law or said rules, regulations, or orders promulgated by the *Florida Citrus Authority* Department of Citrus or the Department of Agriculture and Consumer Services, the Department of Agriculture and Consumer Services or its authorized inspector or agent shall notify said common carrier, other carrier or person, or her or his agent that such citrus fruit or the canned or concentrated products thereof may be accepted for shipment, and such shipper or handler shall not be considered as having violated this chapter or said rules, regulations, or orders, but provided further that this section shall be deemed to have been complied with if the shipper shall have conformed to regulations issued by the *Florida Citrus Authority* Department of Citrus under the provisions of s. 601.49.

Section 97. Section 601.52, Florida Statutes, is reenacted to read:

601.52 Carriers not to accept fruit unless same bears evidence of payment of excise taxes.—No common carrier or other carrier or person, except as provided in s. 601.50, shall accept for shipment, ship, or transport any citrus fruit or processed citrus products unless the grade certificate, manifest, or bill of lading covering said citrus fruit or processed citrus products bears evidence of the payment, as provided by law, of the taxes, assessments, and fees imposed by this chapter.

Section 98. Section 601.53, Florida Statutes, is reenacted to read:

601.53 Unlawful to process unwholesome citrus.—It is unlawful for any person to can or concentrate, or buy for canning or concentrating purposes, or sell for canning or concentrating purposes in Florida any citrus fruit that is unwholesome or decomposed so that it is unfit for canning or concentrating purposes.

Section 99. Section 601.54, Florida Statutes, is reenacted and amended to read:

601.54 Seizure of unwholesome fruit by Department of Agriculture and Consumer Services Agriculture’s agents.—

(1) The Department of Agriculture and Consumer Services or its duly authorized inspectors shall seize and destroy all citrus fruit found by said Department of Agriculture and Consumer Services or inspectors to be unwholesome or decomposed so that it is unfit for canning or concentrating purposes as defined by law or by any regulation of the *Florida Citrus Authority* Department of Citrus pursuant to authority given in this chapter and, in the event any inspector shall find that any canner or concentrator is canning or concentrating fruit prohibited to be used, she or he may seize and destroy not only such fresh fruit found in the canning or concentrating plant but also citrus fruit or juice in the process of being canned or concentrated or which has been canned or concentrated from the same lot or shipment wherein the fresh fruit is found by said inspector to be subject to seizure under the provisions of this section.

(2) Whenever any inspector finds citrus fruit in the canning or concentrating plant which should be destroyed under the provisions of this law, the operator, manager, or other person in charge of the canning or concentrating plant shall make known to the inspector the code number or other manner of identifying any fruit or the canned or concentrated products thereof that has been canned or concentrated from the same lot or shipment wherein is found the said fruit subject to be seized.

Section 100. Section 601.55, Florida Statutes, is reenacted and amended to read:

601.55 Citrus fruit dealer; license required.—

(1) No person shall act as a citrus fruit dealer in this state without first having applied for and obtained the issuance of a current license for each shipping season, or portion thereof.

(2) An application for a citrus fruit dealer’s license shall be within one of the following classifications, and any license that may be issued upon such application shall have an effective date as herein prescribed.

(a) A “repeat application” is defined as an application filed by a dealer who held a valid license during the season immediately preceding

that for which application is made; and, if the application is approved on or before August 1, such license shall be in effect for the period August 1 through July 31 of the shipping season applied for. Any license issued upon approval of such application, if approval is granted after August 1, shall be effective from the date of license issuance through July 31 of the shipping season applied for.

(b) Any application filed by an applicant who was not licensed during the immediately preceding shipping season for which the license application is made shall be considered a "new application." Any license subsequently issued upon approval of such application shall be effective from the date of license issuance through July 31 of the shipping season applied for.

The termination dates of citrus fruit dealers' licenses as set forth above shall not apply to a temporary license approved and issued in accordance with s. 601.57(3).

(3) An applicant shall be limited to the filing of one application for each citrus shipping season, which application may be amended if necessary to comply with the requirements of this chapter and regulations of the *Florida Citrus Authority Department of Citrus*.

Section 101. Section 601.56, Florida Statutes, is reenacted and amended to read:

601.56 Application for dealers' licenses; requirements.—Any person desiring to engage in the business of citrus fruit dealer in the state shall make application to the *Florida Citrus Authority Department of Citrus* for a license. The *Florida Citrus Authority Department of Citrus* shall by regulation prescribe the information to be contained in such application.

(1) All such applications, in addition to other information which may be prescribed by the *Florida Citrus Authority Department of Citrus*, must contain the following information:

(a) Name and address of the individual, firm, partnership, association, corporation, or other business unit applying for a license;

(b) Names and addresses of the principal stockholders, officers, partners, or other individuals belonging to or connected with the applicant if the applicant for a license is a firm, partnership, association, corporation, or other business unit, whether it be for profit or otherwise;

(c) The length of time the applicant has been engaged in the citrus fruit business in Florida in any manner whatsoever;

(d) A statement of delinquent accounts growing out of the ordinary course of business with producers, if any there be;

(e) A financial statement of the applicant, if required by the *Florida Citrus Authority Department of Citrus*, showing such information as the *Florida Citrus Authority Department of Citrus* may prescribe regarding the financial conditions of the applicant;

(f) Whether or not the applicant or any of its officers, directors, or stockholders have previously been licensed as a citrus fruit dealer, or connected with a licensed citrus fruit dealer in the state and, if so, the date all such licenses were obtained; and

(g) The number of boxes of citrus fruit, measured in terms of standard-packed boxes, which the applicant intends to deal with during the current or ensuing shipping season.

(2) If the applicant is an individual and is shown to be a nonresident of the state, or is a copartnership and each member is shown to be a nonresident of the state, in either event, the said applicant shall designate some bona fide resident of the state as such applicant's resident agent upon whom process may be served. The service of process of any of the courts of this state upon such resident agent shall be as effectual and binding upon said applicant as if personally served upon said applicant.

(3) If the applicant is a corporation, then such corporation must be one organized and existing under the laws of this state or having an unrevoked permit authorizing it to transact business in this state.

(4) When a license application is submitted for a person or business entity which has an unpaid balance due and owing the *Florida Citrus Authority Department of Citrus* for any citrus excise taxes or delinquency fees levied and imposed under the authority of this chapter, the applicant shall be notified immediately by the department; and such application shall not be further processed or presented to the commission for action until such taxes and fees are paid in full. However, any applicant whose taxes are under review by the *Florida Citrus Authority Department of Citrus* or are contested in the appropriate administrative agency or court shall not have its application denied solely on the basis of owed taxes or fees, until the matter is determined by the department, agency, or court.

Section 102. Section 601.57, Florida Statutes, is reenacted and amended to read:

601.57 Examination of application; approval of dealers' licenses.—

(1) The *Florida Citrus Authority Department of Citrus* shall, within a reasonable time, examine the application and consider the information submitted therewith, including the applicant's financial statement and the reputation of the applicant as shown by applicant's past and current history and activities, including applicant's method and manner of doing business. The *Florida Citrus Authority Department of Citrus* shall also consider the past history of any applicant, either individually or in connection with any individual, copartnership, corporation, association, or other business unit with whom any applicant shall have been connected in any capacity, and may in proper cases impute to any individual, corporation, copartnership, association, or other business unit liability for any wrong or unlawful act previously done or performed by such individual, corporation, copartnership, association, or other business unit.

(2) If the Florida Citrus Commission shall, by a majority vote, be of the opinion that the applicant is qualified and entitled to a license as a citrus fruit dealer, the commission shall approve the application; otherwise the application shall be disapproved. However, commission approval of any application may be contingent upon such reasonable conditions as may be endorsed thereon by the commission, or commission action on an application may, by majority vote, be deferred to a subsequent date.

(3) In cases of deferred action, as set forth in subsection (2), if the applicant so requests and the factual circumstances are deemed by the commission so to justify, the commission may approve the granting of a temporary license to be valid for a period to be set by the commission, not to exceed 60 days. No more than one temporary license shall be approved for any applicant during a shipping season. No temporary license may be approved unless all requirements relating to bonds or fees required to be posted or paid by the applicant have been met the same as though the approval were not of a temporary nature.

(4) Grounds for the disapproval of the application include, but are not limited to:

(a) Any previous conduct of the applicant which would have been grounds for revocation or suspension of a license as hereinafter provided if the applicant had been licensed.

(b) Delinquent accounts of the applicant owing to and growing out of the ordinary course of business with producers and other persons or firms.

(c) Delinquent accounts of the applicant with any person or persons with whom applicant has dealt in its operations under a previous license.

(d) Failure of the applicant or its owners, partners, officers, or agents to comply with any valid order of the Department of Agriculture and Consumer Services or the *Florida Citrus Authority Department of Citrus* relating to citrus fruit laws or rules.

(e) Applicant's violation, or aiding or abetting in the violation, of any federal or Florida law or governmental agency rule or regulation governing or applicable to citrus fruit dealers.

(5) When the applicant is a corporate or other business entity, the term "applicant" as used in this section shall be deemed to include within its meaning those individuals who have been, or can reasonably be expected to be, actively engaged in the managerial affairs of the corporate or other business entity applicant.

(6) The *Florida Citrus Authority* ~~Department of Citrus~~ shall designate not more than three employees directly involved in the processing of citrus fruit dealer license applications, who shall be a part of, and shall have access to, the criminal justice information system described in chapter 943, for purposes of investigating license applicants.

(7) The *Florida Citrus Authority* ~~Department of Citrus~~ is authorized to establish by rule the procedure and guidelines for granting interim conditional staff approval for issuance of a conditional citrus fruit dealer's license, which license shall at all times be subject to final approval or other action by the commission at its next regular meeting. Any license so issued shall clearly and conspicuously indicate thereon the conditional nature of the approval and pendency of final action.

Section 103. Section 601.58, Florida Statutes, is reenacted to read:

601.58 Application approval or disapproval.—

(1) Each citrus fruit dealer's license application which is approved, or approved subject to conditions, shall be forwarded immediately to the Department of Agriculture and Consumer Services, which shall, upon satisfaction of the stated conditions, if any are endorsed thereon, issue to the applicant an appropriate license as prescribed in s. 601.60.

(2) Each temporary license granted under s. 601.57(3), license with conditions approved by the commission under s. 601.57(2), or conditional license issued upon interim staff approval under s. 601.57(7) shall clearly and conspicuously show thereon the specific conditions, or the temporary or conditional nature, thereof.

(3) No license shall be issued to any applicant whose application has been finally disapproved by the commission. Once an application has been finally disapproved by the commission, the application shall remain disapproved for the remainder of the subject shipping season.

Section 104. Section 601.59, Florida Statutes, is reenacted and amended to read:

601.59 Dealer's license fee; agent's registration fee.—

(1) Each applicant who qualifies for a citrus fruit dealer's license shall pay to the Department of Agriculture and Consumer Services, prior to issuance of such license, a license fee of \$25 per shipping season or portion thereof covered by the license.

(2) A registration fee of \$10 per shipping season or portion thereof covered by the dealer's license shall be paid to the Department of Agriculture and Consumer Services for the registration of each agent of a licensed citrus fruit dealer.

(3) All license and registration fees imposed and collected under the provisions of this section shall be paid to the State Treasury on or before the 15th day of each month. Such moneys shall be deposited in the Citrus Inspection Trust Fund and are hereby appropriated in the manner provided by s. 601.28(3)(b).

Section 105. Section 601.60, Florida Statutes, is reenacted and amended to read:

601.60 Issuance of dealers' licenses.—

(1) Whenever an application bears the approved endorsement of the *Florida Citrus Authority* ~~Department of Citrus~~ and satisfactions of conditions of approval, if any, and the applicant has paid the prescribed fee, the Department of Agriculture and Consumer Services shall issue to such applicant a license, as approved by the *Florida Citrus Authority* ~~Department of Citrus~~, which shall entitle the licensee to do business as a citrus fruit dealer during the effective term of such license in accordance with s. 601.55 or until such license may be suspended or revoked by the Department of Agriculture and Consumer Services in

accordance with the provisions of law. The Department of Agriculture and Consumer Services may issue a provisional license for a period of no longer than 1 year to an applicant who is under investigation for an action that would constitute a violation of this chapter or has pending against such applicant an administrative or civil proceeding which alleges an action that would constitute a violation of this chapter. The department shall establish by rule requirements for renewal of a provisional license. When the investigation is complete or the pending proceeding has been disposed of, the department may issue a regular license under this section.

(2) If, during the effective term of such license, there is any change in the ownership, officers, managership, or stockholders of any copartnership, association, corporation, or other business unit to which a license has been issued, the licensee shall immediately notify the *Florida Citrus Authority* ~~Department of Citrus~~ in writing specifying the change in detail. The *Florida Citrus Authority* ~~Department of Citrus~~ shall be entitled to receive, and the licensee shall be required to promptly furnish, such additional information as if the licensee were applying for a new license. If, after investigating the facts and applying the standards prescribed for the issuance of new licenses, the commission finds that the licensee is not entitled to a citrus fruit dealer's license, the commission shall recommend to the Department of Agriculture and Consumer Services that such existing license be suspended or revoked and, upon such recommendation, the Department of Agriculture and Consumer Services shall immediately take necessary steps to suspend or revoke such existing license.

Section 106. Section 601.601, Florida Statutes, is reenacted and amended to read:

601.601 Registration of dealers' agents.—Every licensed citrus fruit dealer shall:

(1) Register with the Department of Agriculture and Consumer Services each and every agent, as defined in s. 601.03(2), authorized to represent such dealer; make application for registration of such agent or agents on a form approved by the Department of Agriculture and Consumer Services and filed with the Department of Agriculture and Consumer Services not less than 5 days prior to the active participation of the agent or agents on behalf of such dealer in any transaction described in s. 601.03(2); and be held fully liable for and legally bound by all contracts and agreements, verbal or written, involving the consignment, purchase, or sale of citrus fruit executed by a duly registered agent on the dealer's behalf during the entire period of valid registration of such agent the same as though such contracts or agreements were executed by the dealer. Registration of each agent shall be for the entire shipping season for which the applying dealer's license is issued; however, a licensed dealer may cancel the registration of any agent registered by her or him by returning the agent's identification card to the Department of Agriculture and Consumer Services and giving formal written notice to the Department of Agriculture and Consumer Services of not less than 10 days. In addition, such dealer shall make every effort to alert the public to the fact that the agent is no longer authorized to represent her or him. An agent may be registered by more than one licensed dealer for the same shipping season, provided that each licensed dealer shall apply individually for registration of the agent and further provided that written consent is given by each and every dealer under whose license the agent has valid prior registration.

(2) When the above requirements and such additional requirements as may be set forth by regulations adopted by the *Florida Citrus Authority* ~~Department of Citrus~~ for registration of an agent have been met and the fee required by s. 601.59(2) has been paid, the Department of Agriculture and Consumer Services shall duly register the agent and issue an identification card certifying such registration. The identification card, among other things, shall show in a prominent manner:

- (a) The name and address of the agent;
- (b) The authorizing dealer's name, address, and license number;

- (c) The effective date and season for which registration is made;
- (d)1. A space for signature of the agent;
- 2. A space to be countersigned by the licensed dealer;
- 3. A statement providing that the card is not valid unless so signed and countersigned.

The *Florida Citrus Authority* ~~Department of Citrus~~ may, from time to time, adopt additional requirements or conditions relating to the registration of agents as may be necessary.

Section 107. Section 601.61, Florida Statutes, is reenacted and amended to read:

601.61 Bond requirements of citrus fruit dealers.—

(1) Except as hereinafter provided, prior to the approval of a citrus fruit dealer's license, the applicant therefor must deliver to the Department of Agriculture and Consumer Services a good and sufficient cash bond, appropriate certificate of deposit, or a surety bond executed by the applicant as principal and by a surety company qualified to do business in this state as surety, in an amount as determined by the *Florida Citrus Authority* ~~Department of Citrus~~. The amount of such bond or certificate of deposit shall be determined by taking into consideration any one or more of the following: The number of standard packed boxes of citrus fruit, or the equivalent thereof, which the applicant intends to handle during the term of the license as set forth in the application; the total volume of fruit handled by the dealer the previous season; the highest month's volume handled the previous season; the anticipated increase in the total citrus crop during the season for which the application for license is made; and other relevant factors based on the following schedule:

- (a) \$1,000 up to 2,000 boxes;
- (b) \$2,000 up to 5,000 boxes;
- (c) \$3,750 up to 7,500 boxes;
- (d) \$5,000 up to 10,000 boxes;
- (e) \$10,000 up to 20,000 boxes;
- (f) \$1,000 for each additional 20,000 boxes or fraction thereof in excess of 20,000 boxes, with a maximum bond of \$100,000.

If a citrus fruit dealer during the term of her or his license finds that she or he has handled, or can reasonably expect to handle a volume of fruit greater than that covered by a posted bond or certificate of deposit, the dealer shall have the affirmative duty of immediately notifying the Department of Agriculture and Consumer Services and initiating an increase in such bond or certificate of deposit to an amount that will meet the requirements set forth above.

(2) Said bond shall be in the form approved by the Department of Agriculture and Consumer Services and shall be conditioned as provided in s. 601.66(9), and also to fully comply with the terms and conditions of all contracts, verbal or written, made by the citrus fruit dealer with producers or with other citrus fruit dealers, relative to the purchasing, handling, sale, and accounting of purchases and sales of citrus fruit, and upon the dealer accounting for the proceeds from, and paying for, any citrus fruit purchased or contracted for, in accordance with the terms of the contracts with producers, and upon the dealer accounting for any advance payments or deposits made, and delivering all citrus fruit contracted for, in accordance with the terms of the contracts with other citrus fruit dealers. The commission may prescribe by rule that such a producer contract contain information that it considers necessary to protect the producer from deceptive practices. For purposes of this chapter, every such contract shall be conclusively deemed to have been made and entered into during the shipping season in which the delivery of fruit into the primary channel of trade is made.

(3) Said bond shall be to the Department of Agriculture *and Consumer Services*, for the use and benefit of every producer and of every citrus fruit dealer with whom the dealer deals in the purchase,

handling, sale, and accounting of purchases and sales of citrus fruit. The aggregate accumulative liability under any bond shall not exceed the amount named therein. Said bond shall provide that the surety company thereon shall not be liable to any citrus fruit dealer claiming to be injured or damaged by the said dealer if the aggregate of the amounts found to be due to producers pursuant to the provisions of this chapter equals or exceeds the amount of the bond, unless such citrus fruit dealer is also a producer and is acting in the capacity of a producer and not in the capacity of a citrus fruit dealer in the transaction wherein she or he claims to have been injured or damaged by applicant; but if the aggregate of such amounts is less than the amount of the bond, then the surety may be held liable to such citrus fruit dealers, but not in excess of the sum by which the amount of the bond exceeds the aggregate of the amounts found to be due to producers pursuant to the provisions of this chapter.

(4) The *Florida Citrus Authority* ~~Department of Citrus~~ or the Department of Agriculture *and Consumer Services*, or any officer or employee designated by the *Florida Citrus Authority* ~~Department of Citrus~~ or the Department of Agriculture *and Consumer Services*, shall have the right to inspect such accounts and records of any citrus fruit dealer as may be deemed necessary to determine whether a bond which has been delivered to the Department of Agriculture *and Consumer Services* is in the amount required by this section or whether a previously licensed nonbonded dealer should be required to furnish bond. If any such citrus fruit dealer refuses to permit such inspection, the Department of Agriculture *and Consumer Services* may publish the facts and circumstances and by order suspend the license of the offender until permission to make such inspection is given. Upon a finding by the Department of Agriculture *and Consumer Services* that any citrus fruit dealer has dealt or probably will deal with more fruit during the season than shown by the application, the Department of Agriculture *and Consumer Services* may order such bond increased to such an amount as will meet the requirements as set forth in the bond schedule of subsection (1). Upon failure to file such increased bond within the time fixed by the Department of Agriculture *and Consumer Services*, the Department of Agriculture *and Consumer Services* may publish the facts and circumstances and by order suspend the license of such citrus fruit dealer until the said bond is increased as ordered.

(5)(a) The following citrus fruit, subject to such rules as may be prescribed by the *Florida Citrus Authority* ~~Department of Citrus~~, shall not be considered as fruit with which the applicant intends to deal for the purpose of determining the amount of the bond required under subsection (1);

1. Citrus fruit which the applicant produces.
2. Citrus fruit which is handled for its members by a cooperative marketing association organized and existing under the provisions of either chapter 618 or chapter 619.
3. Fresh citrus fruit handled by the applicant, which has been prepared and packaged by a registered packinghouse other than the applicant and has been inspected and certified for shipment.
4. Citrus fruit handled by the applicant from citrus groves for which applicant provides complete grove management services under direct contract with the owner or producer.
5. Citrus fruit handled by a corporate or partnership applicant that is from citrus groves owned by officers or stockholders of the corporation or from citrus groves owned by the partnership, the parent corporation, or a wholly owned subsidiary corporation or its corporate officers or stockholders, or any partner of a partnership; provided that appropriate waivers of right to any claim against the bond required to be posted by this section be attached to and made a part of the application for license.
6. Processed citrus fruit handled by the applicant which has been processed and packaged by a registered citrus processing plant other than the applicant and has been inspected and certified for shipment.

(b) If the applicant does not intend to deal with any citrus fruit other than that which comes within the foregoing classifications, the Department of Agriculture and Consumer Services shall issue a license

without the posting of a bond. Such a license shall bear a descriptive statement to the effect that the licensee is not a bonded citrus fruit dealer.

(c) A claim against any citrus fruit dealer's bond required to be posted by this section shall not be accepted with respect to any damages in connection with fruit handled under the provisions of subparagraphs 1.-6. of paragraph (a) if such claim is filed against the bond of the dealer who was granted bond exempt status for said fruit.

(6) If any of the provisions of this act shall be held to be unconstitutional or invalid for any reason by any court of competent jurisdiction or if such court shall find or declare that no applicant shall be required to furnish the bond required by this act, then and in that event this entire act shall be ineffective for any and all purposes and the laws in effect on July 31, 1965, which are amended by this act, shall not be deemed to be amended or repealed by this act but shall instead remain in full force and effect it being the intention of the Legislature that in such event this entire act shall be ineffective for any and all purposes and the laws in effect on July 31, 1965, which are amended or repealed by this act shall instead not be deemed to be amended or repealed by this act but shall remain in full force and effect.

Section 108. Section 601.611, Florida Statutes, is reenacted to read:

601.611 Applicable law in event ch. 61-389 held invalid.—If any of the provisions of s. 601.61 be held unconstitutional or invalid for any reason by any court of competent jurisdiction, or if any such court shall find or declare that no applicant shall be required to furnish the bond required by this act, then and in that event this entire act, including s. 5 thereof, shall be ineffective for any and all purposes, and the Laws of Florida in effect on August 1, 1961, which are amended or repealed by this act shall not be deemed to be amended or repealed by this act but shall instead remain in full force and effect, it being the intention of the Legislature that in that event this entire act shall be ineffective for any and all purposes and the Laws of Florida in effect on August 1, 1961, including chapter 61-45, which are amended or repealed by this act shall not be deemed to be amended or repealed by this act but shall instead remain in full force and effect.

Section 109. Section 601.64, Florida Statutes, is reenacted and amended to read:

601.64 Citrus fruit dealers; unlawful acts.—It is unlawful in, or in connection with, any transaction relative to the purchase, handling, sale, and accounting of sales of citrus fruit:

(1) For any citrus fruit dealer to make or exact any fraudulent charge to or from any person;

(2) For any citrus fruit dealer to reject or fail to deliver in accordance with the terms of the contract without reasonable cause any citrus fruit bought, sold, or contracted to be bought or sold by such citrus fruit dealer;

(3) For any citrus fruit dealer to discard, dump, or destroy without reasonable cause any citrus fruit received by such citrus fruit dealer;

(4) For any citrus fruit dealer to make, for a fraudulent purpose, any false or misleading statement concerning the condition, quality, quantity, or disposition of, or the condition of the market for, any citrus fruit which is received by such citrus fruit dealer or bought or sold or contracted to be bought or sold by such citrus fruit dealer; or the purchase or sale of which is negotiated by such citrus fruit dealer; or to fail or refuse truly and correctly to account and make full payment promptly in respect of any such transaction in any such citrus fruit to the person with whom such transaction is had, or to fail or refuse on such account to make full payment of such amounts as may be due thereon, or to fail without reasonable cause to perform any specification or duty express or implied arising out of any undertaking in connection with any such transaction;

(5) For any citrus fruit dealer to knowingly buy, sell, receive, process, or handle stolen citrus fruit;

(6) For any citrus fruit dealer to violate, or aid or abet in the violation of, any law of Florida governing or applicable to citrus fruit dealers, including any of the provisions of this chapter not herein specifically set forth;

(7) For any citrus fruit dealer to violate or aid or abet in the violation of any rule or regulation duly promulgated by the *Florida Citrus Authority* ~~Department of Citrus~~.

Section 110. Section 601.641, Florida Statutes, is reenacted to read:

601.641 Fraudulent representations, penalties.—

(1) It shall be unlawful for any person, firm, association, or corporation to claim or represent to be a licensed citrus fruit dealer, licensed and bonded citrus dealer, or agent of a licensed citrus fruit dealer unless such person, firm, association, or corporation is licensed, licensed and bonded, or a registered agent of a licensed citrus fruit dealer under the Laws of Florida.

(2) It shall be unlawful for any person, firm, association, or corporation to advertise or in any way represent falsely as to her or his status as a seller of citrus fruit, to make any false claim as to the status of such seller of citrus fruit, or to make any false claim as to the condition, grade, quality, quantity, grove origin, or producer's name and address of any citrus fruit sold by any such person, firm, association, or corporation.

(3) It shall be unlawful for any person, firm, association, or corporation licensed under this chapter to advertise or to use on her or his letterhead, or on any advertising material, or in any way pretend to be a bonded shipper unless said person, firm, association, or corporation has filed and had approved a performance bond in addition to the bond required under this chapter.

(4) This section is supplemental, making provisions in addition to any other provisions of law and shall be construed liberally.

(5) Any person, firm, association, or corporation violating any of the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Such criminal penalties shall be in addition to any other penalties provided by law. If the violator be a licensed citrus fruit dealer, then such license may be revoked or suspended in the manner provided by s. 601.67.

Section 111. Section 601.65, Florida Statutes, is reenacted and amended to read:

601.65 Liability of citrus fruit dealers.—If any licensed citrus fruit dealer violates any provision of this chapter, such dealer shall be liable to the person allegedly injured thereby for the full amount of damages sustained in consequence of such violation. Such liability may be enforced either by proceeding in an administrative action to and before the Department of Agriculture *and Consumer Services* and pursuing such action to its ultimate termination if desired or by filing of a judicial suit at law in a court of competent jurisdiction; however, in such court suit the bond of such citrus fruit dealer theretofore posted with the Department of Agriculture *and Consumer Services* pursuant to s. 601.61 shall not be amenable or subject to any judgment or other legal process issuing out of or from such court in connection with such law suit, whether cash bond or surety company bond, but such bonds shall be amenable to and enforceable only by and through administrative proceedings before the Department of Agriculture *and Consumer Services*, it being the intent and purpose of the Legislature that such citrus dealer's bond so posted with the Department of Agriculture *and Consumer Services* shall be applicable and liable only for the payment of claims duly adjudicated by order of the Department of Agriculture *and Consumer Services* and the determination of such adjudicated claim if and in the event such order is appealed by any aggrieved party to the administrative proceeding.

Section 112. Section 601.66, Florida Statutes, is reenacted and amended to read:

601.66 Complaints of violations by citrus fruit dealers; procedure; bond distribution; court action on bond.—

(1) Any person may complain of any violation of any of the provisions of this chapter by any citrus fruit dealer during any shipping season, by filing of a written complaint with the Department of Agriculture and Consumer Services at any time prior to May 1 of the year immediately following the end of such shipping season. Said complaint shall briefly state the facts, and the Department of Agriculture and Consumer Services shall thereupon, if the facts alleged prima facie warrant such action, forward true copies of said complaint to the dealer in question and also to the surety company on the dealer's bond. The dealer at such time shall be called upon, within a reasonable time to be prescribed by the Department of Agriculture and Consumer Services, either to satisfy the complaint or to answer the complaint in writing, either admitting or denying the liability.

(2) If the dealer admits the violation but fails to satisfy the complaint within the time fixed by the Department of Agriculture and Consumer Services, the Department of Agriculture and Consumer Services shall thereupon order payment by the dealer of the damages sustained.

(3) If the dealer, in her or his answer to the original complaint, denies the violation alleged, the Department of Agriculture and Consumer Services shall thereupon determine whether the facts and circumstances set forth in the complaint have been established by competent substantial evidence.

(4) If the Department of Agriculture and Consumer Services determines that the complaint has not been so established as aforesaid, the order shall, among other things, dismiss the proceeding.

(5) If the Department of Agriculture and Consumer Services determines that the allegations of the complaint have been established as aforesaid, it shall make its findings of fact accordingly and thereupon adjudicate the amount of indebtedness or damages due to be paid by the dealer to the complainant. The administrative order shall fix a reasonable time within which said indebtedness shall be paid by the dealer.

(6) Upon failure by a dealer to comply with an order of the Department of Agriculture and Consumer Services directing payment, the Department of Agriculture and Consumer Services shall call upon the surety company to pay over to the Department of Agriculture and Consumer Services, out of the bond theretofore posted by the surety for such dealer, the amount of damages sustained but not exceeding the amount of the bond. The proceeds to the Department of Agriculture and Consumer Services by the surety company shall, in the discretion of the Department of Agriculture and Consumer Services, be either paid to the original complainant or held by the Department of Agriculture and Consumer Services for later disbursement, depending upon the time during the shipping season when the complaint was made, when liability was admitted by the dealer, when the proceeds were so paid by the surety company to the Department of Agriculture and Consumer Services, the amount of other claims then pending against the same dealer, the amount of other claims already adjudicated against the dealer, and such other pertinent facts as the Department of Agriculture and Consumer Services in its discretion may consider material. The Department of Agriculture and Consumer Services, if it decides to pay the proceeds to the original complainant, has authority to order an increase in the original bond of the dealer to such higher sum as to the Department of Agriculture and Consumer Services would be justified under all the circumstances so as to protect other possible claimants and to exercise all powers otherwise confided to it under this chapter to enforce the posting of such increased bond. The Department of Agriculture and Consumer Services also, in its discretion as the facts and circumstances might appear to it, may hold the amount of such proceeds until such later time, up to the time when all claims have been filed during the allotted period after the closing of the shipping season and such claims adjudicated, and may then disburse the total proceeds in its possession paid over to it by the surety company on the dealer's bond as such claims were adjudicated to the various claimants, paying first to the producers the amount of their claims in full, if such proceeds are sufficient for such purpose, and if not, then in pro rata shares to such producer claimants; and if there then exist additional proceeds in the

hands of the Department of Agriculture and Consumer Services, after all claims of producers have been paid in full, the balance of such proceeds shall be paid to claimants who are citrus fruit dealers, either in whole or in pro rata portion, as the aggregate of their claims may bear to the amount of such additional proceeds.

(7) Upon failure of a surety company to comply with a demand for payment of the proceeds of a citrus fruit dealer's bond pursuant to administrative orders entered by the Department of Agriculture and Consumer Services fixing amounts due claimants, the department shall within a reasonable time file in the Circuit Court in and for Polk County, an original petition or complaint setting forth the administrative proceedings before the Department of Agriculture and Consumer Services and ask for final order of the court directing the surety company to pay the proceeds of the said bond to the Department of Agriculture and Consumer Services for distribution to the claimants.

(8) In any court proceeding filed under subsection (7), the findings of facts and orders of the Department of Agriculture and Consumer Services shall be prima facie evidence of the facts therein stated, and if in such suit the Department of Agriculture and Consumer Services is successful and the court affirms the department's demand for payment from the surety company, the Department of Agriculture and Consumer Services shall be allowed all court costs incurred therein and also a reasonable attorney's fee to be fixed and collected as a part of the costs of the suit.

(9) The bond required to be posted by citrus fruit dealers under s. 601.61 shall be subject, and so conditioned therein, only to payment of claims duly adjudicated by the Department of Agriculture and Consumer Services. All proceeds from such bonds shall be paid over by the surety company directly to the Department of Agriculture and Consumer Services, to be disbursed by it to successful claimants in whose favor the Department of Agriculture and Consumer Services has entered administrative order or orders. Such funds shall be considered trust funds in the hands of the Department of Agriculture and Consumer Services for the exclusive purpose of satisfying orders of indebtedness duly adjudicated. Cash bonds which may be posted by citrus fruit dealers in lieu of surety company bonds shall occupy the same legal status as funds paid over by the surety company to the Department of Agriculture and Consumer Services for payment of claims.

Section 113. Section 601.67, Florida Statutes, is reenacted and amended to read:

601.67 Disciplinary action by Department of Agriculture and Consumer Services against citrus fruit dealers.—

(1) The Department of Agriculture and Consumer Services may impose a fine not exceeding \$50,000 per violation against any licensed citrus fruit dealer for violation of any provision of this chapter and, in lieu of, or in addition to, such fine, may revoke or suspend the license of any such dealer when it has been satisfactorily shown that such dealer, in her or his activities as a citrus fruit dealer, has:

(a) Obtained a license by means of fraud, misrepresentation, or concealment;

(b) Violated or aided or abetted in the violation of any law of this state governing or applicable to citrus fruit dealers or any lawful rules of the *Florida Citrus Authority* ~~Department of Citrus~~;

(c) Been guilty of a crime against the laws of this or any other state or government involving moral turpitude or dishonest dealing, or has become legally incompetent to contract or be contracted with;

(d) Made, printed, published, distributed, or caused, authorized, or knowingly permitted the making, printing, publication, or distribution of false statements, descriptions, or promises of such a character as to reasonably induce any person to act to her or his damage or injury, if such citrus fruit dealer then knew, or, by the exercise of reasonable care and inquiry, could have known of the falsity of such statements, descriptions, or promises;

(e) Knowingly committed or been a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the word, representation, or conduct of the citrus fruit dealer has acted to her or his injury or damage;

(f) Committed any act or conduct of the same or different character of that hereinabove enumerated which constitutes fraudulent or dishonest dealing; or

(g) Violated any of the provisions of ss. 506.19-506.28, both sections inclusive.

(2) The department may impose a fine not exceeding \$100,000 per violation against any person who operates as a citrus fruit dealer without a current citrus fruit dealer license issued by the department pursuant to s. 601.60. In addition, the department may order such person to cease and desist operating as a citrus fruit dealer without a license. An administrative order entered by the department under this subsection may be enforced pursuant to s. 601.73.

(3) The department shall impose a fine of not less than \$10,000 nor more than \$100,000 per violation against any licensed citrus fruit dealer and shall suspend, for 60 days during the first available period between September 1 and May 31, the license of any citrus fruit dealer who:

(a) Falsely labels or otherwise misrepresents that a fresh citrus fruit was grown in a specific production area specified in s. 601.091; or

(b) Knowingly, falsely labels or otherwise misrepresents that a processed citrus fruit product was prepared solely with citrus fruit grown in a specific production area specified in s. 601.091.

(4) Any fine imposed pursuant to subsection (1), subsection (2), or subsection (3), when paid, shall be deposited by the Department of Agriculture and Consumer Services into its General Inspection Trust Fund.

(5) Whenever any administrative order has been made and entered by the Department of Agriculture and Consumer Services which imposes a fine pursuant to this section, such order shall specify a time limit for payment of the fine, not exceeding 15 days. The failure of the dealer involved to pay the fine within that time shall result in the immediate suspension of such citrus fruit dealer's current license, or any subsequently issued license, until such time as the order has been fully satisfied. Any order suspending a citrus fruit dealer's license shall include a provision that such suspension shall be for a specified period of time not to exceed 60 days, and such period of suspension may commence at any designated date within the current license period or subsequent license period. Whenever an order has been entered which suspends a citrus fruit dealer's license for a definite period of time and that license, by law, expires during the period of suspension, the suspension order shall continue automatically and shall be effective against any subsequent citrus fruit dealer's license issued to such dealer until such time as the entire period of suspension has elapsed. Whenever any such administrative order of the Department of Agriculture and Consumer Services is sought to be reviewed by the offending dealer involved in a court of competent jurisdiction, if such court proceedings should finally terminate in such administrative order being upheld or not quashed, such order shall thereupon, upon the filing with the Department of Agriculture and Consumer Services of a certified copy of the mandate or other order of the last court having to do with the matter in the judicial process, become immediately effective and shall then be carried out and enforced notwithstanding such time will be during a new and subsequent shipping season from that during which the administrative order was first originally entered by the Department of Agriculture and Consumer Services.

Section 114. Section 601.671, Florida Statutes, is reenacted and amended to read:

601.671 Appropriation of fines collected.—All fines imposed and collected by the Department of Agriculture and Consumer Services under the provisions of this chapter are hereby appropriated in the manner provided by s. 601.28(3)(b).

Section 115. Section 601.68, Florida Statutes, is reenacted and amended to read:

601.68 Investigation of violations.—The Department of Agriculture and Consumer Services may instigate and make investigation of any citrus fruit dealer who it has reason to believe has violated any law of this state governing and applicable to citrus fruit dealers, and, whenever the Department of Agriculture and Consumer Services determines that any citrus fruit dealer has violated any law of the state governing and applicable to citrus fruit dealers, it may publish the facts and circumstances of such violation and suspend the license of such offender for a specific period or revoke the same or make such other appropriate order as it may deem just and proper, and any such order shall specify the effective date thereof and any order other than one suspending or revoking a license shall automatically suspend such license until said order is complied with. Any administrative order of the Department of Agriculture and Consumer Services issued under the provisions of ss. 601.66-601.68 or s. 601.70 shall be deemed to have been issued in the county wherein the licensee has her or his main office, as disclosed in the licensee's application for citrus dealer's license.

Section 116. Section 601.69, Florida Statutes, is reenacted and amended to read:

601.69 Records to be kept by citrus fruit dealers.—Every citrus fruit dealer shall make and keep a correct record showing in detail the following with reference to the purchase, handling, sale, and accounting of sale of citrus fruit handled by her or him, namely:

(1) The name and address of the producers or other persons from whom the citrus fruit was procured, and, if same was procured from some person other than a licensed citrus fruit dealer, the name and address of the producer of said fruit;

(2) The date citrus fruit is received, the amount thereof, and the purchase price paid therefor if purchased for the purpose of resale;

(3) The condition of such citrus fruit upon receipt by the citrus fruit dealer;

(4) If the citrus fruit is handled on consignment for the account of the producer, the date of sale and the selling price;

(5) An itemized statement of the charges to be paid by the producer in connection with any sale;

(6) A detailed statement of all claims made by producers against the citrus fruit dealer, a copy of each when received to be certified and filed with the Department of Agriculture and Consumer Services;

(7) A copy of the record and account of sale of citrus fruit handled on consignment or commission shall be delivered to the producer upon the consummation of the sale, together with all moneys received by the citrus fruit dealer in payment for such transaction made upon account of the producer, less the agreed commission and other charges which must be separately itemized, and said payment and accounting must be made by said citrus fruit dealer to the producer within 15 days after said citrus fruit dealer receives the money in payment of said citrus fruit unless otherwise specified in contract between citrus fruit dealers and producer;

(8) A detailed statement and record of the resale or commercial disposition of citrus fruit so purchased by the dealer for purpose of resale or other commercial disposition, showing the number of boxes resold, the moneys received by such dealer upon such resale of the fruit, the person or dealer and address thereof to whom sold, the date of such resale, and how delivered to such purchaser;

(9) Any other record or account required to be kept and maintained by such dealer by rule or regulation of the *Florida Citrus Authority* Department of Citrus duly promulgated.

Section 117. Section 601.70, Florida Statutes, is reenacted to read:

601.70 Inspection of records by Department of Agriculture and Consumer Services.—The Department of Agriculture and Consumer

Services, or its duly authorized agents, shall have the right to inspect all accounts, records, and memoranda of any citrus fruit dealer required to be kept pursuant to the provisions of this chapter. If any such citrus fruit dealer refuses to permit such inspection, the department may publish the facts and circumstances and by order suspend the license of the offender until permission to make such inspection is given.

Section 118. Section 601.701, Florida Statutes, is reenacted and amended to read:

601.701 Penalty for failure to keep records.—

(1) It shall be unlawful to fail to keep any records required to be kept under the provisions of the Florida Citrus Code of 1949, or any amendments thereto, or required to be kept by any other law or by any authorized regulation of the Department of Agriculture and Consumer Services or the *Florida Citrus Authority* ~~Department of Citrus~~, or to falsify or cause the falsification of any such records or to keep false records.

(2) The violation of any of the provisions of this act shall constitute a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 119. Section 601.72, Florida Statutes, is reenacted to read:

601.72 Penalties for violations.—Any person who violates or aids or abets in the violation of any provision of this chapter shall for each offense be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; provided further that a person shall be guilty hereunder upon conviction for nonpayment of a debt arising solely out of the purchase or sale of citrus fruits only when criminal fraud is proved. Civil suits against a citrus fruit dealer only, without resort to such dealer's bond as provided in s. 601.65, and also criminal prosecutions arising by violation of any of the provisions of this chapter as herein provided, may be instituted or prosecuted in the county where the said citrus fruit was received by the dealer or in the county wherein the principal place of business of such dealer is located within the state, or within the county in which the alleged violation occurred; and if such violation occurs in more than one county, then within the county wherein such violation or any part thereof occurred.

Section 120. Section 601.73, Florida Statutes, is reenacted and amended to read:

601.73 Additional methods of enforcement.—The several circuit courts of the state, sitting in chancery, are vested with jurisdiction specifically to enforce, and to enjoin and restrain any citrus fruit dealer from violating the provisions of this law, or any rule, regulation, or order made by the Department of Agriculture and Consumer Services, in any proceeding brought by the Department of Agriculture and Consumer Services in any of said circuit courts; and in any such proceeding it shall not be necessary for the Department of Agriculture and Consumer Services to allege or prove that an adequate remedy at law does not exist.

Section 121. Section 601.731, Florida Statutes, is reenacted and amended to read:

601.731 Transporting citrus on highways; name and dealer designation on vehicles; load identification; penalty.—

(1)(a) It is unlawful to operate any truck, tractor, trailer, or other motor vehicle hauling citrus fruit in bulk or in unclosed containers for commercial purposes on the highways of this state unless such truck, tractor, trailer, or other motor vehicle is:

1. Designated by a number assigned or permitted for use in the way and manner and to the extent prescribed by regulation of the *Florida Citrus Authority* ~~Department of Citrus~~.

2. Identified by lettering plainly showing the name of the person owning same, or the name of any lessee or other person operating same. The lettering shall not be less than 3 inches in height on both sides of the vehicle or on the front end and the rear end of the vehicle, except that lettering on flatbed semitrailers shall not be less than 1½ inches in height on the rear end of the trailer.

(b) If the truck, tractor, trailer, or other motor vehicle is owned by a licensed fruit dealer under this chapter, there shall also appear, except on the rear end of a flatbed semitrailer or similar truck trailer, the words "Licensed Citrus Fruit Dealer" by lettering of not less than 3 inches minimum in height under the name of the owner of such vehicle. When both a tractor and trailer or when two units are used in the operation of hauling, both of such units shall be so marked.

(c) The designations aforesaid shall be painted or affixed by decal upon the vehicle or units so as to be of a permanent character, except that where vehicles are leased for a period of not more than 30 days, it shall be sufficient if the designations provided in paragraphs (a) and (b) are clearly legible and affixed by temporary means.

(d) A motor vehicle which is not so marked that is so hauling such citrus fruit on the highways of this state shall prima facie be considered to be hauling commercial fruit with intent to violate this section. The provisions of this subsection do not apply to any such fruit being hauled from the farm or grove by the producer of such fruit in her or his own vehicle to market or place of first commercial handling unless such producer is also a licensed citrus fruit dealer.

(2) Any person driving any truck, tractor, trailer, or other motor vehicle hauling citrus fruit in bulk or in unclosed containers for commercial purposes on the highways of the state shall have on her or his person when driving such vehicle a certificate or other paper showing the approximate amount of fruit being hauled; the name of the owner and the grove or other origin of such fruit; the number painted or affixed by decal, as well as the number of the motor vehicle license tag, on the vehicle in which such fruit is being hauled; and such other information and data as may be prescribed by regulation of the *Florida Citrus Authority* ~~Department of Citrus~~, and it is unlawful to drive any such vehicle on the highways of this state without having such certificate or other paper. The failure of any such person to have such certificate or other paper on her or his person when driving, as aforesaid, is prima facie evidence of intent to violate and of the violation of this act.

(3)(a) A person who violates or fails to comply with any of the provisions of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who violates or fails to comply with any of the provisions of subsection (2) is, upon the first conviction, guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and upon any subsequent conviction, guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 122. Section 601.74, Florida Statutes, is reenacted to read:

601.74 Adoption of rules; fees for licensing and analysis of processing materials.—The Department of Agriculture and Consumer Services may adopt rules and set fees with respect to the licensing and analysis of materials and composition used on or in the packing of citrus fruits. Such rules may include fees for permitting dyes and coloring matter. Fees shall be not less than the amount of \$30 nor more than \$100 for each manufacturer making application to the department. All such license fees collected hereunder shall be paid monthly by the Department of Agriculture and Consumer Services into the State Treasury to the credit of the General Inspection Trust Fund and shall be appropriated and made available for defraying the expenses incurred in the administration of this law.

Section 123. Section 601.75, Florida Statutes, is reenacted to read:

601.75 Dyes and coloring matter for citrus fruit to be certified prior to use.—The Department of Agriculture and Consumer Services may adopt rules with respect to the permitting and certification of dyes and coloring matter for citrus fruit prior to use on any citrus fruit.

Section 124. Section 601.76, Florida Statutes, is reenacted to read:

601.76 Manufacturer to furnish formula and other information.—The Department of Agriculture and Consumer Services may adopt rules with respect to requirements for information which must be furnished by manufacturers of coloring matter for use on citrus fruit. Such



information may include product formulas. Any formula required to be filed with the Department of Agriculture and Consumer Services shall be deemed a trade secret as defined in s. 812.081, is confidential and exempt from the provisions of s. 119.07(1), and shall only be divulged to the Department of Agriculture and Consumer Services or to its duly authorized representatives or upon orders of a court of competent jurisdiction when necessary in the enforcement of this law. A person who receives such a formula from the department under this section shall maintain the confidentiality of the formula.

Section 125. Section 601.77, Florida Statutes, is reenacted to read:

601.77 Subsequent analysis of coloring matter; inspection of packinghouses for application.—The Department of Agriculture and Consumer Services may, by rule, provide for subsequent analysis of coloring matter, for inspection of packinghouses or other places where coloring matter is applied to citrus fruit, and for grounds for revocation of a license to use coloring matter on fruit.

Section 126. Section 601.78, Florida Statutes, is reenacted to read:

601.78 Manufacturer to post bond.—The Department of Agriculture and Consumer Services may, by rule, require cash or surety bonds to be posted by manufacturers of coloring matter used on citrus fruit. The Department of Agriculture and Consumer Services shall adopt rules prescribing the amount and form of such bonds and the grounds and procedures for forfeiture of same. The amount of the bond shall not exceed \$5,000.

Section 127. Section 601.79, Florida Statutes, is reenacted to read:

601.79 To color grapefruit and tangerines prohibited.—It is unlawful for any person to use on grapefruit or tangerines or apply thereto any coloring matter.

Section 128. Section 601.80, Florida Statutes, is reenacted to read:

601.80 Unlawful to use uncertified coloring matter.—It is unlawful for any person to use on oranges or citrus hybrids any coloring matter which has not first received the approval of the Department of Agriculture and Consumer Services as provided by rule adopted pursuant to s. 601.76.

Section 129. Section 601.85, Florida Statutes, is reenacted and amended to read;

601.85 Standard shipping box for fresh fruit.—The specifications for the standard legal shipping box, crate, or container to be used in shipping fresh citrus fruits shall be as established by the *Florida Citrus Authority* ~~Department of Citrus~~; but provided that the unit of a standard-packed box, commonly called 1 $\frac{3}{8}$  bushels, shall contain an inside cubical measurement of 3,456 cubic inches.

Section 130. Section 601.86, Florida Statutes, is reenacted to read:

601.86 Standard field boxes for fresh citrus fruit.—All field boxes used in the purchase, sale, or handling of citrus fruit from or for the grower by a citrus fruit dealer in the state shall be of the uniform standard size of 31 $\frac{1}{2}$  inches long, 13 inches high, and 12 inches wide, inside measurements, and shall be divided into two compartments by a center partition of at least three-fourths inch thickness; and each of these compartments thus created shall have a cubical capacity of not to exceed 2,400 cubic inches.

Section 131. Section 601.87, Florida Statutes, is reenacted to read:

601.87 Use of cleats on boxes.—The height of the end heads and the center partition of field boxes shall in no case be increased more than 1 $\frac{1}{4}$  inches by the addition of cleats or any similar addition to the height so that the total height of said boxes from the inside bottom to the top of said cleats shall not exceed 14 $\frac{1}{4}$  inches. It is unlawful to place cleats or any other device or thing on the bottom or top, other than herein provided, of any standard citrus field box whereby the space between the field boxes when stacked will be greater than the space that exists between such standard field boxes as herein defined.

Section 132. Section 601.88, Florida Statutes, is reenacted to read:

601.88 Oversized boxes to be stamped.—

(1) It is unlawful to use any field box that exceeds the total capacity of 4,900 cubic inches in the purchase, sale, or handling of oranges, grapefruit, or tangerines by a citrus fruit dealer from or for a grower, unless all field boxes exceeding this dimension shall have plainly stamped on both ends of the box in letters of the dimension of 1 inch in height and width the word “oversize.”

(2) It is unlawful to use any “tractor box” or other bulk harvesting equipment or special type field box that exceeds the total capacity of 4,900 cubic inches in the purchase, sale, or handling of oranges, grapefruit, or tangerines by a citrus fruit dealer from or for a grower, unless such tractor box or other bulk harvesting equipment or special type field box exceeding this dimension shall have plainly stamped on both ends of the tractor box or other bulk harvesting equipment or special type field box in letters of the dimension of 1 inch in height and width the actual content expressed in terms of standard field box equivalent as defined in s. 601.86.

Section 133. Section 601.89, Florida Statutes, is reenacted to read:

601.89 Citrus fruit; when damaged by freezing.—

(1) Citrus fruit shall be deemed “seriously” damaged by freezing when such freezing causes:

(a) Marked dryness to extend into the segments of oranges and grapefruit more than  $\frac{1}{2}$  inch at the stem end; or into segments of mandarin or hybrid varieties more than  $\frac{1}{4}$  inch at the stem end; or more than an equivalent amount by volume of dryness to occur in any other portions of the fruit.

(b) Internal freeze-related injury, as defined in subsection (3), when such condition or combination of conditions is determined to affect the fruit to a degree equal in seriousness to that described in paragraph (a).

(2) Citrus fruit shall be deemed “damaged” by freezing when such freezing causes:

(a) Marked dryness to extend into the segments of oranges and grapefruit more than  $\frac{1}{4}$  inch but less than  $\frac{1}{2}$  inch at the stem end; or into segments of mandarin or hybrid varieties more than  $\frac{1}{8}$  inch but less than  $\frac{1}{4}$  inch at the stem end; or more than an equivalent amount by volume of dryness to occur in any portions of the fruit.

(b) Internal freeze-related injury, as defined by subsection (3), when such condition or combination of conditions is determined to affect the fruit to a degree equal in seriousness to that described in paragraph (a).

(3) Internal freeze-related injury to citrus fruit, caused by freezing, shall consist of any of the following:

(a) Wet cores or wet segment walls;

(b) Water soaking;

(c) Juice cell breakdown;

(d) Mushy condition;

(e) Honeycomb or open spaces in pulp; or

(f) Other evidence of internal breakdown, decay, or moldy condition.

Section 134. Section 601.90, Florida Statutes, is reenacted to read:

601.90 Freeze-damaged citrus fruit; power of commission.—

(1) Whenever freezing temperatures of sufficient degree to cause serious damage to citrus fruit occur in all major citrus-producing areas of the state, the commission, upon call of the chair and with such notice as may be appropriate under the circumstances, shall meet within 96 hours of the last occurrence of such freezing temperatures to determine whether or not such freezing temperatures have caused damage to citrus fruit as defined in s. 601.03 and, if so, the degree of such damage.

(2) If the commission, at such meeting, determines that serious damage, as defined in s. 601.89(1), has occurred to such citrus fruit, it may, upon majority vote, enter an emergency quality assurance order providing for one or more of the following:

(a) Prohibiting the preparation for market, sale, offering for sale, or shipment of citrus fruit for a period not to exceed 10 days after commencement of the order period.

(b) Prohibiting the sale, offering for sale, or shipment of any citrus fruit showing "damage," as defined by s. 601.89(2), for a period not to exceed 14 days after commencement of the order period.

(c) Prohibiting the preparation for market, sale, offering for sale, or shipment of citrus fruit for a period not to exceed 10 days after commencement of the order period, and further prohibiting the sale, offering for sale, or shipment of citrus fruit showing "damage," as defined by s. 601.89(2), for a subsequent period not to exceed 14 additional days.

(d) Prohibiting the sale, offering for sale, or shipment, in offshore export trade channels, of citrus fruit showing any degree of internal freeze-related injury, as defined by s. 601.89(3), for a period not to exceed 30 days from commencement of the order period.

(3) Any emergency order entered pursuant to this section shall become effective upon adoption by the commission, the provisions of chapter 120 to the contrary notwithstanding, and shall have the full force and effect of law. The order period shall commence at a time established by the commission in its order, but not sooner than 36 hours following adoption of the order.

(4) Emergency quality assurance orders shall not be applicable to any citrus fruit sold or transported to a citrus processing plant for processing purposes or to any citrus fruit inspected, packed, and certified for shipment prior to commencement of the order period; however, any such citrus fruit not shipped within 48 hours of commencement of the order period shall be reinspected, on a random basis, and recertified as damage-free.

(5) Any order may provide for reasonably extended packinghouse inspection hours prior to commencement of the order period.

Section 135. Section 601.901, Florida Statutes, is reenacted and amended to read:

601.901 Use of freeze-damaged fruit in frozen concentrated citrus products.—

(1) At any time subsequent to a commission determination, pursuant to s. 601.90, that serious damage has resulted to citrus fruit from freezing temperatures, the commission may, at a regular or special meeting, establish by order the maximum degree of freeze damage or freeze-related injury to be permitted in citrus fruit used in preparation of any frozen concentrated products, including concentrate for manufacturing purposes, for the purpose of protecting the quality of such processed products.

(2) Notwithstanding the provisions of chapter 120, any order adopted by the commission pursuant to this section shall become effective at a time fixed by the commission, but not less than 24 hours from the time of adoption, and shall expire at a time fixed by the commission, but in no instance later than the end of the current shipping season.

(3) This section shall not repeal any other authority now or hereafter delegated to the *Florida Citrus Authority* ~~Department of Citrus~~, but shall be deemed as additional and supplemental authority vested in the *Florida Citrus Authority* ~~Department of Citrus~~, and should any part of this section be held to be unconstitutional or unenforceable by any court of competent jurisdiction, the decision of such court shall not affect the remaining portions of this section. It is the intention of the Legislature that this section would have been adopted had such unconstitutional or such unenforceable provision not been included herein.

Section 136. Section 601.91, Florida Statutes, is reenacted and amended to read:

601.91 Unlawful to sell, transport, prepare, receive, or deliver freeze-damaged citrus.—

(1) It is unlawful at any time for any person to sell or offer for sale, to transport, or to prepare, receive, or deliver for transportation or market, except for canning, concentrating, or byproduct purposes within the state, any citrus fruit seriously damaged by freezing, as defined in s. 601.89. Not more than 15 percent by count of the citrus fruit in any one container or bulk lot may be seriously damaged by freezing injury; but not more than one-third of this tolerance shall be allowed for citrus fruit now or hereafter deemed adulterated by federal law or regulation.

(2) No lot of citrus fruit seriously damaged by freezing may be mixed with other lots of citrus fruit which are free from damage by freezing resulting in concealment of inferior fruit and thereby reducing the percentage of defective fruit in the seriously damaged lot to within the tolerance permitted for error in grading only.

(3) The manner and method of drawing samples and conducting tests under this section shall be prescribed by rules and regulations of the *Florida Citrus Authority* ~~Department of Citrus~~. The inspection in the state of all citrus fruits seriously damaged by freezing and the enforcement of this section and of rules, regulations, and orders made by the *Florida Citrus Authority* ~~Department of Citrus~~ pursuant to and under authority of this section shall be under the direction, supervision, and control of the Department of Agriculture *and Consumer Services* and its duly authorized agents and inspectors who are qualified under existing laws to inspect for grade and maturity; and all citrus fruits that may be found to be seriously damaged by freezing, as defined by s. 601.89, upon inspection and testing shall be seized and may be confiscated and destroyed under the supervision of the citrus fruit inspector at the expense of the owner unless previous disposition is made by the owner or other person who offered the same for inspection, all the provisions of this section being subject to such reasonable rules and regulations as may be promulgated by the *Florida Citrus Authority* ~~Department of Citrus~~.

Section 137. Section 601.92, Florida Statutes, is reenacted to read:

601.92 Use of arsenic in connection with citrus.—Persons owning, managing, or tending and cultivating citrus groves or trees shall not use arsenic or any of its derivatives, or any combination, compound, or preparation containing arsenic as a fertilizer or spray on bearing citrus trees, except grapefruit trees.

Section 138. Section 601.93, Florida Statutes, is reenacted to read:

601.93 Sale of citrus containing arsenic.—No person shall sell or offer for sale, transport, prepare, secure, or deliver for transportation or market any fruit of any variety except grapefruit which contains any arsenic or any compound or derivative of arsenic.

Section 139. Section 601.94, Florida Statutes, is reenacted and amended to read:

601.94 Fruit containing arsenic; powers of inspection.—Citrus fruit inspectors are authorized:

(1) To inspect citrus fruit, except grapefruit, for arsenic content at any packinghouse, canning plant, concentrating plant, or other place where citrus fruit, except grapefruit, is being received or prepared for sale or transportation, and

(2) To enforce the provisions of these arsenic laws under the direction and supervision of the Department of Agriculture *and Consumer Services* in accordance with the law and rules and regulations prescribed by the said Department of Agriculture *and Consumer Services*.

Section 140. Section 601.95, Florida Statutes, is reenacted to read:

601.95 Seizure of citrus fruit containing arsenic.—Whenever any citrus fruit inspector shall find citrus fruit, except grapefruit, at any packinghouse, canning plant, concentrating plant, or other place that the same is being received or prepared for sale or transportation which citrus fruit shall, when tested, show an abnormal and excessively high

ratio of total soluble solids of the juice thereof to the anhydrous citric acid thereof indicating the presence of arsenic therein, said inspector shall at once seize and take possession of said citrus fruit, except grapefruit, pending the procuring of the chemical analysis provided for in this chapter notifying the manager or other person in charge of said packinghouse, canning plant, concentrating plant, or other place where the said fruit is being received of such seizure. It is unlawful for the manager of said packinghouse, canning plant, concentrating plant, or other place where the fruit is being received, or the owner of said citrus fruit, or any person whomsoever to sell, transport, or in any way move or dispose of any of said fruit from the time of seizure thereof until after the making of said chemical analysis and the receipt of the chemist's report thereon; provided that no citrus fruit so seized may be held by any inspector more than 96 hours after the time of seizure thereof unless the same shall be shown by the chemist's analysis to contain arsenic.

Section 141. Section 601.96, Florida Statutes, is reenacted and amended to read:

601.96 Seized fruit; taking samples for analysis.—Upon the making of seizure of any citrus fruit as provided in s. 601.95, the inspector making said seizure shall immediately draw samples therefrom, as shall be provided for by regulations to be issued by the Department of Agriculture and Consumer Services, drawing said samples either from the packinghouse, canning plant, or concentrating plant bins, or elsewhere in the packinghouse, canning plant, or concentrating plant, or from field boxes or vehicles delivering said citrus fruit to said packinghouse. Such samples so drawn by said inspector shall be transported with all possible haste to such chemist as may be designated by the Department of Agriculture and Consumer Services for the making by such chemist of a chemical analysis thereof to determine whether or not the said citrus fruit contains arsenic. Said chemist shall make said analysis with all the proper haste and report by the quickest means available the result of said analysis as soon as the same is completed to the inspector making the seizure. If the said analysis shall show that the said citrus fruit contains no arsenic, the inspector shall release the fruit from seizure as soon as she or he receives the report of the chemist thereon.

Section 142. Section 601.97, Florida Statutes, is reenacted and amended to read:

601.97 Destruction of certain fruit containing arsenic.—All citrus fruit, except grapefruit, prepared for sale or transportation, or which is being prepared for such purpose, or which has been or is being delivered for sale or transportation that may be shown by the chemical analysis provided for in s. 601.96 to contain arsenic, or any compound or derivative of arsenic, shall be destroyed by the inspector making seizure of the same, or by any citrus fruit inspector, or by the sheriff of the county where found, as may be provided by regulations prescribed by the Department of Agriculture and Consumer Services. Regulations for the application and enforcement of ss. 601.92-601.97, inclusive, shall be promulgated by the Department of Agriculture and Consumer Services.

Section 143. Section 601.98, Florida Statutes, is reenacted to read:

601.98 Shipment, sale, or offer of imported citrus fruit or citrus products.—

(1) It is unlawful for any person to quote, offer for sale, sell, ship, or invoice in or from Florida any citrus fruit or the canned or concentrated products thereof grown and canned or concentrated in any other state or country other than Florida in such manner as to indicate in any form whatsoever that the citrus fruit or the canned or concentrated products thereof were produced and canned in Florida.

(2) Every such person in Florida shall specifically advise and notify the buyer of any citrus fruit or the canned or concentrated product thereof produced and canned or concentrated in any state or country other than Florida which is being sold, quoted, offered for sale, or shipped to such buyer that the citrus fruit or the canned or concentrated products thereof were not produced in Florida; and the failure to so notify and advise such buyer will be construed as a violation of this section.

Section 144. Section 601.981, Florida Statutes, is reenacted and amended to read:

601.981 Permits for export to foreign countries.—During each shipping season the *Florida Citrus Authority* ~~Department of Citrus~~ is authorized and empowered to issue permits permitting citrus fruit grown in Florida, whether color-added or otherwise, to be exported to all foreign countries, other than Canada and Mexico, when the total soluble solids of the juice thereof and the minimum ratio of the total soluble solids of the juice thereof to the anhydrous citric acid and the juice content thereof is within a tolerance not exceeding 10 percent of the standards established by law, provided such citrus fruit is loaded on chartered vessels at a Florida port. The *Florida Citrus Authority* ~~Department of Citrus~~ shall promulgate such rules and regulations as it may deem necessary or required to control such permits.

Section 145. Section 601.99, Florida Statutes, is reenacted to read:

601.99 Unlawful to misbrand wrappers or packages containing citrus fruit.—It is unlawful for any person to misbrand any package or any wrapper containing citrus fruits or any container of the canned or concentrated products thereof, and all citrus fruits and the canned or concentrated products thereof shall be deemed misbranded if the package or the wrapper or the container thereof shall bear any statement, design, or device regarding the fruit therein contained which is false or misleading either as to the name, size, quality, or brand of such fruit or the canned or concentrated products thereof or as to the locality in which it was grown.

Section 146. Section 601.9901, Florida Statutes, is reenacted and amended to read:

601.9901 Certificates of inspection; form.—All certificates of inspection prescribed by this chapter shall be of such number, form, size, and character as the *Florida Citrus Authority* ~~Department of Citrus~~ may by rule and regulation prescribe and shall be used in such manner as to identify the fruit or the canned or concentrated products thereof to which they relate.

Section 147. Section 601.9902, Florida Statutes, is reenacted and amended to read:

601.9902 Payment of salaries and expenses; *Florida Citrus Authority* ~~Department of Citrus~~.—All salaries, costs, and expenses incurred by the *Florida Citrus Authority* ~~Department of Citrus~~ in the administration and the enforcement of this chapter and in the performance of its duties and the exercise of its powers under the laws of this state shall be proratably paid from the moneys derived from the citrus advertising taxes imposed on the various types of citrus fruit in such proportion as the *Florida Citrus Authority* ~~Department of Citrus~~ may find each respective type is affected by such expenditures.

Section 148. Section 601.9903, Florida Statutes, is reenacted and amended to read:

601.9903 Annual report of *Florida Citrus Authority* ~~Department of Citrus~~.—The *Florida Citrus Authority* ~~Department of Citrus~~ shall make an annual report to the Governor upon the work of the *Florida Citrus Authority* ~~Department of Citrus~~. It shall also make such special reports upon any phase of the work of the *Florida Citrus Authority* ~~Department of Citrus~~ as may be called for by the Governor or the Legislature or either house thereof.

Section 149. Section 601.9904, Florida Statutes, is reenacted and amended to read:

601.9904 Rules and regulations; frozen citrus juices.—The *Florida Citrus Authority* ~~Department of Citrus~~ is hereby authorized and required to promulgate and enforce rules and regulations concerning the contents, preparation, concentrating, other processing, and keeping or storing of frozen concentrated fresh citrus juices, and such rules and regulations may cover but are not limited to the sanitary conditions under which such product is prepared, the type of equipment and machinery used therein, and the manner and method of storage within this state and the manner and method of shipment.

Section 150. Section 601.9905, Florida Statutes, is reenacted and amended to read:

601.9905 Canned orange juice; standards; labeling.—No canned orange juice shall be sold or offered for sale or shipped or offered for shipment which:

- (1) Is prepared from raw juice containing before the addition of any additive less than 8.5 percent total soluble solids;
- (2) When canned, contains less than 10 percent total soluble solids;
- (3) Has a ratio of total soluble solids to anhydrous citric acid of less than 9 to 1;
- (4) Contains less than 0.55 percent or more than 1.60 percent anhydrous citric acid;
- (5) Contains more than 0.050 percent recoverable oil; or
- (6) Does not meet requirements to be established by the *Florida Citrus Authority Department of Citrus* regarding color, absence of defects, taste, and flavor; unless the immediate container thereof shall be labeled in accordance with regulations of the *Florida Citrus Authority Department of Citrus* and there shall appear on such label the word “substandard” in bold type not less than ¼ inch high printed or stamped diagonally thereon.

Section 151. Section 601.9906, Florida Statutes, is reenacted to read:

601.9906 Processed grapefruit juice products; standards.—

(1) The grapefruit juice products to which this section applies shall include canned grapefruit juice, chilled grapefruit juice, frozen concentrated grapefruit juice, concentrated grapefruit juice for manufacturing, and such other grapefruit juice products as the commission may by rule prescribe which may be consumed as juice or used to produce other grapefruit juice products which may be consumed as juice.

(2) This section shall not apply to any grapefruit juice products to which have been added readily detectable quantities of one or more readily detectable ingredients, which the commission shall by rule specify, which ingredients are impermissible in the grapefruit juice products described in subsection (1) but are appropriate for use in one or more other products which are not consumed as juice, such as diluted fruit juice beverages or beverage bases used to produce diluted fruit juice beverages.

(3) No grapefruit juice products shall be sold or offered for sale or shipped or offered for shipment which have a minimum ratio of total soluble solids to anhydrous citric acid of less than seven and one-half to one, or such higher ratio as the commission may by rule prescribe.

(4) The commission shall by rule prescribe quality standards for grapefruit juice products. Such standards shall be designed to further the acceptance and consumption of the grapefruit juice products so regulated.

Section 152. Section 601.9907, Florida Statutes, is reenacted and amended to read:

601.9907 Canned blended juice; standards; labeling.—No canned blend of orange and grapefruit juice shall be sold or offered for sale or shipped or offered for shipment which:

- (1) Is prepared from mixed raw juice of oranges and grapefruit containing before the addition of any additive less than 8 percent total soluble solids;
- (2) When canned, contains less than 9.5 percent total soluble solids;
- (3) Has a ratio of total soluble solids to anhydrous citric acid of less than 8 to 1;
- (4) Contains less than 0.65 percent or more than 1.80 percent anhydrous citric acid;

(5) Contains more than 0.040 percent recoverable oil; or

(6) Contains when mixed and before canning more or less than the percentage of orange juice determined by rule or regulation of the *Florida Citrus Authority Department of Citrus* required to be contained therein and does not meet requirements to be established by the *Florida Citrus Authority Department of Citrus* regarding color, absence of defects, taste and flavor; unless the immediate container thereof shall be labeled in accordance with regulations of the *Florida Citrus Authority Department of Citrus*, and there shall appear on such label the word “substandard” in bold type not less than ¼ inch high printed or stamped diagonally thereon.

Section 153. Section 601.9908, Florida Statutes, is reenacted and amended to read:

601.9908 Canned tangerine juice; standards; labeling.—No canned tangerine juice shall be sold or offered for sale or shipped or offered for shipment which:

- (1) Is prepared from raw juice containing before the addition of any additive less than 9 percent total soluble solids;
- (2) When canned, contains less than 10 percent total soluble solids; or
- (3) Has a ratio of total soluble solids to anhydrous citric acid of less than 9 to 1;
- (4) Contains less than 0.55 percent or more than 1.60 percent anhydrous citric acid;
- (5) Contains more than 0.050 percent recoverable oil; or

(6) Does not meet requirements to be established by the *Florida Citrus Authority Department of Citrus* regarding color, absence of defects, taste, and flavor; unless the immediate container thereof shall be labeled in accordance with regulations of the *Florida Citrus Authority Department of Citrus* and there shall appear on such label the word “substandard” in bold type not less than 1/4 inch high printed or stamped diagonally thereon.

Section 154. Section 601.9909, Florida Statutes, is reenacted and amended to read:

601.9909 Frozen concentrated orange juice; requirements; labeling.—Subject to the provisions of ss. 601.9913 and 601.9914, no frozen concentrated orange juice shall be sold, offered for sale, shipped, or offered for shipment which:

- (1) Is concentrated to less than 41.8 or more than 47 degrees Brix. The Brix reading, if determined refractometrically, shall include corrections for citric acid.
- (2) Has a lower ratio of total soluble solids to anhydrous citric acid of less than 12 to 1 or a higher ratio of total soluble solids to anhydrous citric acid than 19.5 to 1.
- (3) Contains more than 0.120 milliliters of recoverable oil per 100 grams of concentrate.
- (4) Contains any additives of any kind.

(5) Does not taste essentially the same as freshly expressed orange juice of similar quality and is not completely free of all fermented, cooked, terpeny, or other off-flavors; or does not meet all requirements of the rules of the *Florida Citrus Authority Department of Citrus* regarding color, absence of defects, taste, and flavor; unless the immediate container thereof shall be labeled in accordance with rules of the *Florida Citrus Authority Department of Citrus*, and there shall appear on such label the word “substandard” in bold type not less than 1/4 inch high printed or stamped diagonally thereon.

Section 155. Section 601.9910, Florida Statutes, is reenacted and amended to read:

601.9910 Legislative findings of fact; strict enforcement of maturity standard in public interest.—

## (1) FINDINGS.—

(a) The Legislature finds and determines and so declares that, for many years past, the shipment of raw, immature citrus fruit, generally designated as “green fruit,” from the state to consuming markets has caused the loss of millions of dollars to the citrus growers of Florida; also has resulted in the lowering of the standard of living of many of its citizens; adversely affected the economic conditions of the entire state; reduced the receipts in the collection of ad valorem taxes, thereby reducing revenue needed by counties and cities; caused financial loss to the growers and shippers and processors who did not engage in the shipment of green fruit; and that such practice each year hurts the good name and reputation of all Florida citrus.

(b) The Legislature, after extensive hearings conducted annually, and after many hearings attended by its citrus committees at various citrus industry meetings throughout the citrus area; and after having had the advice and counsel of the best qualified and most expert technical advisers in the Florida citrus industry, and after having had the benefit of the advice of some of the most expert and best informed growers, shippers, and processors, and after having made a careful study of the reaction of all citrus fruits by reason of changes in climatic conditions, and having found that regardless of the color of an orange or the color of a grapefruit or regardless of the juice content of such fruit, finds such fruit may be immature and unfit for human consumption. It is also recognized by experts that there are certain factors entering into the maturity of fruit which are not now measurable by chemical tests. There is a change brought about by time and nature in the blending of solids and acids into juice which characterizes maturity but not in a manner susceptible to chemical determination. Because of this, it is scientifically sound that the minimum requirements for solids and the ratio of solids to anhydrous citric acid in determining maturity be relaxed as the season progresses and the raw, immature flavor characteristic of fruit early in the season has disappeared through the workings of time and nature. Therefore, the Legislature hereby finds and determines and so declares that, until nature has completed its process of removing the raw, immature flavor, such citrus fruit will still be immature and unfit for human consumption and, when marketed, will result in dissatisfied consumers who will cease purchasing Florida citrus for some time and will classify that fruit which they had purchased as “Florida green fruit.”

(c) The Legislature finds and determines and so declares that there is no better method of determining when such raw and immature flavor leaves Florida citrus than by the standards set forth in this chapter; and that experience has demonstrated over a period of many years, by the best available records and under various climatic conditions and various seasonal changes, that generally speaking prior to November 1 of each season oranges which do not have a total soluble solids of 9 percent with a minimum ratio of total soluble solids, as set forth in s. 601.20, still have a raw, immature flavor; and that, beginning on or about November 1 of each season, such raw, immature fruit flavor gradually disappears from the orange and by November 15 the same orange may have a still lower soluble solids percentage and not be immature; and after November 15 can still have a further lower soluble solids percentage without being immature; and by December 1 nature has completed its process of removing the raw, immature flavor which might have existed prior to that time, provided such fruit meets the other minimum maturity requirements set forth in this chapter. On December 1 oranges meeting the requirements of s. 601.19(4), while not being sufficiently mature to ship in fresh form, may be safely used in some processed products without the finished product having a raw, immature flavor. On December 1 grapefruit meeting the requirements of s. 601.16(4), while not being sufficiently mature to ship in fresh form, may be safely used in some processed products without the finished product having a raw, immature flavor.

(d) The Legislature finds and determines and so declares that the enforcement of the maturity standards, as set forth in this chapter, will not result in preventing any grower from marketing her or his fruit at some time during the marketing season, whenever nature has removed the raw, immature flavor; and, if there is a delay in such marketing, it will result in higher prices for the entire season, bringing additional

millions of dollars to the growers of Florida and resulting in benefit to all growers, including the grower or growers who were delayed a short time in the shipment of their fruit.

(2) DECLARATION.—Therefore, the Legislature declares that the strict enforcement of the maturity standards, as set forth in this chapter, is definitely in the public’s interest and for the public’s welfare, and that no citrus should be shipped from Florida and sold in the consuming markets which has a raw, immature flavor, and which could be classed by the consuming public as “Florida green fruit.”

(3) REGULATIONS REGARDING MATURITY STANDARDS FOR HYBRIDS.—The Legislature finds and determines that classifications of and maturity standards for citrus hybrids should be established by regulations promulgated by the *Florida Citrus Authority* ~~Department of Citrus~~ pursuant to this chapter.

Section 156. Section 601.9911, Florida Statutes, is reenacted and amended to read:

601.9911 Fruit may be sold or transported direct from producer.—Any citrus producer may transport her or his own citrus fruit or any citrus fruit may be sold or purchased and transported in interstate or intrastate commerce in truckload lots direct from a producer and any such fruit so sold, purchased, or transported need not be processed, handled by any packinghouse, washed, polished, graded, stamped, labeled, branded, placed in containers, or otherwise prepared for market as may be provided herein. Such fruit shall be certified at the time of inspection as tree run grade of fruit, but shall otherwise remain subject to the maturity standards and all other conditions, restrictions, emergency quality assurance orders, and other requirements of this chapter and shall be inspected for such compliance as all other fruit is inspected at such convenient locations as may be determined by the Department of Agriculture and Consumer Services. Any such fruit violating any of the provisions of this chapter, or any rule or regulation of the *Florida Citrus Authority* ~~Department of Citrus~~ made pursuant to this chapter, but not inconsistent with this section, may be seized, condemned, and destroyed as provided herein. At the time of such inspection, all fees, assessments, and excise taxes provided in this chapter shall be paid and collected at the same rate as paid by all other fresh fruit growers or shippers.

Section 157. Section 601.9912, Florida Statutes, is reenacted and amended to read:

601.9912 Penalties.—Any person violating any provisions of this chapter or of the rules or regulations of the *Florida Citrus Authority* ~~Department of Citrus~~ or the Department of Agriculture and Consumer Services shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 158. Section 601.9913, Florida Statutes, is reenacted and amended to read:

601.9913 High-density frozen concentrated orange juice; standards; labeling.—

(1) “High-density frozen concentrated orange juice” is frozen concentrated orange juice which has been concentrated to a density greater than 47 degrees Brix.

(2) All high-density frozen concentrated orange juice sold or shipped, or offered for sale or shipment, in retail or institutional size containers shall comply with all requirements applicable to frozen concentrated orange juice in retail or institutional size containers, except as to the density of the concentrated food. The percent by weight of orange juice soluble solids contained in the reconstituted food made from high-density frozen concentrated orange juice when the label directions for dilution are followed shall be the same as is prescribed by the *Florida Citrus Authority* ~~Department of Citrus~~ for frozen concentrated orange juice in retail or institutional size containers.

(3) The name of high-density frozen concentrated orange juice, when sold in retail or institutional size containers, is “frozen concentrated orange juice, . . . plus 1,” the blank being filled in with the whole

number showing the dilution ratio in conspicuous type consistent with the size of the container and in conjunction with the product name. Where the label bears directions for making one quart or multiples of a quart, the blank may be filled in with a number that includes a fraction. The term "dilution ratio" means the number of volumes of water per volume of high-density frozen concentrated orange juice prescribed by the label for reconstituting the food. The nomenclature requirements of this subsection shall not apply to containers for postmix dispenser use, or to retail containers designed solely for use in foreign countries, provided the labeling thereof contains mixing instructions adequate to inform the institution or the consumer of the correct dilution ratio.

(4) The name of high-density frozen concentrated orange juice, when sold in bulk size containers, is the name provided in subsection (3), or "frozen concentrated orange juice, . . . Brix," the blank being filled in with the number which expresses the percent by weight of orange juice soluble solids contained in the food, in conspicuous size and in conjunction with the product name.

(5) The compositional requirements applicable to high-density frozen concentrated orange juice sold in bulk size containers shall be prescribed by the *Florida Citrus Authority* ~~Department of Citrus~~ by rule.

(6) The definition of retail, institutional, and bulk size containers for high-density frozen concentrated orange juice shall be prescribed by the department by rule.

(7) All high-density frozen concentrated orange juice sold or shipped or offered for sale or shipment shall be inspected as provided by law or rule for the inspection of frozen concentrated orange juice, and all fees and taxes shall be paid in the manner and as provided by law or rule.

Section 159. Section 601.9914, Florida Statutes, is reenacted to read:

601.9914 Commission authorized to modify standards by rule.—

(1) The commission may modify by rule, within the limitations herein specified, the requirements of ss. 601.9905-601.9909 if the commission first, upon the affirmative vote of nine members, determines that the adoption of such rule is likely to further increase the acceptance and consumption by a substantial segment of the consuming public of the citrus product or products regulated by such proposed rule and that such increase in acceptance and consumption will be of substantial benefit to handlers and producers of citrus fruit.

(2) The requirements of ss. 601.9905-601.9909 may be modified by rule within the following limitations:

(a) The existing requirements with respect to minimum or maximum Brix or the existing requirements with respect to minimum percent of total soluble solids may be raised;

(b) The existing requirements with respect to minimum ratio of total soluble solids to anhydrous citric acid may be raised, and the requirements with respect to maximum ratio of total soluble solids to anhydrous citric acid may be raised or lowered;

(c) The existing requirements with respect to the minimum or maximum amount of percentage of recoverable oil may be raised or lowered; and

(d) The existing requirements with respect to the minimum or maximum percentage of anhydrous citric acid may be raised or lowered.

Section 160. Section 601.9916, Florida Statutes, is reenacted and amended to read:

601.9916 Addition of optional nutritive sweetening ingredients to concentrated orange juice; rules.—

(1) The *Florida Citrus Authority* ~~Department of Citrus~~, upon the affirmative vote of not less than nine members of the commission, is authorized to issue permits for the processing, shipping, and sale of frozen concentrated orange juice or concentrated orange juice for manufacturing to which has been added any of the following optional

nutritive sweetening ingredients: sugar, sugar syrup, and invert sugar syrup.

(2) Each processor to whom a permit is issued pursuant to this section shall comply with rules established by the *Florida Citrus Authority* ~~Department of Citrus~~ which rules shall provide that:

(a) Such product shall be inspected immediately prior to the addition of the optional sweetening ingredient and shall be reinspected promptly after the addition of the optional sweetening ingredient.

(b) If such product is to be stored, sold, or shipped in retail or institutional size containers of less than 1 gallon, it shall, when reconstituted according to label directions, contain not less than 12.8 percent by weight of orange juice soluble solids, exclusive of the weight of any added optional nutritive sweetening ingredient, and shall, each time it is inspected, fully conform to the rules and standards of the *Florida Citrus Authority* ~~Department of Citrus~~ applicable to frozen concentrated orange juice in retail or institutional size containers.

(c) If such product is to be stored, sold, or shipped in bulk containers of 1 gallon or larger, it shall contain not less than 47 percent by weight of orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredient, and shall, when reconstituted according to label directions, contain not less than 11.8 percent by weight of orange juice soluble solids, exclusive of any added optional nutritive sweetening ingredient, and shall, each time it is inspected, fully conform to the rules and standards of the *Florida Citrus Authority* ~~Department of Citrus~~ applicable to concentrated orange juice for manufacturing.

(d) If any such product has been filled into bulk containers of 1 gallon or larger, it shall not thereafter be filled into retail or institutional size containers unless it fully conforms to the requirements of paragraph (b).

(e) The product shall conform to such labeling requirements as the *Florida Citrus Authority* ~~Department of Citrus~~ shall by rule prescribe.

(3) The privilege of processing any such product under a permit issued hereunder shall expire at the end of the shipping season for which such processing was authorized by such permit but may be renewed annually upon the affirmative vote of not less than nine members of the commission.

(4) In addition to the disciplinary action that may be taken by the Department of Agriculture and Consumer Services against a citrus fruit dealer for violations of this chapter, the commission may temporarily suspend and may revoke any permit issued hereunder for any violation of the provisions of this section or of the rules promulgated hereunder.

Section 161. Section 601.9918, Florida Statutes, is reenacted and amended to read:

601.9918 Rules related to issuance and use of symbols.—In rules related to the issuance and voluntary use of symbols, certification marks, service marks, or trademarks, the commission may make general references to national or state requirements that the license applicant would be compelled to meet regardless of the *Florida Citrus Authority's* ~~department's~~ issuance of the license applied for.

Section 162. Paragraph (d) of subsection (2) of section 288.012, Florida Statutes, is amended to read:

288.012 State of Florida foreign offices.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between state entities, local entities, foreign entities, and private businesses.

(2) Each foreign office shall have in place an operational plan approved by the participating boards or other governing authority, a

copy of which shall be provided to the Office of Tourism, Trade, and Economic Development. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(d) Identification of new and emerging market opportunities for Florida businesses. Each foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each foreign office, and to Enterprise Florida, Inc., the Florida Commission on Tourism, the Florida Ports Council, the Department of State, the *Florida Citrus Authority* Department of Citrus, and the Department of Agriculture and Consumer Services, trade industry, commodity, and opportunity information. This information shall be provided to such offices and entities either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

Section 163. Section 288.38, Florida Statutes, is amended to read:

288.38 Applicability of state laws and rules concerning citrus fruit and products.—Any application for establishment of a foreign trade zone made pursuant hereto shall include a provision that all laws of this state and rules of the Florida Department of Citrus Authority applicable to citrus fruit and processed citrus products shall equally apply within any foreign trade zone so established.

Section 164. Paragraph (aa) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(aa) The *operating accounts of the Florida Citrus Authority* Florida Citrus Advertising Trust Fund created by s. 601.15(6)(7), including transfers from any subsidiary accounts thereof, unless a different percentage is authorized in that section.

Section 165. Subsection (3) of section 600.041, Florida Statutes, is amended to read:

600.041 Definitions.—As used in this act, the following terms have the following meanings:

(3) "Citrus fruit" or "fruit" means and includes grapefruit, oranges, tangerines, Temples, tangelos, and murcott honey oranges grown in Florida as defined in and by s. 601.03, and when regulated by the Florida Citrus Authority Commission of the Department of Citrus, all other citrus fruit grown in Florida, including lemons, sour oranges, limes, and citrus hybrids.

Section 166. *Citrus advertising trust funds are appropriated for use, at the discretion of the Florida Citrus Authority, to settle civil actions pending against the Department of Citrus on the effective date of this act.*

Section 167. *The Florida Citrus Authority shall collect dues, contributions, or any other financial payment upon request by and on behalf of any not-for-profit corporation and its related not-for-profit corporations located in this state which receives payments or dues from members. Such not-for-profit corporation must be engaged solely in market news and grower education for citrus growers in this state and must have at least 7,500 members and must have at least 7,500 growers engaged in growing citrus in this state.*

And the title is amended as follows:

On page 4, line 18,

after the semicolon insert: protection; repealing s. 20.29, F.S.; abolishing the Department of Citrus; reenacting and amending s. 601.01, F.S.; titling ch. 601, F.S., as "the Florida Citrus Code"; creating the Florida Citrus Authority as an independent special district under the supervision of the Florida Citrus Commission; providing powers of the authority; providing for the transfer of all assets, personnel records,

documents, records, patents, trademarks, copyrights, real property, intangible property, furniture, office equipment, supplies, operating account balances, and unexpended balances of legislative appropriations of the Department of Citrus to the Florida Citrus Authority; providing that all liabilities of the Department of Citrus shall become the responsibility of the Florida Citrus Authority; providing for the continuation of specified services from executive agencies; providing that administrative rules of the Department of Citrus shall become the administrative rules of the Florida Citrus Authority; reenacting and amending s. 601.02, F.S.; providing purposes of the Florida Citrus Authority; providing that the Florida Citrus Authority shall collect and maintain the funds collected pursuant to the Florida Citrus Code and ch. 189, F.S.; providing for nonapplicability of specified provisions of ch. 189, F.S.; providing that moneys collected by the authority shall not become general revenue of the state nor be subject to legislative appropriations; providing restrictions on the use of such funds; reenacting and amending s. 601.03, F.S.; providing definitions; reenacting and amending s. 601.04, F.S., relating to the Florida Citrus Commission, to conform; repealing s. 601.05, F.S., relating to the powers of the Department of Citrus; reenacting and amending s. 601.06, F.S.; providing that all laws applicable to state agencies and public officers and employees regarding per diem and reimbursement shall be applicable to the Florida Citrus Authority and the Florida Citrus Commission; reenacting and amending s. 601.07, F.S., relating to location of executive offices, to conform; reenacting and amending s. 601.08, F.S., relating to authenticated copies of commission records as evidence, to conform; reenacting s. 601.09, F.S.; establishing citrus subdistricts of the authority; reenacting s. 601.091, F.S., relating to the designation and boundaries of the Florida SunRidge, Indian River, and Gulf production areas; reenacting and amending s. 601.10, F.S.; providing powers of the Florida Citrus Authority; reenacting and amending s. 601.101, F.S., relating to ownership of rights under patent and trademark laws developed or acquired pursuant to the authorities of the Florida Citrus Code, to conform; reenacting and amending s. 601.11, F.S., relating to the power of the Florida Citrus Authority to establish standards, to conform; reenacting and amending s. 601.111, F.S., relating to the authority of the Florida Citrus Authority to lower maturity standards, to conform; reenacting and amending s. 601.13, F.S., relating to the administration of citrus research and appropriations for such research, to conform; reenacting and amending s. 601.15, F.S., relating to the excise tax on citrus fruit, to conform; eliminating provisions relating to the planning and conduct of specified advertising campaigns, publicity, and sales promotions; providing for the delivery of all excise taxes directly to the Florida Citrus Authority for payment into operating accounts; providing for deposit of all excise taxes levied and collected under the Florida Citrus Code in the operating accounts of the Florida Citrus Authority; revising distribution of excise taxes; providing for the payment of specified obligations, expenses, and costs in the method and manner established by the authority; providing venue for any action filed by or against the authority; eliminating duplicative provisions; reenacting and amending s. 601.152, F.S., relating to special marketing orders, to conform; providing for deposit of specified moneys in the operating accounts of the authority; providing venue for suits initiated by or filed against the authority; reenacting and amending s. 601.154, F.S., relating to the Citrus Stabilization Act of Florida, to conform; providing for placement, deposit, and transfer of specified funds into authority operating accounts; providing jurisdiction with respect to enforcement for specified violations; reenacting and amending s. 601.155, F.S., relating to the excise tax on initial processing, reprocessing, blending, or mixing of specified citrus products, the packaging or repackaging of specified processed citrus products into retail or institutional containers, or the storing or removal by certain persons of specified processed citrus products from their original container for purposes other than official inspection or direct consumption by the consumer and not for resale; authorizing the authority to set the tax at a specified rate annually; providing conforming amendments; providing for payment of such excise taxes directly to authority general operating accounts; authorizing the authority to enter into specified agreements to pay excise tax refunds; reenacting s. 601.16, F.S., relating to maturity standards for fresh and processed grapefruit; reenacting s. 601.17, F.S., relating to minimum ratios of grapefruit juice solids to acid; reenacting and amending s.

601.18, F.S., relating to minimum juice content for grapefruit, to conform; reenacting and amending s. 601.19, F.S., relating to maturity standards for oranges, to conform; reenacting and amending s. 601.20, F.S., relating to minimum ratios of orange juice solids to acid; reenacting s. 601.21, F.S., relating to maturity standards for tangerines; reenacting s. 601.22, F.S., relating to minimum ratios of tangerine juice solids to acid; reenacting and amending s. 601.24, F.S., relating to prescribing methods of testing and grading of citrus fruit and the canned and concentrated products thereof, to conform; reenacting and amending s. 601.25, F.S., relating to the determination of soluble solids and acid, to conform; reenacting and amending s. 601.27, F.S., relating to the inspection in the state of all citrus fruit and the canned and concentrated products thereof by citrus inspectors; providing technical amendments; reenacting and amending s. 601.28, F.S., relating to inspection fees for citrus fruit and processed citrus products, to conform and make technical changes; reenacting s. 601.281, F.S., relating to additional fees levied upon citrus fruit to cover costs of operating road guard stations attributable to the services performed by such stations with respect to citrus fruit, and the deposit of such fees; reenacting and amending s. 601.29, F.S., relating to the powers of the Department of Agriculture and Consumer Services, to conform; reenacting and amending s. 601.31, F.S., relating to the employment of citrus inspectors, to conform and make technical changes; eliminating a requirement of citrus inspectors; reenacting and amending s. 601.32, F.S., relating to compensation of citrus inspectors, to conform and make technical changes; reenacting and amending s. 601.33, F.S., relating to interference with citrus inspectors, to conform and make technical changes; reenacting s. 601.34, F.S., relating to duties of law enforcement officers with respect to violations of the citrus fruit laws of the state; reenacting and amending s. 601.35, F.S., relating to disputes as to quality, grade, or condition of citrus fruit or the canned or concentrated products thereof, to conform and make technical changes; reenacting s. 601.36, F.S., relating to inspection information required when two or more lots of fruit run simultaneously; reenacting s. 601.37, F.S., relating to unlawful acts of inspectors; reenacting and amending s. 601.38, F.S., relating to authority of citrus inspectors, to conform; reenacting and amending s. 601.39, F.S., relating to special inspectors; providing a technical change; reenacting and amending s. 601.40, F.S., relating to registration of citrus packinghouses and processing plants; providing technical changes; reenacting and amending s. 601.41, F.S., relating to unlawful operation of a citrus fruit packinghouse, canning plant, or concentrating plant, or unlawful packing or otherwise preparing for sale or transportation any citrus fruit at such packinghouse, canning plant, or concentrating plant; providing technical changes; reenacting and amending s. 601.42, F.S., relating to revocation of registration of a packinghouse, canning plant, or concentrating plant; providing technical changes; reenacting and amending s. 601.43, F.S., relating to immature and unfit citrus fruit, to conform; reenacting and amending s. 601.44, F.S., relating to the destruction of immature fruit, to conform; reenacting and amending s. 601.45, F.S., relating to the grading of fresh citrus fruit, to conform; reenacting and amending s. 601.46, F.S., relating to conditions precedent to the sale of citrus fruit, to conform; reenacting s. 601.461, F.S., relating to falsification of weights; providing a penalty; reenacting and amending s. 601.47, F.S., relating to conditions precedent to processing citrus; providing a technical change; reenacting s. 601.471, F.S., relating to a specified expanded definition of "canned or concentrated citrus fruit products"; reenacting and amending s. 601.48, F.S.; eliminating provisions relating to inspection of processed citrus products for grade and subsequent grading and designation thereof; providing conforming amendments; reenacting and amending s. 601.49, F.S., relating to conditions precedent to selling processed citrus products, to conform; making a technical change; reenacting and amending s. 601.50, F.S., relating to the permitted sale or shipment of citrus fruit or the canned or concentrated products thereof without the issuance of and filing of inspection certificate and without the grade being shown on the container thereof, for specified purposes, to conform; reenacting s. 601.501, F.S., relating to exemption from advertising taxes for shipments of citrus fruit for charitable purposes; reenacting and amending s. 601.51, F.S., relating to required certification for shipment of citrus fruit or products; providing conforming and technical changes; reenacting s. 601.52, F.S., which prohibits carriers from accepting fruit that does not bear evidence of payment of excise taxes; reenacting s.

601.53, F.S., which prohibits the unlawful processing of unwholesome citrus; reenacting and amending s. 601.54, F.S., relating to seizure of unwholesome fruit, to conform; providing technical changes; reenacting and amending s. 601.55, F.S., relating to required licensure of citrus fruit dealers, to conform; reenacting and amending s. 601.56, F.S., relating to application for dealers' licenses, to conform; reenacting and amending s. 601.57, F.S., relating to examination of applications and approval of dealers' licenses, to conform; reenacting s. 601.58, F.S., relating to approval or disapproval of a citrus fruit dealer's license application; reenacting and amending s. 601.59, F.S., relating to dealer's license fees and agent's registration fees; providing technical changes; reenacting and amending s. 601.60, F.S., relating to issuance of dealers' licenses, to conform; reenacting and amending s. 601.601, F.S., relating to registration of dealers' agents, to conform and provide technical changes; reenacting and amending s. 601.61, F.S., relating to bond requirements of citrus fruit dealers, to conform and provide technical changes; reenacting s. 601.611, F.S., which prescribes applicable law in the event that a specified act is held unconstitutional or invalid; reenacting and amending s. 601.64, F.S., relating to unlawful acts by citrus fruit dealers, to conform; reenacting s. 601.641, F.S., relating to fraudulent representations; providing penalties; reenacting and amending s. 601.65, F.S., relating to liability of citrus fruit dealers; providing technical changes; reenacting and amending s. 601.66, F.S., relating to complaints of violations by citrus fruit dealers, procedure, bond distribution, and court action on bond; providing technical changes; reenacting and amending s. 601.67, F.S., relating to disciplinary action by the Department of Agriculture and Consumer Services against citrus fruit dealers, to conform; reenacting and amending s. 601.671, F.S., relating to appropriation of fines collected; providing a technical change; reenacting and amending s. 601.68, F.S., relating to investigation of violations; providing technical changes; reenacting and amending s. 601.69, F.S., relating to records to be kept by citrus fruit dealers, to conform; reenacting s. 601.70, F.S., relating to inspection of records by the Department of Agriculture and Consumer Services; reenacting and amending s. 601.701, F.S., relating to penalty for failure to keep records, to conform; reenacting s. 601.72, F.S.; providing penalties; reenacting and amending s. 601.73, F.S., relating to additional methods of enforcement; providing technical changes; reenacting and amending s. 601.731, F.S., relating to transporting citrus on highways, name and dealer designation on vehicles, and load identification, to conform; providing penalties; reenacting s. 601.74, F.S., which authorizes the department to adopt rules and set fees with respect to the licensing and analysis of materials and composition used on or in the packing of citrus fruits; reenacting s. 601.75, F.S., relating to certification of dyes and coloring matter for citrus fruit prior to use; reenacting s. 601.76, F.S., relating to the department's authority to adopt rules requiring manufacturers to furnish formulas and information with respect to coloring matter for use on citrus fruit; reenacting s. 601.77, F.S., relating to subsequent analysis of coloring matter and inspection of packinghouses or other places where coloring matter is applied; reenacting s. 601.78, F.S., relating to requirements of manufacturers of coloring matter used on citrus fruit to post bond; reenacting s. 601.79, F.S., which prohibits the use or application of coloring matter to grapefruit and tangerines; reenacting s. 601.80, F.S., relating to unlawful use of uncertified coloring matter; reenacting and amending s. 601.85, F.S., which provides specifications for the standard legal shipping box, crate, or container used for shipping fresh citrus fruit, to conform; reenacting s. 601.86, F.S., which provides uniform standard size for field boxes for fresh citrus fruit; reenacting s. 601.87, F.S., relating to the use of cleats on boxes; reenacting s. 601.88, F.S., relating to required stamping of oversized boxes; reenacting s. 601.89, F.S., relating to criteria by which citrus fruit shall be deemed to be seriously damaged by freezing; reenacting s. 601.90, F.S., relating to the power of the Florida Citrus Commission with respect to serious damage to the state's citrus by freezing temperatures; reenacting and amending s. 601.901, F.S., which provides for the use of freeze-damaged fruit in frozen concentrated citrus products, to conform; reenacting and amending s. 601.91, F.S., relating to the unlawful sale, transport, preparation, receipt, or delivery of freeze-damaged citrus, to conform; reenacting s. 601.92, F.S., relating to the use of arsenic in connection with citrus; reenacting s. 601.93, F.S., relating to the prohibited sale of citrus containing arsenic; reenacting and amending s. 601.94, F.S.,



relating to powers of inspection with respect to fruit containing arsenic; providing technical changes; reenacting s. 601.95, F.S., relating to seizure of citrus fruit containing arsenic; reenacting and amending s. 601.96, F.S., relating to taking samples of seized fruit for analysis; providing technical changes; reenacting and amending s. 601.97, F.S., relating to destruction of certain fruit containing arsenic; providing technical changes; reenacting s. 601.98, F.S., relating to the shipment, sale, or offer of imported citrus fruit or citrus products; reenacting and amending s. 601.981, F.S., relating to the issuance of permits for export of citrus fruit to foreign countries, to conform; reenacting s. 601.99, F.S., relating to the unlawful misbranding of wrappers or packages containing citrus fruit; reenacting and amending s. 601.9901, F.S., relating to the form of certificates of inspection, to conform; reenacting and amending s. 601.9902, F.S., relating to payment of salaries and expenses, to conform; reenacting and amending s. 601.9903, F.S., relating to required annual and special reports, to conform; reenacting and amending s. 601.9904, F.S., relating to rules and regulations with respect to frozen citrus juices, to conform; reenacting and amending s. 601.9905, F.S., relating to standards and labeling for canned orange juice, to conform; reenacting s. 601.9906, F.S., relating to standards for processed grapefruit juice products; reenacting and amending s. 601.9907, F.S., relating to standards and labeling for canned blended juice, to conform; reenacting and amending s. 601.9908, F.S., relating to standards and labeling for canned tangerine juice, to conform; reenacting and amending s. 601.9909, F.S., relating to requirements for frozen concentrated orange juice and specified labeling thereof, to conform; reenacting and amending s. 601.9910, F.S., relating to strict enforcement of citrus fruit maturity standards as being in the public interest and legislative findings of fact with respect thereto, to conform; reenacting and amending s. 601.9911, F.S., relating to a citrus producer's authority to sell or transport his or her own citrus fruit, to conform; reenacting and amending s. 601.9912, F.S.; providing penalties; reenacting and amending s. 601.9913, F.S., relating to standards for high-density frozen concentrated orange juice and required labeling, to conform; reenacting s. 601.9914, F.S., relating to the authority of the Florida Citrus Commission to modify standards by rule; reenacting and amending s. 601.9916, F.S., relating to the addition of optional nutritive sweetening ingredients to concentrated orange juice and rules with respect thereto, to conform; reenacting and amending s. 601.9918, F.S., relating to rules related to the issuance and use of symbols, certification marks, service marks, or trademarks, to conform; amending s. 288.012, F.S.; requiring the Florida Trade Data Center to make specified information available to the Florida Citrus Authority; amending s. 288.38, F.S.; providing that any application for the establishment of a foreign trade zone shall include a provision that all laws of the state and rules of the Florida Citrus Authority applicable to citrus fruit and processed citrus products shall equally apply within any foreign trade zone so established; amending ss. 215.20 and 600.041, F.S.; correcting cross references; providing for the appropriation of specified funds to settle pending actions against the Department of Citrus; authorizing the Florida Citrus Authority to collect dues, contributions, or other financial payments from specified entities; providing effective dates.

WHEREAS, the Governor of the State of Florida has endorsed the concept of privatization of governmental agencies, and

WHEREAS, in recognition of this initiative, the Legislature determines that it is in the best interests of the Department of Citrus to discontinue operation as an agency of the executive branch of government, and

WHEREAS, effective July 1, 2001, the Department of Citrus, created under section 20.29, Florida Statutes, shall become a special taxing district of the State of Florida and shall be renamed the Florida Citrus Authority, and

WHEREAS, the main purposes of the Florida Citrus Authority are to promote, market, research, advertise, and regulate the citrus industry in the State of Florida, and

WHEREAS, the head of the Florida Citrus Authority shall be a twelve-member board, appointed by the Governor and confirmed by the Florida Senate, known as the Florida Citrus Commission, and

WHEREAS, it is the intent of the Legislature that the powers and duties of the Florida Citrus Authority derive from chapter 601, Florida Statutes, and, unless specifically exempted, the provisions of chapter 189, Florida Statutes, shall be applicable to the Florida Citrus Authority, and

WHEREAS, it is the further intent of the Legislature that all assessments and funds collected by Florida Citrus Authority not be considered general revenue of the State of Florida and not be subject to legislative appropriations, and

WHEREAS, the Legislature acknowledges that the eradication of canker and other pest infestation is a matter which impacts the public health, safety, and welfare of the entire State of Florida, and

WHEREAS, further, the Legislature acknowledges that citrus canker and/or pest infestation has not been caused by and is not caused by the Florida citrus industry, and

WHEREAS, additionally, the Legislature acknowledges that the Florida Citrus Authority has no authority to assess the citrus industry for eradication of canker and pest infestation, and

WHEREAS, it is therefore the specific intent of the Legislature that no funds collected by the Florida Citrus Authority shall be used for the purpose of eradication of canker or other pest infestation and that all funding for eradication of canker and other pest infestations shall be funded by the Federal Government or from the general revenue of the State of Florida, and

WHEREAS, it is the intent of the Legislature that all of the assets, personnel records, documents, records, patents, trademarks, copyrights, real property, intangible property, furniture, office equipment, supplies, operating account balances, and unexpended balances of legislative appropriations be transferred from the Department of Citrus to the Florida Citrus Authority and shall continue as outlined in chapter 601, Florida Statutes, and that all liabilities of the Department of Citrus shall become the responsibility of the Florida Citrus Authority, and

WHEREAS, the Legislature acknowledges that there are currently many services that the Department of Citrus receives by virtue of being an agency of the executive branch, which services include, but are not limited to, payroll, purchasing, computer access, accounting programs, and insurance and retirement benefits, and

WHEREAS, until such time that the Florida Citrus Authority has made the appropriate transition, the authority shall continue to receive the same services that the Department of Citrus received from the executive agencies, NOW, THEREFORE,

Rep. Spratt moved the adoption of the amendment.

Representative(s) Alexander offered the following:

(Amendment Bar Code: 261147)

**Amendment 1 to Amendment 9 (with title amendment)**—On page 199, lines 16-20, remove from the amendment: all of said lines

and insert in lieu of:

~~(aa) The Florida Citrus Advertising Trust Fund created by s. 601.15(7), including transfers from any subsidiary accounts thereof, unless a different percentage is authorized in that section.~~

And the title is amended as follows:

On page 214 of the amendment, lines 14-15, of the amendment remove: all of said lines

and insert in lieu thereof: trade zone so established; amending s. 215.20, F.S.; deleting reference to Citrus Advertising Trust Fund; amending s. 600.041, F.S.; correcting cross references;

Rep. Alexander moved the adoption of the amendment to the amendment. Subsequently, **Amendment 1 to Amendment 9** was withdrawn.

Representative(s) Alexander offered the following:

(Amendment Bar Code: 195679)

**Amendment 2 to Amendment 9 (with title amendment)**—On page 200, line 15, of the amendment

insert:

Section 168. *In editing manuscript for the next edition of the official Florida Statutes, the Division of Statutory Revision of the Office of Legislative Services shall change “department” to “authority” wherever the same appears in chapter 601, Florida Statutes.*

And the title is amended as follows:

On page 214, line 21, of the amendment

after the semicolon, insert: directing that changes in terminology in the Florida Statutes be made;

Rep. Alexander moved the adoption of the amendment to the amendment.

### Reconsideration

On motion by Rep. Alexander, the House reconsidered the vote by which **Amendment 1 to Amendment 9** was withdrawn earlier today. The question recurred on the adoption of the amendment to the amendment, which was withdrawn.

### THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 2 to Amendment 9**, which was adopted.

The question recurred on the adoption of **Amendment 9**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 1805**—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public records requirements for personally identifying information and any insurance policy number contained in motor vehicle crash reports for 60 days following a motor vehicle crash; providing exceptions; providing for future review and repeal; providing criminal penalties for unlawful disclosure of confidential and exempt information; providing criminal penalties for unlawfully obtaining or attempting to obtain confidential and exempt information; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Representative(s) Waters, Brown, and Negron offered the following:

(Amendment Bar Code: 083751)

**Amendment 1 (with title amendment)**—  
Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Paragraph (c) of subsection (3) of section 316.066, Florida Statutes, is amended, and paragraphs (d) and (e) are added to that subsection, to read:

316.066 Written reports of crashes.—

(3)

(c) *Crash reports required by this section which reveal the identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash and which are received or prepared by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period of 60 days after the date the report is filed. However, such reports may be made immediately*

*available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news. For the purposes of this section, the following products or publications are not newspapers as referred to in this section: those intended primarily for members of a particular profession or occupational group; those with the primary purpose of distributing advertising; and those with the primary purpose of publishing names and other personally identifying information concerning parties to motor vehicle crashes. Any state or federal agency that is authorized to have access to such reports by any provision of law shall be granted such access in the furtherance of the agency's statutory duties notwithstanding the provisions of this paragraph. Any person attempting to access crash reports within 60 days after the date the report is filed must present legitimate credentials or identification that demonstrates his or her qualifications to access that information. This exemption is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 1, 2006, unless reviewed and saved from repeal through reenactment by the Legislature. ~~Crash reports made by law enforcement officers shall not be used for commercial solicitation purposes; however, the use of a crash report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as “commercial purpose.”~~*

(d) *Any employee of a state or local agency in possession of information made confidential by this section who knowingly discloses such confidential information to a person not entitled to access such information under this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(e) *Any person, knowing that he or she is not entitled to obtain information made confidential by this section, who obtains or attempts to obtain such information is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 2. *The Legislature finds that there is a public necessity that portions of crash reports which are mandated to be provided by law and which reveal personal information concerning parties to motor vehicle crashes be held confidential and exempt for 60 days after the date the report is filed to protect the privacy of persons that have been the subject of a motor vehicle crash. Further, the exemption is necessary to protect the public from unscrupulous individuals who promote the filing of fraudulent insurance claims by obtaining such information immediately after a crash and exploiting the individual at a time of emotional distress. The Second Interim Report of the Fifteenth Statewide Grand Jury on insurance fraud related to personal injury protection noted a “strong correlation between illegal solicitation and the commission of a variety of frauds.” The grand jury found “the wholesale availability of these reports is a major contributing factor to this illegal activity and likely the single biggest factor contributing to the high level of illegal solicitation.” Virtually anyone involved in a car accident in the state is fair game for “runners” who collect crash reports in bulk from law enforcement officials and then provide the information to solicit crash victims and defraud insurers. Continuing to make this information available, in the words of the grand jury, “can be emotionally, physically, and ultimately financially destructive.” Motor vehicle insurance fraud is estimated to add as much as \$246 to the average motor vehicle insurance policy premium. In the past 5 years, the Department of Insurance has received nearly 5,000 referrals of personal injury protection (PIP) insurance fraud and has made more than 500 arrests, resulting in an 80-percent conviction rate. Motor vehicle insurance fraud is fueled by early access to crash reports, which provides the opportunity for the filing of fraudulent insurance claims. Crash reports made by law enforcement officers should not be used for commercial solicitation purposes; however, the use of a crash report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast may not be construed as a “commercial purpose.” The Legislature also finds that*

crash reports should be made available to certain parties, such as those persons involved in the motor vehicle crash and their legal representatives, their insurers or insurers to which they have applied for coverage, their licensed insurance agents, persons under contract with such insurers to provide claims or underwriting information, and representatives of law enforcement and other regulatory agencies, and prosecutorial authorities within 60 days after the crash report is filed.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1,  
remove from the title of the bill: The entire title

and insert in lieu thereof: A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public-records requirements for motor vehicle crash reports that reveal specified information; providing that such reports may be made available to certain parties; providing for future review and repeal; providing penalties for the unlawful disclosure of confidential information and for unlawfully obtaining or attempting to obtain confidential information; providing findings of public necessity; providing an effective date.

Rep. Waters moved the adoption of the amendment.

On motion by Rep. Brummer, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Brummer offered the following:

(Amendment Bar Code: 884095)

**Amendment 1 to Amendment 1**—On page 2, line 29,  
remove from the amendment: 1

and insert in lieu thereof: 2

Rep. Brummer moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House returned to consideration of—

**HB 1915**—A bill to be entitled An act relating to agriculture and consumer services; amending s. 120.80, F.S.; providing that marketing orders under ch. 527, F.S., are not rules; amending s. 125.27, F.S.; authorizing the Department of Agriculture and Consumer Services to lease or loan equipment to governmental entities that have fire/rescue responsibilities; limiting liability for civil damages resulting from use or possession of such equipment; amending s. 201.15, F.S.; authorizing the department to adopt rules regarding the distribution of funds for best management practices; amending s. 316.228, F.S.; revising requirements for lamps on projecting loads; amending s. 320.08, F.S.; revising definition of a truck known as a “goat”; amending s. 403.714, F.S.; deleting requirement that the department coordinate development of uniform product specifications for compost used by state agencies; amending s. 487.041, F.S.; authorizing the department to require and review data relating to the claims of pesticide products used as preventive treatment for termites; authorizing the department to adopt rules; amending s. 500.09, F.S.; authorizing fees for certain reinspection of food establishments; amending s. 500.12, F.S.; increasing the maximum food establishment operating permit fee; providing use of such fee; amending ss. 502.012 and 502.014, F.S.; revising references relating to the pasteurized milk ordinance and milk sanitation; deleting requirement that a copy of a federal temporary marketing permit for milk and milk products be forwarded to the department; amending s. 502.053, F.S.; clarifying milk testing requirements; amending s. 502.091, F.S.; authorizing the department to forgo the grading of certain milk products in an emergency; providing for labeling; amending s. 503.041, F.S.; providing that attempting to transfer a frozen dessert plant license is grounds for license suspension or revocation; amending

s. 570.07, F.S.; authorizing the department to repair or build structures; providing restrictions; authorizing the department to conduct investigations of violations of laws relating to consumer protection; amending s. 503.071, F.S.; providing for the embargo, detention, or destruction of food or food processing equipment of a frozen dessert manufacturer; amending s. 570.244, F.S.; clarifying powers and duties of the department relating to the development of agribusinesses; amending s. 570.249, F.S.; clarifying aquacultural crops eligible for Agricultural Economic Development Program disaster loans; revising loan application requirements; directing the department to establish an agribusiness market development grant program; amending s. 570.38, F.S.; increasing membership of the Animal Industry Technical Council; amending s. 580.051, F.S.; revising label requirements for commercial feed; providing a penalty; amending s. 580.065, F.S.; revising feed laboratory standards and procedures; amending s. 580.091, F.S.; removing intent language regarding feed sampling and analysis; revising department procedures relating to approval of a quality-assurance/quality-control plan; amending s. 580.112, F.S.; prohibiting distribution of a feed or feedstuff that is prohibited by federal law or regulation; amending s. 581.211, F.S.; providing a penalty for violation of rules relating to plant industry; amending s. 585.002, F.S.; limiting local government regulation with respect to the humane care and treatment of livestock and poultry; amending s. 585.145, F.S.; providing for qualification of accredited veterinarians to provide official certificates of veterinary inspection; providing conditions for denial of authority to issue such certificates; amending s. 585.155, F.S.; revising vaccination requirements for calves; amending s. 616.242, F.S.; providing additional exemptions from amusement ride safety standards; amending s. 633.557, F.S.; revising exemptions from contractor requirements for certain farm buildings; amending s. 828.22, F.S.; creating the “Humane Slaughter Act”; revising provisions relating to humane slaughter and livestock euthanasia; amending s. 828.23, F.S.; revising definitions; amending s. 828.24, F.S.; revising provisions relating to prohibited acts; amending s. 828.25, F.S.; revising provisions relating to administration of the act by the department; creating s. 828.251, F.S.; directing the department to make current technical information available to slaughterers; creating s. 828.252, F.S.; providing for humane treatment of nonambulatory animals; amending s. 828.26, F.S.; revising penalties; amending ss. 427.804 and 559.921, F.S.; correcting cross references; repealing s. 570.544(10) and (11), F.S., relating to authority of the Division of Consumer Services of the department to conduct investigations of violations of laws relating to consumer protection; providing effective dates.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 585719)

**Amendment 10 (with title amendment)**—Between page 14, line 31, and page 15, line 1,

insert:

Section 17. Section 570.080, Florida Statutes, is created to read:

*570.080 Department of Agriculture and Consumer Services; agricultural water conservation.—The department shall establish an agricultural water conservation program which includes the following:*

(1) *A cost share program, coordinated where appropriate with the United States Department of Agriculture and other federal, state, regional, and local agencies, for irrigation system retrofit and application of mobile irrigation laboratory evaluations for water conservation as provided in this section and, where applicable, for water quality improvement pursuant to s. 403.067(7)(d).*

(2) *The development and implementation of voluntary interim measures or best management practices adopted by rule, which provide for increased efficiencies in the utilization and management of water for agricultural production. In the process of developing and adopting rules for interim measures or best management practices, the department shall consult with the Department of Environmental Protection and the water management districts. Such rules may also include a system to assure the implementation of the practices, including recordkeeping*

requirements. As new information regarding efficient agricultural water use and management becomes available the department shall reevaluate, and revise as needed, the interim measures or best management practices. The interim measures or best management practices may include irrigation retrofit, implementation of mobile irrigation laboratory evaluations and recommendations, water resource augmentation, and integrated water management systems for drought management and flood control and should, to the maximum extent practicable, be designed to qualify for regulatory and other incentives as determined by the agency having applicable statutory authority.

(3) Provision of assistance to the water management districts in the development and implementation of a consistent, to the extent practicable, methodology for the efficient allocation of water for agricultural irrigation.

And the title is amended as follows:

On page 2, line 22, after “manufacturer;”

insert: creating s. 570.080, F.S.; providing for an agricultural water conservation program;

Rep. Spratt moved the adoption of the amendment, which was adopted.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 741761)

**Amendment 11 (with title amendment)**—On page 4 of the bill, between lines 28 & 29,

insert:

Section 2. Paragraph (b) of subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.—

(2) CRITERIA.—A member, to be designated as a special risk member, must meet the following criteria:

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government ~~the employer or~~ an agency of state government with firefighting responsibilities. In addition, the member’s duties and responsibilities must include on-the-scene fighting of fires or direct supervision of firefighting units or aerial firefighting surveillance performed by fixed-wing pilots employed by the Department of Agriculture and Consumer Services, Division of Forestry, or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

And the title is amended as follows:

On page 1, line 5 after “rules;”

insert: amending s. 121.0515, F.S.; adding to the Special Risk Class of membership certain aerial firefighting surveillance positions;

Rep. Stansel moved the adoption of the amendment, which was adopted.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 240803)

**Amendment 12**—On page 5, lines 13 & 17, remove from the bill: *damage*

and insert in lieu thereof: *damages*

Rep. Spratt moved the adoption of the amendment, which was adopted.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 474847)

**Amendment 13**—On page 5 of the bill, line 15 after the word “*donate*” insert: *fire/rescue*

Rep. Spratt moved the adoption of the amendment, which was adopted.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 381351)

**Amendment 14 (with title amendment)**—On page 6 of the bill, between lines 25 & 26,

insert:

Section 4. Paragraph (c) of subsection (1) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(c) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board. *Effective July 1, 2001, Agriscience Foundations I, the core course in secondary Agriscience and Natural Resources programs, counts as one of the science credits.*

And the title is amended as follows:

On page 1, line 14 after the semicolon,

insert: amending s. 232.246, F.S.; allowing agriscience to count as a science course;

Rep. Spratt moved the adoption of the amendment, which was adopted.

Representative(s) Spratt offered the following:

(Amendment Bar Code: 702051)

**Amendment 15 (with title amendment)**—On page 8 of the bill, between lines 7 & 8,

insert:

Section 6. Section 373.621, Florida Statutes, is created to read:

*373.621 Water conservation.—The Legislature recognizes the significant value of water conservation in the protection and efficient use of water resources. Accordingly, consideration in the administration of s. 373.223, s. 373.233, and s. 373.236 shall be given to applicants who implement water conservation practices pursuant to s. 570.080 or other applicable water conservation measures as determined by the Department or a water management district.*

And the title is amended as follows:

On page 1, line 18 after “goat;”

insert: creating s. 373.621, F.S.; providing conditions for agricultural water conservation;

Rep. Spratt moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 953**—A bill to be entitled An act relating to burglary; creating s. 810.015, F.S.; providing legislative findings and intent; providing for

retroactive operation; amending s. 810.02, F.S.; revising the definition of burglary; reenacting s. 943.325(1)(a), F.S.; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

**HB 1395**—A bill to be entitled An act relating to the exclusionary rule; creating s. 90.959, F.S.; providing legislative findings regarding the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles; providing legislative findings regarding records maintained by the division; providing legislative findings regarding the mission of the division and the department; providing legislative findings regarding the application of the exclusionary rule; prohibiting the exclusion of evidence in certain circumstances; amending s. 322.20, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 322, F.S., shall not be considered law enforcement functions; providing an effective date.

—was read the second time by title.

Representative(s) Needelman offered the following:

(Amendment Bar Code: 782759)

**Amendment 1 (with title amendment)**—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 90.959, Florida Statutes, is created to read:

*90.959 Admission of evidence obtained from the Division of Driver Licenses and the Division of Motor Vehicles.—*

*(1) The Legislature finds that the Division of Driver Licenses and the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles are not law enforcement agencies. The Legislature also finds that the divisions are not adjuncts of any law enforcement agency in that employees have no stake in particular prosecutions. The Legislature further finds that errors in records maintained by the divisions are not within the collective knowledge of any law enforcement agency. The Legislature also finds that the missions of the Division of Driver Licenses, the Division of Motor Vehicles, and the Department of Highway Safety and Motor Vehicles provide a sufficient incentive to maintain records in a current and correct fashion.*

*(2) The Legislature finds that the purpose of the exclusionary rule is to deter misconduct on the part of law enforcement officers and law enforcement agencies.*

*(3) The Legislature finds that the application of the exclusionary rule to cases where a law enforcement officer effects an arrest based on objectively reasonable reliance on information obtained from the divisions is repugnant to the purposes of the exclusionary rule and contrary to the decisions of the United States Supreme Court in Arizona v. Evans, 514 U.S. 1 (1995) and United States v. Leon, 468 U.S. 897 (1984).*

*(4) In any case where a law enforcement officer effects an arrest based on objectively reasonable reliance on information obtained from the divisions, evidence found pursuant to such an arrest shall not be suppressed by application of the exclusionary rule on the grounds that the arrest is subsequently determined to be unlawful due to erroneous information obtained from the divisions.*

Section 2. Subsection (15) is added to section 322.20, Florida Statutes, to read:

322.20 Records of the department; fees; destruction of records.—

*(15) The creation and maintenance of records by the department and the Division of Driver Licenses pursuant to chapter 322 shall not be regarded as law enforcement functions of agency recordkeeping.*

Section 3. A new subsection (5) is added to section 320.05, Florida Statutes, to read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

*(5) The creation and maintenance of records by the department and the Division of Motor Vehicles pursuant to chapter 320 shall not be regarded as law enforcement functions of agency recordkeeping.*

Section 4. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1,  
remove from the title of the bill: all said lines

and insert in lieu thereof: An act relating to the exclusionary rule; creating s. 90.959, F.S.; providing legislative findings regarding the Division of Driver Licenses and the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles; providing legislative findings regarding records maintained by the divisions; providing legislative findings regarding the missions of the divisions and the department; providing legislative findings regarding the application of the exclusionary rule; prohibiting the exclusion of evidence in certain circumstances; amending s. 322.20, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 322, F.S., shall not be considered law enforcement functions; amending s. 320.05, F.S.; providing that the records of the Department of Highway Safety and Motor Vehicles maintained and created pursuant to ch. 320, F.S., shall not be considered law enforcement functions; providing an effective date.

Rep. Needelman moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 1131**—A bill to be entitled An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.026, F.S.; requiring the department to designate a certain number of beds to be used for transition assistance; expanding the types of offenders who are eligible for nonsecure community-based residential drug treatment; amending s. 944.473, F.S.; requiring certain inmates to participate in substance abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the Addiction Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance abuse transition housing programs; providing program requirements; requiring prerelease screening; providing requirements for offenders who participate in the program; authorizing the Parole Commission to adopt rules; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703 and 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition assistance specialists at institutions and community correctional centers; creating s. 944.7031, F.S.; providing for inmates released from private correctional facilities to be eligible for the same transition assistance services that are provided to inmates in state correctional facilities; requiring that such inmates be given access to placement consideration in substance abuse transition housing programs, including programs that have a faith-based component; amending ss. 944.705, 944.706, and 944.707, F.S.; authorizing the department to contract with faith-based service groups for release assistance programs and postrelease services; requiring the department to maintain certain information with regard thereto; removing provisions relating to responsibility of the Department of Labor and Employment Security for inmate placement; amending s. 944.803, F.S.; providing additional requirements for faith-based

programs for inmates; requiring the department to assign chaplains to certain community correctional centers; providing for faith-based dormitory programs; requiring a report to the Governor and the Legislature; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; providing conditions for placement of an inmate in a substance abuse transition housing program; amending s. 947.141, F.S.; providing revocation process for offenders on addiction recovery supervision; amending s. 948.08, F.S.; providing that specified offenders are eligible for certain pretrial intervention programs; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the department to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management before release; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Crime Prevention, Corrections & Safety offered the following:

(Amendment Bar Code: 773179)

**Amendment 1**—On page 39, lines 25 through 29, after the period, remove from the bill: all said lines

and insert in lieu thereof: *Recurring funds from this appropriation shall fund contracts with faith-based service groups to continue and expand faith dormitory programs and the additional chaplain positions and clerical-support positions as needed to support these programs.*

Rep. Bilirakis moved the adoption of the amendment, which was adopted.

The Council for Smarter Government offered the following:

(Amendment Bar Code: 670967)

**Amendment 2 (with title amendment)**—On page 40, line 25, remove from the bill: said line

and insert in lieu thereof:

Section 22. *Legislative intent.*—*The Legislature recognizes that many faith-based organizations have been successful at helping people to lead happier, more productive, and more successful lives, and that when this occurs the state, its communities, and its citizens receive important benefits. Further, the Legislature recognizes that faith-based organizations have been particularly important to and effective in the delivery of essential services to Florida's most vulnerable and needy citizens, both on a contract and voluntary basis, and that without such support many citizens would experience a much poorer quality of life. It is the Legislature's intent that neither state agencies nor political subdivisions of the state, either by action or inaction, impair such contributions to the common good, and that neither the state nor any of its agencies or political subdivisions be permitted to express hostility toward the free exercise of religious liberties by Floridians. Further, the Legislature intends that, whenever possible and reasonable, the agencies and political subdivisions of the state engage faith-based organizations to work collaboratively in the delivery of services to Florida's citizens, consistent with Florida and federal constitutional law.*

Section 23. (1) For purposes of this act, "program" means:

(a) Any state program funded under part A of Title IV of the Social Security Act, as amended by section 103(a) of Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193.

(b) Any other program established or modified under Title I or Title II of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that permits contracts with organizations or permits

*certificates, warrants, or other forms of disbursement to be provided to beneficiaries as a means of providing assistance.*

(c) Any other state program or policy initiative that provides direct assistance to individuals or families.

(2) Any agency or political subdivision of this state continues to have the authority to contract with faith-based organizations or to allow faith-based organizations to accept certificates, warrants, or other forms of disbursement under any program, on the same basis as any other nongovernmental provider, without impairing the religious character of such organizations. Any faith-based organization may act as a subcontractor in the delivery of services under any program, on the same basis as any other nongovernmental provider, without impairing the religious character of such organization. Each program to which this act is applicable shall be operated in compliance with federal requirements applicable to the particular program, and consistent with the Establishment Clause of the United States Constitution and s. 3, Art. I of the State Constitution.

(3) Any faith-based organization continues to be eligible as a contractor or subcontractor, on the same basis as any other nongovernmental organization, to provide assistance or to accept certificates, warrants, or other forms of disbursement under any program. Any agency of this state or any political subdivision of this state receiving funds under any program shall not discriminate against any organization which is or applies to be a contractor to provide assistance, or which accepts certificates, warrants, or other forms of disbursement, on the basis that the organization has a religious character.

(4)(a) A faith-based organization which has entered into a contract with an agency or political subdivision of this state, or which accepts certificates, warrants, or other forms of disbursement described in subsection (1), shall retain its independence from state and local governments, in regard to the organization's control over the definition, development, practice, and expression of its religious beliefs.

(b) An agency or any political subdivision of this state shall not require a faith-based organization to alter its form of internal governance or remove religious art, icons, scripture, or other symbols in order to be eligible to contract to provide assistance, or to accept certificates, warrants, or other forms of disbursement, funded under a program.

(5) Each agency which administers any program described in this section shall prepare a plan to implement this section and, no later than September 1, 2001, shall submit a copy of the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(6) Any contractor or provider that has received a contract to provide services under any program may continue to employ faith-based organizations as subcontractors on the same basis as any other nongovernmental provider. Any agency that administers any program described in this section may include in any client services contract a requirement that contractors or providers prepare plans describing their implementation of this section. A failure to deliver such plans, if required, may be considered by the agency as a material breach of the contract that may result in cancellation of the contract.

(7) Task force; membership; duties.—

(a) The "Task Force on Florida Partnerships" is hereby created to serve through February 1, 2002. The task force shall consist of the following members:

1. Five members who are affiliated with a community-based or faith-based organization, to be appointed by the Governor.

2. Two members who are affiliated with a community-based or faith-based organization, to be appointed by the President of the Senate.

3. Two members who are affiliated with a community-based or faith-based organization, to be appointed by the Speaker of the House of Representatives.

4. A representative from each of the Department of Children and Family Services, the Department of Juvenile Justice, the Department of Corrections, and the WAGES Board.

(b) *The appointments shall be made no later than September 1, 2001, and immediately reported to the Department of Management Services.*

(c) *Each appointed member of the task force shall serve at the pleasure of the appointing official. A vacancy on the task force shall be immediately filled in the same manner as the original appointment.*

(d) *The task force shall elect a chair from among its members. A vacancy in the chair of the task force must be filled for the remainder of the unexpired term by an election of the task force members.*

(e) *The Department of Management Services shall convene and facilitate the organizational meeting of the task force on or before October 1, 2001. Thereafter, the task force shall meet as necessary, at the call of the chair or at the call of a quorum of the task force, and at the time and place designated by the chair. Seven members of the task force shall constitute a quorum and a quorum is required to conduct official business of the task force. The task force shall use accepted rules of procedure to conduct its meetings and shall keep a complete record of each meeting.*

(f) *Members of the task force shall receive no compensation for their services but shall be entitled to receive from the Department of Management Services reimbursement of per diem and travel expenses as provided in s. 112.061, Florida Statutes.*

(g) *The Department of Management Services shall provide staff for the task force.*

(h) *The task force shall review, for compliance with the provisions of this act, the policies and procedures of each agency of this state or agency of a political subdivision of this state which administers any program. The task force shall identify any barriers in the state's law, rules, or policies that may prevent a faith-based organization from providing assistance under any program, and recommend solutions to those barriers. The task force shall act as an advisory body and shall make recommendations to the Governor and the Legislature on a coordinated plan to carry out the legislative intent of this act.*

(i) *The task force shall also evaluate the potential usefulness of a statewide clearinghouse, district or regional liaisons, or other mechanism that would provide information to assist faith-based and other community-based organizations in navigating the state procurement process.*

(j) *The task force shall issue a report to the Legislature no later than February 1, 2002, summarizing its findings, stating its conclusions, and proposing its recommendations.*

Section 24. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 3, line 23,  
remove from the title of the bill: providing an effective date.

and insert in lieu thereof: providing intent; providing a definition; reaffirming certain agencies' authority to contract or subcontract with faith-based organizations or allow faith-based organizations to accept certificates, warrants, or other forms of disbursement; specifying eligibility of faith-based organizations; providing certain protections for faith-based organizations; requiring certain agencies to prepare implementation plans and submit the plans to the Governor and the Legislature; creating the Task Force on Florida Partnerships; providing membership; providing duties; providing for per diem and travel; providing for a report; providing an effective date.

WHEREAS, the Task Force on Victims of Self-Inflicted Crimes, as created by chapter 2000-366, Laws of Florida, identified in its report issued January 18, 2001, a wide variety of potential legislative solutions for reducing the repetitious self-injurious behavior of prostitution and substance abuse, and

WHEREAS, those recommendations stemmed from the testimony from numerous individuals, substance abuse experts, governmental officials, and private organizations throughout Florida, and

WHEREAS, a significant recommendation made by the task force was recognition that state government should not and cannot bear the sole burden of treating and helping those suffering from addictions and self-injurious behaviors, and

WHEREAS, the task force concluded that faith-based organizations are "armies of compassion" devoted to changing individuals' hearts and lives and can offer cost-effective substance abuse treatment through the use of volunteers and other cost-saving measures, and

WHEREAS, the task force concluded that inmates with histories of substance abuse will most likely return to prison without transition assistance and postrelease supervision, coupled with treatment and job placement, and

WHEREAS, research has proven that "one-on-one" private and faith-based programming is often more effective than government programs in shaping and reclaiming lives because they are free to assert the essential connection between responsibility and human dignity; their approach is personal, not bureaucratic; their service is not primarily a function of professional background, but of individual commitment; and they inject an element of moral challenge and spiritual renewal that government cannot duplicate, and

WHEREAS, a study required by chapter 97-78, Laws of Florida, to measure the effectiveness of faith-based programs in Florida's correctional facilities found a strong and beneficial correlation between faith-based programming and remaining crime free and drug free upon release, and

WHEREAS, the Department of Corrections employs 105 prison chaplains who are responsible for addressing the religious and spiritual needs of over 71,000 inmates; for developing community linkages with churches, synagogues, mosques, and other faith-based institutions; and for recruiting and supervising volunteers who come into Florida's prisons to provide spiritual programs, mentoring activities, and other transitional skills, and

WHEREAS, the continued investment in the work of prison chaplains and their clerical staff is a critical factor for strengthening volunteer participation and support of faith-based programs in the prisons, as recognized by an academic study in 1997 entitled "The Report of Faith-Based Programs in Correctional Facilities," and

WHEREAS, the task force recommended that the Legislature fund faith-based substance abuse recovery programs and transitional assistance for the secular purpose of reducing recidivism, and

WHEREAS, in an effort to transform lives and break the personally destructive and expensive recidivism cycle, Florida should increase the number of chaplains who strengthen volunteer participation; expand the pilot dormitory program started in November 1999; and implement a strong transitional assistance residential program that includes a voluntary faith component that supports inmates as they reenter communities, and

WHEREAS, state government should engage Florida's faith-based organizations to enhance care for the needy and fill hollow hearts, and

WHEREAS, government must have qualities of the spirit, and

WHEREAS, the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 specifically authorized states to administer and provide services under specific programs through contracts with charitable, faith-based, or private organizations, and

WHEREAS, health care facilities operated by or affiliated with faith-based organizations have been effective partners in the provision of public health services for many years without interfering with the religious liberties of Floridians, and

WHEREAS, the Legislature intends to engage Florida's churches, synagogues, other religious congregations, and spiritual entrepreneurs to enhance care for the needy, NOW, THEREFORE,

Rep. Barreiro moved the adoption of the amendment, which failed of adoption.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1937**—A bill to be entitled An act relating to state revenues collected by court clerks; creating s. 213.13, F.S.; requiring electronic remittance of certain funds and information to the Department of Revenue; specifying sources of the funds to be electronically remitted; requiring the department to establish procedures for electronic transmittal of funds and return information; granting the department electronic access to specified funds for certain purposes; amending ss. 27.52, 28.101, 28.2401, 28.241, 34.041, 44.108, 316.192, 318.14, 318.18, 318.21, 327.35, 327.73, 372.7015, 372.72, 382.022, 382.023, 569.11, 741.01, 775.0835, 938.01, 938.03, 938.04, 938.06, 938.07, 938.23, 938.25, 938.27, and 960.17, F.S., to conform; providing for deposit by the Department of Revenue of certain moneys into certain trust funds and to certain agencies; providing for remittance of all moneys collected by the court clerks for the state to the Department of Revenue for deposit into certain funds or to certain agencies; authorizing Department of Revenue to adopt necessary forms, rules, and procedures; providing effective dates.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1939**—A bill to be entitled An act relating to trust funds; creating the Department of Revenue Clerks of the Court Trust Fund; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 791525)

**Amendment 1**—On page 1, line 23 and on page 1, line 24 of the bill after “Bill” insert: *1937*

Rep. Byrd moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 365**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information and specified financial information in records relating to an individual’s health or eligibility for health-related services made or received by the Department of Health or its service providers; specifying conditions under which such information may be released; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1971**—A bill to be entitled An act relating to water supply policy; amending s. 153.11, F.S.; authorizing county commissions to establish water and sewer rates and rate structures to encourage and promote water conservation and the use of reclaimed water; amending s. 163.3167, F.S.; requiring that each local government provide in its growth management plan for the long-term availability of water supplies for approved land development; amending s. 163.3177, F.S.; directing local government comprehensive plans to coordinate with regional water supply plans; directing future land use plans to be based on data regarding the availability of sufficient water supplies for present and future growth; amending s. 163.3180, F.S.; providing a concurrency requirement for water supply availability; providing for assistance from water management districts and the Department of Community Affairs; amending s. 373.0361, F.S.; providing that incompatibility with a regional supply plan be considered in determining if a proposed use of water is consistent with the public interest; amending s. 373.236, F.S.; requiring consideration of the implementation of agricultural water conservation best management practices in determining permit duration for water use permits; amending s. 373.406, F.S.; providing an exemption from provisions

regulating the management and storage of surface waters for implementation of such best management practices having minimal adverse impacts; creating s. 373.621, F.S.; recognizing the significance of agricultural water conservation; requiring consideration of the implementation of agricultural water conservation practices in water use permitting; amending s. 403.064, F.S.; requiring the reuse of reclaimed water when feasible; removing certain limitations on applicability; creating s. 570.080, F.S.; establishing an agricultural water conservation program; requiring water management districts to develop and finance public-private alternative water supply projects; creating the Water Supply Task Force; providing membership and duties; providing for technical advisory committees; providing for reimbursement for certain expenses; providing for an executive director and staff; requiring reports; providing for state agency assistance; providing for termination of the task force; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative(s) Harrington offered the following:

(Amendment Bar Code: 724771)

**Amendment 1 (with title amendment)**—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 153.11, Florida Statutes, is amended to read:

153.11 Water service charges and sewer service charges; revenues.—

(1)(a) The county commission shall in the resolution providing for the issuance of either water revenue bonds or sewer revenue bonds, or both, fix the initial schedule of rates, *rate structures*, fees, and other charges for the use of and for the services furnished or to be furnished by the facilities, to be paid by the owner, tenant or occupant of each lot or parcel of land which may be connected with and use any such facility by or through any part of the water system of the county.

(b) After the system or systems shall have been in operation the county commission may revise ~~the such~~ schedule of rates, *rate structures*, fees, and charges from time to time. Such rates, *rate structures*, fees, and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times to pay the cost of maintaining, repairing and operating the system or systems including the reserves for such purposes and for replacements and depreciation and necessary extensions, to pay the principal of and the interest on the water revenue bonds and/or sewer revenue bonds as the same shall become due and the reserves therefor, and to provide a margin of safety for making such payments. *The county commission may establish rates or rate structures in such a manner as to encourage and promote water conservation and the use of reclaimed water for nonpotable uses.* The county commission shall charge and collect the rates, fees, and charges so fixed or revised, and ~~the such~~ rates, *rate structures*, fees, and charges shall not be subject to supervision or regulation by any other commission, board, bureau, or agency of the county or of the state or of any sanitary district or other political subdivision of the state.

(c) Such rates, *rate structures*, fees, and charges shall be just and equitable and may be based or computed upon the quantity of water consumed and/or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system or upon the number or average number of persons residing or working in or otherwise connected with such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors.

(d) In cases where the amount of water furnished to any building or premises is such that it imposes an unreasonable burden upon the water supply system an additional charge may be made therefor or the county commission may if it deems advisable compel the owners or occupants of such building or premises to reduce the amount of water consumed



thereon in a manner to be specified by the county commission or the county commission may refuse to furnish water to such building or premises.

(e) In cases where the character of the sewage from any manufacturing or industrial plant or any building or premises is such that it imposes an unreasonable burden upon any sewage disposal system, an additional charge may be made therefor, or the county commission may, if it deems it advisable, compel such manufacturing or industrial plant or such building or premises to treat such sewage in such manner as shall be specified by the county commission before discharging such sewage into any sewer lines owned or maintained by the county.

(2) The county commission may charge any owner or occupant of any building or premise receiving the services of the facilities herein provided such initial installation or connection charge or fee as the commission may determine to be just and reasonable.

(3)(a) No rates, *rate structures*, fees, or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the facilities provided by this chapter and owners, tenants and occupants of property served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed rates, *rate structures*, fees, and charges. After the adoption by the county commission of a resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, *rate structures*, fees, and charges, notice of such public hearing setting forth the schedule or schedules of rates, *rate structures*, fees, and charges shall be given by one publication in a newspaper published in the county at least 10 days before the date fixed in said notice for the hearing, which said hearing may be adjourned from time to time. After such hearing such preliminary schedule or schedules, either as originally adopted or as modified or amended, shall be adopted and put into effect and thereupon the resolution providing for the issuance of water revenue bonds and/or sewer revenue bonds may be finally adopted.

(b) A copy of the schedule or schedules of such rates, *rate structures*, fees, and charges finally fixed in such resolution shall be kept on file in the office of the clerk of the circuit court in the county and shall be open to inspection by all parties interested. The rates, *rate structures*, fees, or charges so fixed for any class of users or property served shall be extended to cover any additional property thereafter served which fall within the same class without the necessity of any hearing or notice.

(c) Any change or revision of any rates, *rate structures*, fees, or charges may be made in the same manner as such rates, *rate structures*, fees, or charges were originally established as hereinabove provided, but if such change or revision be made substantially pro rata as to all classes of service no notice or hearing shall be required.

Section 2. Subsection (13) is added to section 163.3167, Florida Statutes, to read:

163.3167 Scope of act.—

(13) *Each local government shall address in its comprehensive plan the availability of water supplies necessary to meet the projected water use demands for the established planning period, compatible with any applicable plan developed pursuant to s. 373.036.*

Section 3. Paragraph (a) of subsection (3), paragraph (a) of subsection (4), and paragraph (c) of subsection (6) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient utilization of such facilities and set forth:

1. A component which outlines principles for construction, extension, or increase in capacity of public facilities, *including potable water facilities compatible with the applicable regional water supply*

*plan developed pursuant to s. 373.0361*, as well as a component which outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.

4. Standards for the management of debt.

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; *with any applicable plan developed pursuant to s. 373.036*; with adopted rules pertaining to designated areas of critical state concern; and with the state comprehensive plan shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. *By October 1, 2002, the element shall also include data and analyses, based upon the appropriate plan developed pursuant to s. 373.036, that evaluate the availability of potable water compared to population growth projected by the future land use plan.*

Section 4. Paragraph (k) is added to subsection (2) of section 373.1961, Florida Statutes, to read:

373.1961 Water production.—

(2) The Legislature finds that, due to a combination of factors, vastly increased demands have been placed on natural supplies of fresh water, and that, absent increased development of alternative water supplies, such demands may increase in the future. The Legislature also finds that potential exists in the state for the production of significant quantities of alternative water supplies, including reclaimed water, and that water production includes the development of alternative water supplies, including reclaimed water, for appropriate uses. It is the intent of the Legislature that utilities develop reclaimed water systems, where reclaimed water is the most appropriate alternative water supply option, to deliver reclaimed water to as many users as possible through the most cost-effective means, and to construct reclaimed water system infrastructure to their owned or operated properties and facilities where they have reclamation capability. It is also the intent of the Legislature that the water management districts which levy ad valorem taxes for water management purposes should share a percentage of those tax revenues with water providers and users, including local governments, water, wastewater, and reuse utilities, municipal, industrial, and

agricultural water users, and other public and private water users, to be used to supplement other funding sources in the development of alternative water supplies. The Legislature finds that public moneys or services provided to private entities for such uses constitute public purposes which are in the public interest. In order to further the development and use of alternative water supply systems, including reclaimed water systems, the Legislature provides the following:

(k) Pursuant to chapter 367, the Florida Public Service Commission shall allow entities under its jurisdiction constructing alternative water supply facilities, including but not limited to aquifer storage and recovery wells, to recover the full, prudently incurred cost of such facilities through their rate structure. Every component of an alternative water supply facility constructed by an investor-owned utility shall be recovered in current rates.

Section 5. Subsection (2) of section 373.217, Florida Statutes, is amended to read:

373.217 Superseded laws and regulations.—

(2) It is the further intent of the Legislature that Part II of the Florida Water Resources Act of 1972, as amended, as set forth in ss. 373.203-373.249, shall provide the exclusive authority for requiring permits for the consumptive use of water and for authorizing transportation thereof pursuant to s. 373.223(2). *Notwithstanding the provisions of Chapter 163, the issuance of a permit under this part shall be a conclusive determination of the availability of water supplies, including ground and surface water resources and alternative water supplies, for the use authorized by such permit.*

Section 6. Section 373.621, Florida Statutes, is created to read:

373.621 *Water conservation.—The Legislature recognizes the significant value of water conservation in the protection and efficient use of water resources. Accordingly, additional consideration in the administration of ss. 373.223, 373.233, and 373.236 shall be given to applicants who implement water conservation practices pursuant to s. 570.080 or other applicable water conservation measures as determined by the department or water management district.*

Section 7. Section 403.064, Florida Statutes, is amended to read:

403.064 Reuse of reclaimed water.—

(1) The encouragement and promotion of water conservation, and reuse of reclaimed water, as defined by the department, are state objectives and are considered to be in the public interest. *The Legislature finds that the reuse of reclaimed water is a critical component of meeting the state's existing and future water supply needs while sustaining natural systems.* The Legislature further finds that for those wastewater treatment plants permitted and operated under an approved reuse program by the department, the reclaimed water shall be considered environmentally acceptable and not a threat to public health and safety.

(2) All applicants for permits to construct or operate a domestic wastewater treatment facility located within, serving a population located within, or discharging within a water resource caution area shall prepare a reuse feasibility study as part of their application for the permit. Reuse feasibility studies shall be prepared in accordance with department guidelines adopted by rule and shall include, but are not limited to:

- (a) Evaluation of monetary costs and benefits for several levels and types of reuse.
- (b) Evaluation of water savings if reuse is implemented.
- (c) Evaluation of rates and fees necessary to implement reuse.
- (d) Evaluation of environmental and water resource benefits associated with reuse.
- (e) Evaluation of economic, environmental, and technical constraints.

(f) A schedule for implementation of reuse. The schedule shall consider phased implementation.

(3) *The permit applicant shall prepare a plan of study for the reuse feasibility study consistent with the reuse feasibility study guidelines adopted by department rule. The plan of study shall include detailed descriptions of applicable treatment and water supply alternatives to be evaluated and the methods of analysis to be used. The plan of study shall be submitted to the department for review and approval.*

(4)(3) The study required under subsection (2) shall be performed by the applicant, and the applicant shall determine the feasibility of reuse based upon the results of the study, ~~is determination of feasibility is final~~ if the study complies with the requirements of subsections (2) and (3).

(5)(4) A reuse feasibility study is not required if:

(a) The domestic wastewater treatment facility has an existing or proposed permitted or design capacity less than 0.1 million gallons per day; or

(b) The permitted reuse capacity equals or exceeds the total permitted capacity of the domestic wastewater treatment facility.

(6)(5) A reuse feasibility study prepared under subsection (2) satisfies a water management district requirement to conduct a reuse feasibility study imposed on a local government or utility that has responsibility for wastewater management.

(7)(6) Local governments may allow the use of reclaimed water for inside activities, including, but not limited to, toilet flushing, fire protection, and decorative water features, as well as for outdoor uses, provided the reclaimed water is from domestic wastewater treatment facilities which are permitted, constructed, and operated in accordance with department rules.

(8)(7) Permits issued by the department for domestic wastewater treatment facilities shall be consistent with requirements for reuse included in applicable consumptive use permits issued by the water management district, if such requirements are consistent with department rules governing reuse of reclaimed water. This subsection applies only to domestic wastewater treatment facilities which are located within, or serve a population located within, or discharge within water resource caution areas and are owned, operated, or controlled by a local government or utility which has responsibility for water supply and wastewater management.

(9)(8) Local governments may and are encouraged to implement programs for the reuse of reclaimed water. Nothing in this chapter shall be construed to prohibit or preempt such local reuse programs.

(10)(9) A local government that implements a reuse program under this section shall be allowed to allocate the costs in a reasonable manner.

(11)(10) Pursuant to chapter 367, the Florida Public Service Commission shall allow entities under its jurisdiction which conduct studies or implement reuse projects, including, but not limited to, any study required by subsection (2) or facilities used for reliability purposes for a reclaimed water reuse system, to recover the full, prudently incurred cost of such studies and facilities through their rate structure.

(12)(11) In issuing consumptive use permits, the permitting agency shall consider the local reuse program.

(13)(12) A local government shall require a developer, as a condition for obtaining a development order, to comply with the local reuse program.

(14)(13) ~~If, After conducting a feasibility study under subsection (2), an applicant determines that reuse of reclaimed water is feasible,~~ domestic wastewater treatment facilities that dispose of effluent by Class I deep well injection, as defined in 40 C.F.R. part 144.6(a), must implement reuse according to the schedule for implementation contained in the study conducted under subsection (2), to the degree that reuse is determined feasible, based upon the applicant's reuse feasibility

study. Applicable permits issued by the department shall be consistent with the requirements of this subsection.

(a) This subsection does not limit the use of a Class I deep well injection facility as backup for a reclaimed water reuse system.

(b) This subsection applies only to domestic wastewater treatment facilities located within, serving a population located within, or discharging within a water resource caution area.

~~(15)(14) If, After conducting a feasibility study under subsection (2), an applicant determines that reuse of reclaimed water is feasible, domestic wastewater treatment facilities that dispose of effluent by surface water discharges or by land application methods must implement reuse according to the schedule for implementation contained in the study conducted under subsection (2), to the degree that reuse is determined feasible, based upon the applicant's reuse feasibility study.. This subsection does not apply to surface water discharges or land application systems which are currently categorized as reuse under department rules. Applicable permits issued by the department shall be consistent with the requirements of this subsection.~~

(a) This subsection does not limit the use of a surface water discharge or land application facility as backup for a reclaimed water reuse system.

(b) This subsection applies only to domestic wastewater treatment facilities located within, serving a population located within, or discharging within a water resource caution area.

Section 8. Section 570.080, Florida Statutes, is created to read:

*570.080 Agricultural water conservation program.—The department shall establish an agricultural water conservation program which includes the following:*

*(1) A cost share program, coordinated where appropriate with United States Department of Agriculture and other federal, state, regional, and local agencies, for irrigation system retrofit and application of mobile irrigation laboratory evaluations for water conservation as provided in this section, and where applicable, for water quality improvement pursuant to s. 403.067(7)(d).*

*(2) The development and implementation of voluntary interim measures or best management practices, adopted by rule, which provide for increased efficiencies in the utilization and management of water for agricultural production. In the process of developing and adopting rules for interim measures or best management practices, the department shall consult with the Department of Environmental Protection and the water management districts. Such rules may also include a system to ensure the implementation of the interim measures or best management practices, including record keeping requirements. As new information regarding efficient agricultural water use and management becomes available the department shall reevaluate, and revise as needed, the interim measures or best management practices. The interim measures or best management practices may include irrigation retrofit, implementation of mobile irrigation laboratory evaluations and recommendations, water resource augmentation, and integrated water management systems for drought management and flood control and should, to the maximum extend practicable, be designed to qualify for regulatory and other incentives, as determined by the agency having applicable statutory authority.*

*(3) Provision of assistance to the water management districts in the development and implementation of a consistent, to the extent practicable, methodology for the efficient allocation of water for agricultural irrigation.*

Section 9. *The South Florida, St. Johns River, and Southwest Florida Water Management Districts shall each develop and participate in financing at least one public-private alternative water project that expands the current availability of alternative water supplies. Funding for the selected project shall commence no later than fiscal year 2001-2002. The selected project shall meet the criteria in s. 373.0831(4)(a). Projects that create new sources in order to help implement a prevention*

*or recovery strategy for a minimum flow or level shall be given priority consideration for funding.*

Section 10. *As a result of ongoing drought conditions throughout the state and in order to aid in the development of a better understanding of Florida's unique surface and ground water sources, it is the intent of the Legislature that the water management districts undertake a coordinated effort to develop an illustrative public service program that depicts the current status of major surface and ground water sources. This program shall be designed to provide information that shows the water levels of aquifers and water bodies that are critical to water supplies within each water management district. It is the intent of the Legislature that the districts develop partnerships with the local media to assist in the dissemination of this information. Further, it is the intent of the Legislature that this program be developed and made available no later than December 31, 2001. Beginning January 1, 2002, and every six months thereafter, the information developed pursuant to this section shall be submitted to the appropriate legislative committees with substantive jurisdiction over the water management districts.*

Section 11. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 3 through page 2, line 24  
remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 153.11, F.S.; authorizing county commissions to establish water and sewer rates and rate structures to encourage and promote water conservation and the use of reclaimed water; amending s. 163.3167, F.S.; requiring that each local government provide in its growth management plan for the long-term availability of water supplies for approved land development; amending s. 163.3177, F.S.; directing local government comprehensive plans to coordinate with regional water supply plans; directing future land use plans to be based on data regarding the availability of sufficient water supplies for present and future growth; amending s. 373.1961, F.S.; allowing certain alternative water supply facilities to recover the costs of such facilities through rate structures; amending s. 373.217, F.S.; recognizing a permit issued under Part II of Chapter 373, F.S., as conclusive determination of water supply availability; creating s. 373.621, F.S.; recognizing the significance of water conservation; requiring consideration of the implementation of water conservation practices in water use permitting; amending s. 403.064, F.S.; requiring the reuse of reclaimed water when feasible; creating s. 570.080, F.S.; establishing an agricultural water conservation program; requiring water management districts to develop and finance public-private alternative water supply projects; requiring the dissemination of public information regarding the status of major water sources; providing an effective date.

Rep. Harrington moved the adoption of the amendment.

Representative(s) Bennett offered the following:

(Amendment Bar Code: 093727)

**Amendment 1 to Amendment 1 (with title amendment)**—On page 15, between lines 30 and 31,

insert:

Section 11. Subsection (7) of section 373.0693, Florida Statutes, is amended to read:

373.0693 Basins; basin boards.—

(7) At 11:59 p.m. on December 31, 1976, the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District, which is annexed to the Southwest Florida Water Management District by change of its boundaries pursuant to chapter 76-243, Laws of Florida, shall be formed into a subdistrict or basin of the Southwest Florida Water Management District, subject to the same provisions as the other basins in such district. Such subdistrict shall be designated initially as the Manasota Basin. The members of the governing board of the Manasota Watershed Basin of the Ridge and Lower Gulf Coast Water Management District shall become members of the governing board of

the Manasota Basin of the Southwest Florida Water Management District. *Notwithstanding other provisions in this section, beginning on July 1, 2001, the membership of the Manasota Basin Board shall be comprised of three members from Manatee County and three members from Sarasota County. Matters relating to tie votes shall be resolved pursuant to subsection (6) by the ex officio chair designated by the governing board to vote in case of a tie vote.*

And the title is amended as follows:

On page 17, line 11, after the semicolon

insert: amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes;

Rep. Bennett moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 870041)

**Amendment 2 to Amendment 1 (with title amendment)**—On page 15, between lines 30 and 31, of the amendment

insert:

Section 11. *The Department of Environmental Protection, in coordination with water management districts and the Department of Health, shall determine the arsenic levels within all known watersheds in the state.*

And the title is amended as follows:

On page 17, line 11, of the amendment

after the semicolon, insert: requiring determination of arsenic levels in state watersheds;

Rep. Greenstein moved the adoption of the amendment to the amendment. Subsequently, **Amendment 2 to Amendment 1** was withdrawn.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 807**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; providing that certain vehicles of the Department of Health are authorized emergency vehicles; providing that a motorized scooter is not a motor vehicle for traffic control purposes; creating a definition of the term motorized scooter; amending s. 316.006, F.S.; authorizing the installation of multiparty stop signs on certain roads; providing guidelines for the installation of such signage; amending s. 316.1951, F.S.; revising provisions related to parking vehicles to display for sale; amending s. 316.1975, F.S.; exempting operators of solid waste and recovered materials vehicles from provisions regarding unattended motor vehicles; amending s. 316.2065, F.S.; providing motorized scooter operating regulations; amending s. 316.228, F.S.; requiring strobe lights to be placed on the exterior of a commercial vehicle transporting unprocessed forest products extending more than 4 feet beyond the rear of the vehicle; providing an alternate method for placing strobe lights in certain instances; requiring the use of a red flag on the load; amending s. 316.2397, F.S.; authorizing the emergency response vehicles of the Department of Health to use red flashing lights; amending s. 316.520, F.S.; clarifying that a violation of a provision governing loads on vehicles is a moving rather than a nonmoving violation; exempting certain vehicles carrying agricultural products; amending s. 316.640, F.S.; revising the powers and duties of traffic crash investigation officers; amending s. 316.650, F.S.; requiring the issuance of a copy of the traffic school reference guide with traffic citations under certain circumstances; amending s. 318.14, F.S.; deleting reference to a restriction on the number of elections a person may make to attend a basic driver improvement course; amending s. 318.1451, F.S.; providing an assessment fee with respect to driver improvement courses for

persons who are ordered by the court to attend and for certain other violations; providing traffic school reference guide requirements; amending s. 322.0261, F.S.; deleting reference to a time period and increasing the amount of damage required with respect to a crash for the screening of certain crash reports; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses for certain violations; amending s. 322.05, F.S.; adding a condition for the issuance of a driver's license to certain persons; amending s. 319.001, F.S.; providing definitions; amending s. 319.14, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to place a decal on a rebuilt vehicle so as to clarify its identity; providing a penalty for the removal of the decal; amending s. 319.22, F.S.; providing a limitation on an action challenging the validity of a certificate of title issued pursuant to ch. 319, F.S.; amending s. 319.23, F.S.; providing a limitation on the issuance of certain titles; amending s. 319.27, F.S.; including reference to ownership interest with respect to liens on motor vehicles or mobile homes; providing special requirements with respect to an ownership interest which is different from that shown on an application for certificate of title; creating s. 319.275, F.S.; providing for interpleader actions for law enforcement officers alleging possession of a stolen motor vehicle by a good faith purchaser or person duly issued a certificate of title; amending s. 319.32, F.S.; clarifying fees for recording of liens and ownership interests; amending s. 319.323, F.S.; revising language with respect to expedited service on title transfers; amending s. 319.23, F.S.; conforming the requirements for the transfer of ownership on an antique vehicle to that of any other motor vehicle; amending s. 319.28, F.S.; deleting the requirement that a copy of a contract for processing an application for title based on a contractual default be provided; amending s. 319.30, F.S.; clarifying the major component parts of a motor vehicle; amending s. 320.01, F.S.; conforming the length limitation for a motor home to that established in ch. 316, F.S.; providing that a motorized scooter is not a motor vehicle for registration purposes; defining the term "extended registration period"; amending s. 320.055, F.S.; authorizing an extended registration period for certain motor vehicles; amending s. 320.06, F.S.; providing terms and conditions for the issuance of extended registrations; amending s. 320.07, F.S.; providing for expiration of an extended registration; amending s. 320.02, F.S.; requiring application forms for motor vehicle registration and renewal of registration to include language permitting a voluntary contribution to certain organizations; amending s. 320.023, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary check-off contribution on a motor vehicle registration application to conform to the requirements of ch. 496, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.025, Florida Statutes, conforming the vessel registration law to the motor vehicle registration law; requiring a decal to be affixed to a vessel that is registered under a fictitious name and operated by any law enforcement agency; amending s. 320.05, F.S.; conforming the vessel registration law to the motor vehicle registration law; providing instructions for the release of information regarding a vessel to the public; amending s. 320.055, F.S.; correcting the registration period for nonapportioned vehicles; amending s. 320.06, F.S.; providing for the placement of only one decal rather than two on a license plate; amending s. 320.072, F.S.; reducing the timeframe a registrant can use a previous license plate for the initial registration fee exemption; amending s. 320.0805, F.S.; reducing the timeframe for a personalized license plate to remain out of circulation prior to reassignment; amending s. 320.08056, F.S.; requiring certain organizations to notify the department under certain circumstances; including two more colleges to the discontinuance exemptions provided for collegiate specialty license plates; amending s. 320.08062, F.S.; conforming this section to the Florida Single Audit Act; amending s. 320.083, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the Amateur Radio Operator specialty license plate; amending s. 320.089, F.S.; increasing the weight restriction for a private-use vehicle so as to be eligible to apply for the EX-POW or Purple Heart specialty license plate; amending s. 320.18, F.S.; providing for cancellation of

license plates and fuel use tax decals for failure to pay motor carrier weight and safety violation penalties; amending s. 320.27, F.S.; redefining the term "motor vehicle auction"; deleting the requirement for a licensee to have the certificate of title or ownership indicia in his or her possession at an auction; deleting a requirement for establishing a pattern of wrongdoing; revising requirements for denial, suspension, or revocation of a motor vehicle dealer license; amending s. 320.64, F.S.; providing additional grounds for denial, suspension, or revocation of vehicle manufacturer's license; amending s. 320.691, F.S.; creating the Automobile Dealers Industry Advisory Board; amending s. 322.01, F.S.; providing that a motorized scooter is not a motor vehicle for drivers' licensing purposes; amending s. 322.05, F.S.; correcting a statutory reference regarding the requirements for an individual under 18 years of age to apply for a driver's license; amending s. 322.081, F.S.; requiring certain organizations receiving voluntary check-off contributions to notify the department under certain circumstances and to meet specified requirements; conforming the section to the Florida Single Audit Act; requiring organizations seeking authorization to establish a voluntary contribution on a motor vehicle registration to register with the Department of Agriculture and Consumer Services; amending s. 322.095, F.S.; requiring the Department of Highway Safety and Motor Vehicles to approve and regulate certain courses for driver improvement schools; creating s. 322.222, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to hold a hearing when an individual's driver's license has been suspended or revoked due to medical reasons; amending s. 322.25, F.S.; correcting a cross reference; amending s. 322.2615, F.S.; complying with the USDOT's drunk driving prevention incentive program; reducing the timeframe for a temporary permit that is allotted when an individual is charged with driving with an unlawful blood-alcohol level; amending s. 322.27, F.S.; clarifying the time period for a driver's license revocation of a habitual traffic offender; amending s. 322.28, F.S.; deleting obsolete language regarding the revocation of a driver's license; repealing s. 322.282, F.S., relating to the procedure when the court revokes or suspends license or driving privilege and orders reinstatement; amending s. 322.292, F.S.; adding the requirement that DUI programs must be governmental programs or not-for-profit corporations; amending s. 322.61, F.S.; complying with the Federal Motor Carrier Safety Regulations; adding two more violations for which a commercial motor vehicle may be disqualified of driving privileges; amending s. 322.64, F.S.; reducing the timeframe for a temporary permit allotted when an individual holding a commercial driver's license is charged with an unlawful blood-alcohol level; repealing s. 322.331, F.S., relating to the reinstatement of a license of a habitual traffic offender; amending s. 324.091, F.S.; providing for electronic access to vehicle insurance information; amending s. 328.01, F.S.; deleting the requirement for a copy of a contract upon which a claim of ownership of a vessel is made on a contractual default; amending s. 328.42, F.S.; authorizing the department to deny or cancel any vessel registration, license plate, or fuel use decal when given a dishonored check by the customer; amending s. 328.56, F.S.; deleting the terms "commercial" and "recreational" when referring to vessels operated on the waters of this state; amending s. 328.72, F.S.; deleting the requirements for the transfer of ownership of an antique vessel; amending s. 328.76, F.S.; providing for the appropriation allotted for fiscal year 2000-2001 to be deposited into the Highway Safety Operating Trust Fund; amending s. 713.78, F.S.; adding the insurance company to the list of individuals to be contacted when a vehicle has been towed; providing storage periods before the expiration of which certain salvaged vehicles may not be sold; repealing s. 715.05, F.S., relating to the reporting of unclaimed motor vehicles; amending ss. 681.1096 and 681.1097, F.S.; revising program requirements for the Pilot RV Mediation and Arbitration program; amending s. 681.115, F.S.; providing that a motor vehicle sales agreement which prohibits disclosure of its terms is void; amending s. 715.07, F.S.; conforming the vessel registration law to the motor vehicle registration law; defining the term "vessel"; authorizing the removal of an undocumented vessel parked on private property; amending s. 832.09, F.S.; authorizing the department to create a standardized form to be used for notification of satisfaction of a worthless check; amending s. 212.08, F.S.; providing additional requirements on vehicle tax assessments; creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions;

creating the Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing for the use of designated off-highway-vehicle funds within the Incidental Trust Fund of the Division of Forestry, Department of Agriculture and Consumer Services; amending s. 316.2074, F.S.; revising the definition of the term "all-terrain vehicle"; prohibiting the use of all-terrain vehicles on public roadways in the state; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer's statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for the registration period and for reregistration by mail; requiring notification of change of interest and address; providing for duplicate registration certificate and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating to certificates of title and registration decals; providing penalties; providing for noncriminal infractions; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an appropriation; amending ss. 316.605, 318.14, 318.18, and 322.121, F.S.; correcting cross references; providing effective dates.

—was read the second time by title.

Representative(s) Slosberg offered the following:

(Amendment Bar Code: 433063)

**Amendment 1 (with title amendment)**—On page 23, between lines 24 and 25 of the bill

insert:

Section 9. *Short title.*—Sections 9 and 10 of this act may be cited as the "Dori Slosberg Act of 2001."

Section 10. Effective July 1, 2001, section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.—

(1) This section may be cited as the "Florida Safety Belt Law."

~~(2) It is the policy of this state that enactment of this section is intended to be compatible with the continued support by the state for federal safety standards requiring automatic crash protection, and the enactment of this section should not be used in any manner to rescind or delay the implementation of the federal automatic crash protection system requirements of Federal Motor Safety Standard 208 as set forth in S4.1.2.1 thereof, as entered on July 17, 1984, for new cars.~~

(2)(3) As used in this section:

(a) "Motor vehicle" means a motor vehicle as defined in s. 316.003 that is operated on the roadways, streets, and highways of this state. The term does not include:

1. A school bus.
2. A bus used for the transportation of persons for compensation.
3. A farm tractor or implement of husbandry.
4. A truck of a net weight of more than 5,000 pounds.
5. A motorcycle, moped, or bicycle.

(b) "Safety belt" means a seat belt assembly that meets the requirements established under Federal Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.

(c) "Restrained by a safety belt" means being restricted by an appropriately adjusted safety belt which is properly fastened at all times when a motor vehicle is in motion.

(3)(4) It is unlawful for any person:

(a) To operate a motor vehicle in this state unless each passenger of the vehicle under the age of 18 years is restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

(b) To operate a motor vehicle in this state unless the person is restrained by a safety belt.

(4)(5) It is unlawful for any person 18 years of age or older to be a passenger in ~~the front seat of~~ a motor vehicle unless such person is restrained by a safety belt when the vehicle is in motion.

(5) *The following are not required to be restrained by a safety belt:*

(6)(a) ~~Neither~~ A person who is certified by a physician as having a medical condition that causes the use of a safety belt to be inappropriate or dangerous.

(b) ~~nor~~ An employee of a newspaper home delivery service while in the course of his or her employment delivering newspapers on home delivery routes ~~is required to be restrained by a safety belt.~~

(b) ~~The number of front seat passengers of a pickup truck required to wear a safety belt pursuant to this section shall not exceed the number of safety belts which were installed in the front seat of such pickup truck by the manufacturer.~~

(c) An employee of a solid waste or recyclable collection service ~~is not required to be restrained by a safety belt~~ while in the course of employment collecting solid waste or recyclables on designated routes.

(d) *The passengers of a motor vehicle in excess of the number of safety belts installed by the manufacturer.*

(e)(d) The requirements of this section shall not apply to the living quarters of a recreational vehicle or a space within a truck body primarily intended for merchandise or property.

(6)(7) It is the intent of the Legislature that all state, county, and local law enforcement agencies, safety councils, and public school systems, in recognition of the fatalities and injuries attributed to unrestrained occupancy of motor vehicles, shall conduct a continuing safety and public awareness campaign as to the magnitude of the problem and adopt programs designed to encourage compliance with the safety belt usage requirements of this section.

(7)(8) Any person who violates the provisions of this section commits a nonmoving violation, punishable as provided in chapter 318. *A law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this section. However, except for violations of s. 316.613, enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this chapter, chapter 320, or chapter 322.*

(8)(9) A violation of the provisions of this section shall not constitute negligence per se, nor shall such violation be used as prima facie evidence of negligence or be considered in mitigation of damages, but such violation may be considered as evidence of comparative negligence, in any civil action.

And the title is amended as follows:

On page 2, line 3

after the semicolon, insert: creating the "Dori Slosberg Act of 2001"; amending s. 316.614, F.S.; deleting obsolete language; providing for all persons in a motor vehicle to wear a safety belt; revising the Florida

Safety Belt Law to eliminate the requirement that the law be enforced as a secondary action when a driver of a motor vehicle has been detained for another violation; providing restrictions on authority to search based on a safety belt violation;

Rep. Slosberg moved the adoption of the amendment.

On motion by Rep. Paul, the amendment was laid on the table. The vote was:

Session Vote Sequence: 197

Yeas—55

The Chair	Brummer	Harrell	Miller
Alexander	Bucher	Harrington	Murman
Arza	Byrd	Hart	Needelman
Attkisson	Carassas	Hogan	Negron
Atwater	Crow	Johnson	Paul
Baker	Diaz-Balart	Kendrick	Pickens
Barreiro	Dockery	Kilmer	Ross
Baxley	Fasano	Kottkamp	Rubio
Bean	Feeney	Kyle	Russell
Bennett	Flanagan	Littlefield	Simmons
Bense	Gardiner	Mack	Sorensen
Berfield	Goodlette	Mahon	Stansel
Bowen	Haridopolos	Mealor	Wallace
Brown	Harper	Melvin	

Nays—53

Allen	Gannon	Kosmas	Ryan
Andrews	Garcia	Lee	Seiler
Ausley	Gelber	Lerner	Siplin
Bendross-Mindingall	Gibson	Machek	Slosberg
Benson	Gottlieb	Mayfield	Smith
Betancourt	Greenstein	Maygarden	Sobel
Brutus	Henriquez	McGriff	Trovillion
Bullard	Heyman	Meadows	Weissman
Cantens	Holloway	Peterman	Wiles
Cusack	Jennings	Prieguez	Wilson
Diaz de la Portilla	Jordan	Rich	Wishner
Farkas	Joyner	Richardson	
Fields	Justice	Ritter	
Frankel	Kallinger	Romeo	

Votes after roll call:

Yeas to Nays—Goodlette

REPRESENTATIVE BALL IN THE CHAIR

Representative(s) Gardiner offered the following:

(Amendment Bar Code: 644929)

**Amendment 2 (with title amendment)**—On page 34, lines 5-25, remove from the bill: all of said lines

And the title is amended as follows:

On page 2, lines 27-29, remove from the title of the bill: all of said lines

and insert in lieu thereof: certain violations; amending

Rep. Gardiner moved the adoption of the amendment, which was adopted.

Representative(s) Gardiner and Russell offered the following:

(Amendment Bar Code: 091495)

**Amendment 3**—On page 42, lines 15-16 remove from the bill: all of said lines

and insert in lieu thereof:

*filing of the application, unless upon reliable documentary evidence provided with the application:*

(a) *the application is for a title to be issued to the person to whom the non-Florida title was issued,*

(b) *the application is for a title to be issued on a repossessed motor vehicle to a financial institution or other lender holding a lien on the vehicle that is reflected on the title certificate or recorded according to provisions in the Uniform Commercial Code or other law of the jurisdiction in which the lien is recorded or the lender's interest is registered for more than thirty days in accordance with s. 319.27, or*

(c) *the application is for a title to be issued on a motor vehicle to an entity that has consigned the vehicle to be offered for sale at a motor vehicle auction licensed pursuant to s. 320.27(1)(c)4.*

*Identity documents sufficient to obtain a Florida motor vehicle operator's license, certified copies of recorded documents or certified evidence of registration of an interest, or an affidavit with documentation attached evidencing consignment and any other documents required by the department shall constitute reliable documentary evidence for purposes of this subsection.*

Rep. Gardiner moved the adoption of the amendment, which was adopted.

Representative(s) Gardiner and Russell offered the following:

(Amendment Bar Code: 021655)

**Amendment 4**—On page 45, lines 10-13 remove from the bill: all of said lines

and insert in lieu thereof:

*competing claimants agree to another resolution or unless the motor vehicle is stored by the officer within the county of residence of the Florida title holder or of the resident in possession, or in the county in which the vehicle is seized, pending judicial determination of ownership or an agreed resolution. The officer may, in lieu of seizing the motor vehicle, assert constructive possession by bringing an action to compel all claimants to interplead in county court. The petition in such action shall set forth, under oath, the following facts, as are known to the officer:*

Rep. Gardiner moved the adoption of the amendment, which was adopted.

Representative(s) Gardiner and Russell offered the following:

(Amendment Bar Code: 583929)

**Amendment 5**—On page 49, lines 9-11 remove from the bill: all of said lines

and insert in lieu thereof:

*country unless, upon reliable documentary evidence provided with the application:*

(a) *the application is for a title to be issued to the person to whom the non-Florida title was issued,*

(b) *the application is for a title to be issued on a repossessed motor vehicle to a financial institution or other lender holding a lien on the vehicle that is reflected on the title certificate or recorded according to provisions in the Uniform Commercial Code or other law of the jurisdiction in which the lien is recorded or the lender's interest is registered for more than thirty days in accordance with s. 319.27, or*

(c) *the application is for a title to be issued on a motor vehicle to an entity that has consigned the vehicle to be offered for sale at a motor vehicle auction licensed pursuant to s. 320.27(1)(c)4.*

*Identity documents sufficient to obtain a Florida motor vehicle operator's license, certified copies of recorded documents or certified evidence of registration of an interest, or an affidavit with documentation attached evidencing consignment and any other documents required by the*

*department shall constitute reliable documentary evidence for purposes of this section.*

Rep. Russell moved the adoption of the amendment, which was adopted.

Representative(s) Prieguez offered the following:

(Amendment Bar Code: 100771)

**Amendment 6 (with title amendment)**—On page 68, between lines 19 & 20,

insert:

Section 42. Paragraph (h) of subsection (4) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(h) Florida educational license plate, \$25 \$15.

And the title is amended as follows:

On page 1, line 3, after the semicolon

insert: amending s. 320.08056, F.S.; increasing the fee for the Florida educational license plate;

Rep. Prieguez moved the adoption of the amendment, which was adopted.

Representative(s) Bense and Diaz-Balart offered the following:

(Amendment Bar Code: 855741)

**Amendment 7 (with title amendment)**—On page 82, lines 4-27, remove from the bill: all of said lines

and insert in lieu thereof:

Section 48. Paragraph (a) of subsection (11) of section 320.60, Florida Statutes, is amended and a new subsection (15) is added to read:

320.60 Definitions for ss. 320.61-320.70.—Whenever used in ss. 320.61-320.70, unless the context otherwise requires, the following words and terms have the following meanings:

(11)(a) "Motor vehicle dealer" means any person, firm, *company*, ~~or~~ corporation, or other entity, who,

1. *Is licensed pursuant to s. 320.27 as a "franchised motor vehicle dealer" and, for commission, money or other things of value, repairs or services motor vehicles or used motor vehicles pursuant to an agreement as defined in subsection (1), or*

2. *Who sells, exchanges, buys, leases or rents, or offers, or attempts to negotiate a sale or exchange of any interest in, motor vehicles, or*

3. *Who is engaged wholly or in part in the business of selling motor vehicles, whether or not such motor vehicles are owned by such person, firm, company, or corporation.*

(15) *"Sell," "selling," "sold," "exchange," "retail sales," and "leases" includes any transaction where the title of motor vehicle or used motor vehicle is transferred to a retail consumer, and also any retail lease transaction where a retail customer leases a vehicle for a period of at least 12 months. Establishing a price for sale pursuant to s. 320.64(24) does not constitute a sale or lease.*

Section 49. Subsection (4) of section 320.61, Florida Statutes, is amended to read:

320.61 Licenses required of motor vehicle manufacturers, distributors, importers, etc.—

(4) When a complaint of unfair or prohibited cancellation or nonrenewal of a dealer agreement is made by a motor vehicle dealer

against a licensee and ~~such complaint is pending is in the process of being heard pursuant to ss. 320.60-320.70 by the department,~~ no replacement application for such agreement shall be granted and no license shall be issued by the department under s. 320.27 to any replacement dealer until a final decision is rendered by the department on the complaint of unfair cancellation, so long as the dealer agreement of the complaining dealer is in effect as provided under s. 320.641(7).

Section 50. Subsections (13) and (16) are stricken, subsections (14), (15), and (17)-(23) are renumbered, subsection (20) is amended and renumbered as (18), and subsections (22)-(33) are added to section 320.64, Florida Statutes, to read:

320.64 Denial, suspension, or revocation of license; grounds.—A license of a licensee under s. 320.61 may be denied, suspended, or revoked within the entire state or at any specific location or locations within the state at which the applicant or licensee engages or proposes to engage in business, upon a proof that the section was violated with sufficient frequency to establish a pattern of wrongdoing and a licensee or applicant shall be liable for claims and remedies provided in s. 320.695 and s. 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts: ~~upon proof that an applicant or licensee has failed to comply with any of the following provisions with sufficient frequency so as to establish a pattern of wrongdoing on the part of the applicant:~~

(18)(20) The applicant or licensee has established a system of motor vehicle allocation or distribution or has implemented a system of allocation or distribution of motor vehicles to one or more of its franchised motor vehicle dealers which is unfair, inequitable, unreasonably discriminatory, or not supportable by reason and good cause after considering the equities of the affected motor vehicles dealer or dealers. An applicant or licensee shall maintain for 3 years records that describe its methods or formula of allocation and distribution of its motor vehicles and records of its actual allocation and distribution of motor vehicles to its motor vehicle dealers in this state.

(22) The applicant or licensee has refused to deliver, in reasonable quantities and within a reasonable time, to any duly licensed motor vehicle dealer who has an agreement with such applicant or licensee for the retail sale of new motor vehicles and parts for motor vehicles sold or distributed by the applicant or licensee, any such motor vehicles or parts as are covered by such agreement. Such refusal includes the failure to offer to its same line-make franchised motor vehicle dealers all models manufactured for that line-make, or requiring a dealer to pay any extra fee, require a dealer to execute a separate franchise agreement, purchase unreasonable advertising displays or other materials, or remodel, renovate, or recondition the dealer's existing facilities, or provide exclusive facilities as a prerequisite to receiving a model or series of vehicles. However, the failure to deliver any motor vehicle or part will not be considered a violation of this section if the failure is due to an act of God, work stoppage, or delay due to a strike or labor difficulty, a freight embargo, product shortage, or other cause over which the applicant or licensee has no control. An applicant or licensee may impose reasonable requirements on the motor vehicle dealer, other than the items listed above, including, but not limited to, the purchase of special tools required to properly service a motor vehicle, the undertaking of sales person or service person training related to the motor vehicle.

(23) The applicant or licensee has competed or is competing with respect to any activity covered by the franchise agreement with a motor vehicle dealer of the same line-make located in this state with whom the applicant or licensee has entered into a franchise agreement, except as permitted in s. 320.645.

(24) The applicant or licensee has sold a motor vehicle to any retail consumer in the state except through a motor vehicle dealer holding a franchise agreement for the line-make that includes the motor vehicle. This section does not apply to sales by the applicant or licensee of motor vehicles to its current employees, employees of companies affiliated by common ownership, charitable not-for-profit organizations, and the federal government.

(25) The applicant or licensee has undertaken an audit of warranty payments or incentive payment previously paid to a motor vehicle dealer

in violation of this section or has failed to comply with s. 320.696. An applicant or licensee may reasonably and periodically audit a motor vehicle dealer to determine the validity of paid claims. Audit of warranty payments shall only be for the 1-year period immediately following the date the claim was paid. Audit of incentive payments shall only be for an 18-month period immediately following the date the incentive was paid. An applicant or licensee shall not deny a claim or charge a motor vehicle dealer back subsequent to the payment of the claim unless the applicant or licensee can show that the claim was false or fraudulent or that the motor vehicle dealer failed to substantially comply with the reasonable written and uniformly applied procedures of the applicant or licensee for such repairs or incentives.

(26) Notwithstanding the terms of any franchise agreement, the applicant or licensee has refused to allocate, sell, or deliver motor vehicles, charged back or withheld payments or other things of value for which the dealer is otherwise eligible under a sales promotion, program, or contest, or prevented the motor vehicle dealer from participating in any promotion, program, or contest for selling a motor vehicle to a customer who was present at the dealership and the motor vehicle dealer did not know or should not have reasonably known that the vehicle would be shipped to a foreign country. There will be a rebuttable presumption that the dealer did not know or should not have reasonably known that the vehicle would be shipped to a foreign country if the vehicle is titled in one of the fifty United States.

(27) Notwithstanding the terms of any franchise agreement, the applicant or licensee has failed or refused to indemnify and hold harmless any motor vehicle dealer against any judgment for damages, or settlements agreed to by the applicant or licensee, including, without limitation, court costs and reasonable attorneys fees, arising out of complaints, claims, or lawsuits, including, without limitation, strict liability, negligence, misrepresentation, express or implied warranty, or revocation or rescission of acceptance of the sale of a motor vehicle, to the extent the judgment or settlement relates to the alleged negligent manufacture, design, or assembly of motor vehicles, parts, or accessories. Nothing herein shall obviate the licensee's obligations pursuant to chapter 681.

(28) The applicant or licensee has published, disclosed, or otherwise made available in any form information provided by a motor vehicle dealer with respect to sales prices of motor vehicles or profit per motor vehicle sold. Other confidential financial information provided by motor vehicle dealers shall not be published, disclosed, or otherwise made publicly available except in composite form. However, this information may be disclosed with the written consent of the dealer or in response to a subpoena or order of the Department, a court or a lawful tribunal, or introduced into evidence in such a proceeding, after timely notice to an affected dealer.

(29) The applicant or licensee has failed to reimburse a motor vehicle dealer in full for the reasonable cost of providing a loaner vehicle to any customer who is having a vehicle serviced at the motor vehicle dealer, if a loaner is required by the applicant or licensee, or a loaner is expressly part of an applicant or licensee's customer satisfaction index or computation.

(30) The applicant or licensee has conducted or threatened to conduct any audit of a motor vehicle dealer in order to coerce or attempt to coerce the dealer to forego any rights granted to the dealer under ss. 320.60-320.70 or under the agreement between the licensee and the motor vehicle dealer. Nothing in this section shall prohibit an applicant or licensee from reasonably and periodically auditing a dealer to determine the validity of paid claims.

(31) From and after the effective date of enactment of this provision, the applicant or licensee has offered to any motor vehicle dealer a franchise agreement that:

(a) Requires that a motor vehicle dealer bring an administrative or legal action in a venue outside of this state, or

(b) Requires that any arbitration, mediation, or other legal proceeding be conducted outside of this state, or



(c) *Requires that a law of a state other than Florida be applied to any legal proceeding between a motor vehicle dealer and a licensee.*

(32) *Notwithstanding the terms of any franchise agreement, the applicant or licensee has rejected or withheld approval of any proposed transfer in violation of s. 320.643 or a proposed change of executive management in violation of s. 320.644.*

Section 51. Section 320.641, Florida Statutes, is amended and a new subsection (8) is added to read:

320.641 *Discontinuations, cancellations, nonrenewals, modifications, and replacement* ~~Unfair cancellation~~ of franchise agreements.—

(1)(a) An applicant or licensee shall give written notice to the motor vehicle dealer and the department of the licensee's intention to discontinue, cancel, or fail to renew a franchise agreement or of the licensee's intention to modify a franchise or replace a franchise with a succeeding franchise, which modification or replacement will adversely alter the rights or obligations of a motor vehicle dealer under an existing franchise agreement or will substantially impair the sales, service obligations, or investment of the motor vehicle dealer, at least 90 days before the effective date thereof, together with the specific grounds for such action.

(b) The failure by the licensee to comply with the 90-day notice period and procedure prescribed herein shall render voidable, at the option of the motor vehicle dealer, any discontinuation, cancellation, nonrenewal, modification, or replacement of any franchise agreement. Designation of a franchise agreement at a specific location as a "nondesignated point" shall be deemed an evasion of this section and constitutes an unfair cancellation.

(2) Franchise agreements are deemed to be continuing unless the applicant or licensee has notified the department of the discontinuation of, cancellation of, failure to renew, modification of, or replacement of the agreement of any of its motor vehicle dealers; and annual renewal of the license provided for under ss. 320.60-320.70 is not necessary for any cause of action against the licensee.

(3) Any motor vehicle dealer *who receives a notice of intent to discontinue, cancel, not renew, modify, or replace whose franchise agreement is discontinued, canceled, not renewed, modified, or replaced* may, within the 90-day notice period, file a petition or complaint for a determination of whether such action is an unfair or prohibited discontinuation, cancellation, nonrenewal, modification, or replacement. Agreements and certificates of appointment shall continue in effect until final determination of the issues raised in such petition or complaint by the motor vehicle dealer. A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; is not undertaken for good cause; or is based on an alleged breach of the franchise agreement which is not in fact a material and substantial breach; or, if the grounds relied upon for termination, cancellation, or nonrenewal have not been applied in a uniform and consistent manner by the licensee. A modification or replacement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; or is not undertaken for good cause. The applicant or licensee shall have burden of proof that such action is fair and not prohibited.

(4) Notwithstanding any other provision of this section, the failure of a motor vehicle dealer to be engaged in business with the public for 10 consecutive business days constitutes abandonment by the dealer of his or her franchise agreement. If any motor vehicle dealer abandons his or her franchise agreement, he or she has no cause of action under this section. For the purpose of this section, a dealer shall be considered to be engaged in business with the public if a sales and service facility is open and is performing such services 8 hours a day, 5 days a week, excluding holidays. However, it will not be considered abandonment if such failure to engage in business is due to an act of God, a work stoppage, or a delay due to a strike or labor difficulty, a freight embargo, or other cause over which the motor vehicle dealer has no control, including any violation of ss. 320.60-320.70.

(5) Notwithstanding any other provision of this section, if a motor vehicle dealer has abandoned his or her franchise agreement as provided in subsection (4), the licensee may give written notice to the dealer and the department of the licensee's intention to discontinue, cancel, or fail to renew the franchise agreement with the dealer at least 15 days before the effective date thereof, specifying the grounds for such action. A motor vehicle dealer receiving such notice may file a petition or complaint for determination of whether in fact there has been an abandonment of the franchise.

(6) If the complainant motor vehicle dealer prevails, he or she shall have a cause of action against the licensee for reasonable attorneys' fees and costs incurred by him or her in such proceeding, and he or she shall have a cause of action under s. 320.697.

(7) Except as provided in s. 320.643, no replacement motor vehicle dealer shall be named for this point or location to engage in business and *the franchise agreement shall remain in effect until a final judgment is entered after all appeals are exhausted, provided that, when a motor vehicle dealer appeals a decision upholding a discontinuation, cancellation, or nonrenewal based upon abandonment or revocation of the dealer's license pursuant to s. 320.27, as lawful reasons for such discontinuation, cancellation, or nonrenewal, the franchise agreement shall remain in effect pending exhaustion of all appeals only if the motor vehicle dealer establishes a likelihood of success on appeal and that the public interest will not be harmed by keeping the franchise agreement in effect pending entry of final judgment after such appeal.* ~~prior to the final adjudication by the department on the petition or complaint and the exhaustion of all appellate remedies by the canceled or discontinued dealer, if a stay is issued by either the department or an appellate court.~~

(8) *If a transfer is proposed pursuant to s. 320.643(1) or (2) after a notice of intent to discontinue, cancel, or not renew a franchise agreement is received but, prior to the final determination, including exhaustion of all appellate remedies of a motor vehicle dealer's complaint or petition contesting such action, the termination proceedings shall be stayed, without bond, during the period that the transfer is being reviewed by the licensee pursuant to s. 320.643.; During the period that the transfer is being reviewed by the licensee, pursuant to s. 320.643, the franchise agreement shall remain in full force and effect, and the motor vehicle dealer shall retain all rights and remedies pursuant to the terms and conditions of the franchise agreement and applicable law, including all rights of transfer until such time as the licensee has accepted or rejected the proposed transfer. If the proposed transfer is rejected, the motor vehicle dealer shall retain all of its rights pursuant to s. 320.643 to an administrative determination as to whether the licensee's rejection is in compliance with the provisions of s. 320.643, and during the pendency of any such administrative proceeding, and any related appellate proceedings, the termination proceedings shall remain stayed without bond, the franchise agreement shall remain in full force and effect and the motor vehicle dealer shall retain all rights and remedies pursuant to the terms and conditions of the franchise agreement and applicable law, including all rights of transfer. If a transfer is approved by the licensee or mandated by law, the termination proceedings shall be dismissed with prejudice as moot. The subsection (8) applies only to the first two proposed transfers pursuant to s. 320.643(1) or (2) after notice of intent to discontinue, cancel, or not renew is received.*

Section 52. Section 320.643, Florida Statutes, is amended to read:

320.643 *Transfer, assignment, or sale of franchise agreements.—*

(1) A motor vehicle dealer shall not transfer, assign, or sell a franchise agreement to another person unless the dealer first notifies the licensee of the dealer's decision to make such transfer, by written notice setting forth the prospective transferee's name, address, financial qualification, and business experience during the previous 5 years. The licensee shall, in writing, within 60 days after receipt of such notice, inform the dealer either of the licensee's approval of the transfer, assignment, or sale or of the unacceptability of the proposed transferee, setting forth the material reasons for the rejection. If the licensee does not so inform the dealer within the 60-day period, its approval of the proposed transfer is deemed granted. No such transfer, assignment, or sale will be valid unless the transferee agrees in writing to comply with

all requirements of the franchise then in effect. ~~Notwithstanding the terms of any franchise agreement, the acceptance by the licensee of the proposed transferee shall not be unreasonably withheld.~~ For the purposes of this section, the refusal by the licensee to accept a proposed transferee who is of good moral character and who otherwise meets the written, reasonable, and uniformly applied standards or qualifications, if any, of the licensee relating to *financial qualifications of the transferee* and the business experience of the transferee or the transferee's executive management ~~required by the licensee of its motor vehicle dealers~~ is presumed to be unreasonable. A motor vehicle dealer whose proposed sale is rejected ~~licensee who receives such notice~~ may, within 60 days following such receipt of such rejection, file with the department a verified complaint for a determination that the proposed transferee ~~has been rejected in violation of~~ is not a person qualified to be a transferee under this section. The licensee has the burden of proof with respect to all issues raised by such verified complaint. The department shall determine, and enter an order providing, that the proposed transferee is either qualified or is not and cannot be qualified for specified reasons, or the order may provide the conditions under which a proposed transferee would be qualified. If the licensee fails to file such a response to the motor vehicle dealer's verified complaint within ~~30 such 60 days after receipt of the complaint, unless the parties agree in writing to an extension, period~~ or if the department, after a hearing, ~~dismisses the complaint or~~ renders a decision other than one disqualifying the proposed transferee, the franchise agreement between the motor vehicle dealer and the licensee shall be deemed amended to incorporate such transfer or amended in accordance with the determination and order rendered, effective upon compliance by the proposed transferee with any conditions set forth in the determination or order.

(2)(a) Notwithstanding the terms of any franchise agreement, a licensee shall not, by contract or otherwise, fail or refuse to give effect to, prevent, prohibit, or penalize, or attempt to refuse to give effect to, prevent, prohibit, or penalize, any motor vehicle dealer or any proprietor, partner, stockholder, owner, or other person who holds or otherwise owns an interest therein from selling, assigning, transferring, alienating, or otherwise disposing of, in whole or in part, the equity interest of any of them in such motor vehicle dealer to any other person or persons, including a corporation established or existing for the purpose of owning or holding the stock or ownership interests of other entities, unless the licensee proves at a hearing pursuant to this section that such sale, transfer, alienation, or other disposition is to a person who is not, or whose controlling executive management is not, of good moral character. A motor vehicle dealer, or any proprietor, partner, stockholder, owner, or other person who holds or otherwise owns an interest in the motor vehicle dealer, who desires to sell, assign, transfer, alienate, or otherwise dispose of any interest in such motor vehicle dealer shall notify, or cause the proposed transferee to so notify, the licensee, in writing, of the identity and address of the proposed transferee. A licensee who receives such notice may, within 60 days following such receipt, ~~notify the motor vehicle dealer in writing file with the department a verified complaint for a determination~~ that the proposed transferee is not a person qualified to be a transferee under this section and setting forth the material reasons for such rejection. ~~Failure of the licensee to notify the motor vehicle dealer within the 60-day period of such rejection shall be deemed an approval of the transfer. Any person whose proposed sale of stock is rejected may file within 60 days of receipt of such rejection a complaint with the Department alleging that the rejection was in violation of the law or the franchise agreement.~~ The licensee has the burden of proof with respect to all issues raised by such verified complaint. The department shall determine, and enter an order providing, that the proposed transferee either is qualified or is not and cannot be qualified for specified reasons; or the order may provide the conditions under which a proposed transferee would be qualified. ~~If the licensee fails to file a response to the motor vehicle dealer's complaint within 30 days of receipt of the complaint, unless the parties agree in writing to an extension, or if the licensee fails to file such verified complaint within such 60-day period or if the department, after a hearing, dismisses the complaint or renders a decision on the complaint other than one disqualifying the proposed transferee, the transfer shall be deemed approved franchise agreement between the motor vehicle dealer and the licensee shall be deemed amended to incorporate such~~

~~transfer or amended~~ in accordance with the determination and order rendered, effective upon compliance by the proposed transferee with any conditions set forth in the determination or order.

(b) During the pendency of any such hearing, the franchise agreement of the motor vehicle dealer shall continue in effect in accordance with its terms. The department shall expedite any determination requested under this section.

(3) ~~Notwithstanding the terms of any franchise agreement, the acceptance by the licensee of the proposed transferee shall not be unreasonably withheld. For the purposes of this section, the refusal by the licensee to accept a proposed transferee who satisfies the criteria set forth in subsection (1) or (2) is presumed to be unreasonable.~~

Section 53. Section 320.645, Florida Statutes, is amended to read:

320.645 Restriction upon ownership of dealership by licensee.—

(1) No licensee, including a manufacturer or agent of a manufacturer, or any parent, subsidiary, common entity, or officer or representative of the licensee shall own or operate, either directly or indirectly, a motor vehicle dealership in this state for the sale or service of motor vehicles which have been or are offered for sale under a franchise agreement with a motor vehicle dealer in this state. ~~A licensee may not be issued a motor vehicle dealer license pursuant to s. 320.27. However, no such licensee will be deemed to be in violation of this section:~~

(a) When operating a motor vehicle dealership for a temporary period, not to exceed 1 year, during the transition from one owner of the motor vehicle dealership to another;

(b) When operating a motor vehicle dealership temporarily for a reasonable period for the exclusive purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group that has historically been underrepresented in its dealer body, or for other qualified persons who the licensee deems lack the resources to purchase or capitalize the dealership outright, ~~not to exceed 1 year, or~~ in a bona fide relationship with an independent person, other than a licensee or its agent or affiliate, who has made a significant investment that is subject to loss in the dealership *within the dealership's first year of operation* and who can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions; or

(c) If the department determines, after a hearing on the matter, pursuant to chapter 120, at the request of any person, that there is no independent person available in the community or territory to own and operate the motor vehicle dealership in a manner consistent with the public interest.

In any such case, the licensee must continue to make the motor vehicle dealership available for sale to an independent person at a fair and reasonable price. Approval of the sale of such a motor vehicle dealership to a proposed motor vehicle dealer shall not be unreasonably withheld.

(2) As used in this section, the term:

(a) "Independent person" is a person who is not an officer, director, or employee of the licensee.

(b) "Reasonable terms and conditions" requires that profits from the dealership are reasonably expected to be sufficient to allow full ownership of the dealership by the independent person within a reasonable time period not to exceed 10 years, which time period may be extended if there is a reasonable basis to do so and is not being sought to evade the purpose of this section; that the independent person has sufficient control to permit acquisition of ownership; and that the relationship cannot be terminated solely to avoid full ownership. The terms and conditions are not reasonable if they preclude the independent person from an expedited purchase of the dealership using a monetary source other than profits from the dealership's operation; provided, however, that the independent person must pay or make an agreement to pay to the licensee any and all reasonable prepayment charges and costs, including all unrecouped restored losses, associated with the expedited

*purchase of the dealership. For the purpose of this section, unrecovered restored losses are monies that the manufacturer has provided to the dealership to restore losses of the dealership that the manufacturer has not been paid back through profits of the dealership.*

(c) *“Significant investment” means a reasonable amount, considering the reasonable capital requirements of the dealership, acquired and obtained from sources other than the licensee or any of its affiliates and not encumbered by the person’s interest in the dealership.*

(3) *Nothing in this section shall prohibit, limit, restrict, or impose conditions on:*

(a) *The business activities, including, without limitation, the dealings with motor vehicle manufacturers and their representatives and affiliates, of any person that is primarily engaged in the business of short term not to exceed 12 months rental of motor vehicles and industrial and construction equipment and activities incidental to that business, provided that:*

1. *Any motor vehicles sold by such person are limited to used motor vehicles that have been previously used exclusively and regularly by such person in the conduct of its rental business and used motor vehicles traded in on motor vehicles sold by such person;*

2. *Warranty repairs performed under any manufacturer’s new vehicle warranty by such person on motor vehicles are limited to those motor vehicles that it owns. As to previously owned vehicles, warranty repairs can be performed only if pursuant to a motor vehicle service agreement as defined in chapter 634, part I, issued by such person or an express warranty issued by such person on the retail sale of those vehicles previously owned; and*

3. *Motor vehicle financing provided by such person to retail consumers for motor vehicles is limited to used motor vehicles sold by such person in the conduct of its business; or*

(b) *The direct or indirect ownership, affiliation or control of a person described in paragraph (a) of this subsection.*

(4) *This section does not apply to any dealership that is owned, controlled, or operated by a licensee on July 1, 2000.*

~~(2) This section shall not be construed to prohibit any licensee from owning or operating a motor vehicle dealership in this state if such dealership was owned or operated by the licensee on May 31, 1984.~~

Section 54. Subsection (2) of section 320.699, Florida Statutes, is amended to read:

320.699 Administrative hearings and adjudications; procedure.—

(2) *If a written objection or notice of protest is filed with the department under paragraph (1)(b), a hearing shall be held not sooner than 180 days nor later than 240 days from within 180 days of the date of filing of the first objection or notice of protest, unless the time is extended by the Administrative Law Judge for good cause shown. This subsection shall govern the schedule of hearings in lieu of any other provision of law with respect to administrative hearings conducted by the Department of Highway Safety and Motor Vehicles or the Division of Administrative Hearings, including performance standards of state agencies, which may be included in current and future appropriations acts. hearing officer for good cause shown. If a hearing is not scheduled within said time, any party may request such hearing which shall be held forthwith by the hearing officer.*

Section 55. Section 320.6991, Florida Statutes, is created to read:

*Section 320.6991 Severability.—If a provision of ss. 320.60-320.70 or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of ss. 320.60-320.70 that can be given effect without the invalid provision or application, and to this end the provisions of 320.60-320.70 are severable.*

And the title is amended as follows:

On page 6, lines 17-19  
remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 320.60, F.S.; revising definitions used in ss. 320.61-320.70, F.S.; amending s. 320.61, F.S.; amending procedures to be followed when a complaint of unfair cancellation of a dealer agreement has been made by a motor vehicle dealer against a licensee; defining the term “final decision”; amending s. 320.64, F.S.; providing penalties and remedies for violations; deleting subsections (13) and (16); amending subsection (18); creating subsections (22) through (32) and renumbering sections; amending s. 320.641, F.S.; providing procedures relating to discontinuations, cancellations, nonrenewals, modifications, and replacements of franchise agreements; amending s. 320.643, F.S.; amending provisions relating to the transfer, assignment, or sale of franchise agreements; amending s. 320.645, F.S.; amending provisions relating to restrictions upon a licensee’s owning a dealership; providing for “dealer development arrangements”; providing exceptions; amending s. 320.699, F.S.; amending procedures for administrative hearings; creating s. 320.6991; providing for severability; amending s. 320.691

Rep. Bense moved the adoption of the amendment, which was adopted.

Representative(s) Russell offered the following:

(Amendment Bar Code: 762081)

**Amendment 8 (with title amendment)**—On page 102, between lines 10 and 11,

insert:

Section 65. *Driver Licensing Study Commission created.—*

(1) *The Driver Licensing Study Commission is created within the Department of Highway Safety and Motor Vehicles. The commission shall consist of eight members, to be appointed as follows:*

(a) *The Speaker of the House of Representatives shall appoint two members, at least one of whom must have business managerial experience in the private sector.*

(b) *The President of the Senate shall appoint two members, at least one of whom must have business managerial experience in the private sector.*

(c) *The Governor shall appoint three members, at least one of whom must have information technology experience relating to systems utilizing complex databases.*

(d) *The Executive Director of the Department of Highway Safety and Motor Vehicles shall serve as an ex officio, nonvoting member of the commission.*

(2) *The commission shall elect a chair and a vice chair from its membership at its first meeting.*

(3) *The commission shall be appointed no later than June 15, 2001, and its first meeting shall be held no later than July 15, 2001. The commission shall meet periodically at the request of the chair.*

(3) *Members of the commission shall serve without compensation, except for per diem and reimbursement for travel expenses as provided by s. 112.061, Florida Statutes.*

(4) *A vacancy in the commission shall be filled within 30 days after its occurrence in the same manner as the original appointment.*

(5) *The Department of Highway Safety and Motor Vehicles shall serve as primary staff to the commission, providing technical and administrative assistance and ensuring that commission meetings are electronically recorded. Such recordings shall be preserved pursuant to chs. 119 and 257, Florida Statutes.*

(6) *The commission shall study and make recommendations on the feasibility of using privatization, outsourcing, and public-private partnership techniques in the delivery of driver’s license services. The*

commission shall review local government driver's licensing programs and shall review results available from driver's licensing privatization pilot projects in the state. The study shall address the following issues:

(a) Identification of functions that are appropriate for privatization or outsourcing and functions for which the public sector should maintain direct control.

(b) Technology and re-engineering of business processes to achieve greater efficiencies, ultimately resulting in cost reduction.

(c) The format and type of necessary procurement procedures and oversight and audit mechanisms to protect the interests of the State of Florida in dealings with private service providers.

(d) Contractual controls to ensure appropriate service delivery and customer satisfaction levels.

(e) Safeguards for control of personal information.

(f) Ways to encourage the use of alternative service delivery options.

(g) Service center size and location to ensure that the public is best served.

(h) Issues related to utilization and placement of current public driver's license employees in public-private licensing enterprises.

(i) Any other issues the commission deems relevant to the privatization of drivers licensing functions.

(7) The commission shall prepare an initial report of its findings and recommendations on the issues listed in subsection (6) and shall submit the report to the Governor, the Speaker of the House of Representatives, and the President of the Senate on or before January 1, 2002. The commission shall prepare a final report of its findings and recommendations, taking into consideration the results of any pilot projects for delivery of driver's license services, and shall submit the report to the Governor, the Speaker of the House of Representatives, and the President of the Senate on or before January 1, 2003. The commission is dissolved at the time it submits its final report.

Section 66. There is appropriated from the Highway Safety Operating Trust Fund to the Driver Licensing Study Commission the sum of \$100,000 for the purpose of conducting the study required in this act.

And the title is amended as follows:

On page 8, line 13 after: offender;

insert: creating the Driver Licensing Study Commission within the Department of Highway Safety and Motor Vehicles; providing for membership and appointment; providing for staff; providing for duties of the commission; providing for dissolution of the commission upon submission of a required report; providing an appropriation;

Rep. Russell moved the adoption of the amendment, which was adopted.

Representative(s) Russell offered the following:

(Amendment Bar Code: 522217)

**Amendment 9**—On page 128, lines 17 through 20, remove from the bill: all of said lines

and insert in lieu thereof: (5) The members of the advisory committee shall serve without compensation, but shall be paid travel and per diem as provided in s. 112.061 while in the performance of their official duties.

Rep. Russell moved the adoption of the amendment, which was adopted.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 515939)

**Amendment 10**—On page 143, lines 9 & 10, remove from the bill: all of said lines

and insert in lieu thereof: by non-Florida residents, off-highway vehicles used for agricultural purposes, or off-highway vehicles rented for use on public beaches by concessionaires who are franchised by the public entities controlling those beaches, must be registered within 30 days after purchase.

Rep. Russell moved the adoption of the amendment.

Representative(s) Russell offered the following:

(Amendment Bar Code: 124539)

**Amendment 1 to Amendment 10**—On page 1, line 18 remove from the amendment: the words "used for"

and insert in lieu thereof: in use for specific

Rep. Russell moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 10**, as amended, which was adopted.

On motion by Rep. Weissman, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Weissman offered the following:

(Amendment Bar Code: 161863)

**Amendment 11 (with title amendment)**—On page 11, line 16, insert:

Section 1. Section 860.146, Florida Statutes, is created to read:

860.146 Fake airbags; junk-filled airbag compartment.—

(1) As used in this section, the term:

(a) "Fake airbag" means any item other than an air bag that was designed in accordance with federal safety regulations for a given make, model, and year of motor vehicle as part of a motor vehicle inflatable restraint system.

(b) "Junk-filled airbag compartment" means an airbag compartment that is filled with any substance that does not function in the same manner or to the same extent as an airbag to protect vehicle occupants in a vehicle crash. The term does not include a compartment from which an airbag has deployed if there is no concealment of the deployment.

(2) It is unlawful for anyone to knowingly purchase, sell, or install on any vehicle any fake airbag or junk-filled airbag compartment. Any person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

On page 1, line 3,

after the semicolon insert: creating s. 860.146, F.S.; defining the terms "fake airbag" and "junk-filled airbag compartment"; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties;

Rep. Weissman moved the adoption of the amendment, which was adopted.

On motion by Rep. Goodlette, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 342225)

**Amendment 12 (with title amendment)**—On page 56, line 5, through page 59, line 28, remove from the bill: all of said lines.

And the title is amended as follows:

On page 4, lines 7 through 14,  
remove from the title of the bill: all of said lines.

and insert in lieu thereof: amending s. 320.02, F.S.;

Rep. Goodlette moved the adoption of the amendment.

Rep. Kyle moved that, under Rule 12.2(c), a late-filed amendment be allowed for consideration, which was not agreed to.

On motion by Rep. Peterman, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Peterman offered the following:

(Amendment Bar Code: 944675)

**Amendment 13 (with title amendment)**—On page 153, between lines 16 & 17,

insert:

Section 105. Subsection (1) of section 322.056, Florida Statutes, is amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver's license for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; prohibition.—

(1) Notwithstanding the provisions of s. 322.055, if a person under 18 years of age is found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, and:

(a) The person is eligible by reason of age for a driver's license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his or her driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(b) The person's driver's license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(c) The person is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the department to withhold issuance of his or her driver's license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year after the date on which he or she would otherwise have become eligible, for the first violation.

2. Two years after the date on which he or she would otherwise have become eligible, for a subsequent violation.

*However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, if the person is otherwise qualified for such a license.*

And the title is amended as follows:

On page 1, line 3 after the semicolon

insert: amending s. 322.056, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to issue a driver's license restricted to business or employment purposes only to certain persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses;

Rep. Peterman moved the adoption of the amendment, which was adopted.

THE SPEAKER IN THE CHAIR

Reconsideration

On motion by Rep. Kendrick, the House reconsidered the vote by which **Amendment 1** was laid on the table earlier today.

The question recurred on the adoption of Amendment 1, which failed of adoption.

The vote was:

Session Vote Sequence: 198

Yeas—34

Allen	Gannon	Justice	Ryan
Andrews	Garcia	Lerner	Seiler
Ausley	Gelber	Machek	Slosberg
Bullard	Gottlieb	Meadows	Sobel
Cantens	Greenstein	Peterman	Wiles
Cusack	Henriquez	Prieguez	Wilson
Farkas	Heyman	Rich	Wishner
Fields	Holloway	Ritter	
Frankel	Joyner	Romeo	

Nays—75

The Chair	Bucher	Hogan	Murman
Alexander	Byrd	Jennings	Needelman
Argenziano	Carassas	Johnson	Negron
Arza	Detert	Jordan	Paul
Attkisson	Diaz de la Portilla	Kallinger	Pickens
Atwater	Diaz-Balart	Kendrick	Richardson
Baker	Dockery	Kilmer	Ross
Ball	Fasano	Kottkamp	Rubio
Barreiro	Fiorentino	Kravitz	Russell
Baxley	Flanagan	Kyle	Simmons
Bean	Gardiner	Lacasa	Siplin
Bennett	Gibson	Lee	Smith
Bense	Goodlette	Littlefield	Sorensen
Benson	Green	Mack	Stansel
Berfield	Haridopolos	Mahon	Trovillion
Betancourt	Harper	Maygarden	Wallace
Bowen	Harrell	Mealor	Waters
Brown	Harrington	Melvin	Weissman
Brummer	Hart	Miller	

Votes after roll call:

Yeas—McGriff

Nays to Yeas—Weissman

The question recurred on the adoption of **Amendment 12**, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1429**—A bill to be entitled An act relating to automatic external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automatic external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S., relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; providing an effective date.

—was read the second time by title.

The Committee on Health Promotion offered the following:

(Amendment Bar Code: 571015)

**Amendment 1 (with title amendment)**—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 768.1325, Florida Statutes, is created to read:

768.1325 *Cardiac Arrest Survival Act; immunity from civil liability.*—

(1) *This section may be cited as the “Cardiac Arrest Survival Act.”*

(2) *As used in this section:*

(a) *“Perceived medical emergency” means circumstances in which the behavior of an individual leads a reasonable person to believe that the individual is experiencing a life-threatening medical condition that requires an immediate medical response regarding the heart or other cardiopulmonary functioning of the individual.*

(b) *“Automated external defibrillator device” means a defibrillator device that:*

1. *Is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act.*

2. *Is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed.*

3. *Upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.*

4. *In the case of a defibrillator device that may be operated in either an automatic or a manual mode, is set to operate in the automatic mode.*

(c) *“Harm” means damage or loss of any and all types, including, but not limited to, physical, nonphysical, economic, noneconomic, actual, compensatory, consequential, incidental, and punitive damages or losses.*

(3) *Notwithstanding any other provision of law to the contrary, and except as provided in subsection (4), any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency is immune from civil liability for any harm resulting from the use or attempted use of such device, or any act or failure to act in providing or arranging further medical treatment. In addition, any person who acquired the device is immune from such liability, if the harm was not due to the failure of such acquirer of the device to:*

(a) *Notify the local emergency medical services medical director of the most recent placement of the device within a reasonable period of time after the device was placed;*

(b) *Properly maintain and test the device; or*

(c) *Provide appropriate training in the use of the device to an employee or agent of the acquirer when the employee or agent was the person who used the device on the victim, except that such requirement of training does not apply if:*

1. *The employee or agent was not an employee or agent who would have been reasonably expected to use the device; or*

2. *The period of time elapsing between the engagement of the person as an employee or agent and the occurrence of the harm, or between the acquisition of the device and the occurrence of the harm in any case in which the device was acquired after engagement of the employee or agent, was not a reasonably sufficient period in which to provide the training.*

(4) *Immunity under subsection (3) does not apply to a person if:*

(a) *The harm involved was caused by that person’s willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the victim who was harmed;*

(b) *The person is a hospital, clinic, or other entity whose primary purpose is providing health care directly to patients, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent;*

(c) *The person is an acquirer of the device who leased the device to a health care entity, or who otherwise provided the device to such entity for compensation without selling the device to the entity, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; or*

(d) *The person is the manufacturer of the device.*

(5) *This section does not establish any cause of action. This section does not require that an automated external defibrillator device be placed at any building or other location or require an acquirer to make available on its premises one or more employees or agents trained in the use of the device.*

Section 2. *Subsection (4) of section 768.13, Florida Statutes, is repealed.*

Section 3. Section 401.2915, Florida Statutes, is amended to read:

401.2915 *Automated external defibrillators.*—It is the intent of the Legislature that an automated external defibrillator may be used by any person for the purpose of saving the life of another person in cardiac arrest. In order to ensure public health and safety:

(1) *All persons who have access to or use an automated external defibrillator must obtain appropriate training, to include completion of a course in cardiopulmonary resuscitation or successful completion of a basic first aid course that includes cardiopulmonary resuscitation training, and demonstrated proficiency in the use of an automated external defibrillator;*

(2) *Any person or entity in possession of an automated external defibrillator is encouraged to register with the local emergency medical services medical director the existence and location of the automated external defibrillator; and*

(3) *Any person who uses an automated external defibrillator is required to activate the emergency medical services system as soon as possible upon use of the automated external defibrillator.*

Section 4. *No later than January 1, 2003, the Secretary of the Department of Health shall adopt rules to establish guidelines on the appropriate placement of automated external defibrillator devices in buildings or portions of buildings owned or leased by the state, and shall establish, by rule, recommendations on procedures for the deployment of automated external defibrillator devices in such buildings in accordance with the guidelines. The Secretary of the Department of Management Services shall assist the Secretary of the Department of Health in the development of the guidelines. The guidelines for the placement of the automated external defibrillators shall take into account the typical number of employees and visitors in the buildings, the extent of the need for security measures regarding the buildings, special circumstances in buildings or portions of buildings such as high electrical voltages or extreme heat or cold, and such other factors as the Secretaries determine to be appropriate. The Secretary of the Department of Health’s recommendations for deployment of automated external defibrillators in buildings or portions of buildings owned or leased by the state shall include:*

(a) *A reference list of appropriate training courses in the use of such devices, including the role of cardiopulmonary resuscitation;*

(b) *The extent to which such devices may be used by laypersons;*

(c) *Manufacturer recommended maintenance and testing of the devices; and*

(d) *Coordination with local emergency medical services systems regarding the incidents of use of the devices.*

*In formulating these guidelines and recommendations, the Secretary may consult with all appropriate public and private entities, including national and local public health organizations that seek to improve the survival rates of individuals who experience cardiac arrest.*

Section 5. This act shall take effect October 1, 2001.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: An act relating to automated external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automated external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S., relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; directing the Department of Health, with assistance from the Department of Management Services, to adopt rules to establish guidelines on the appropriate placement and deployment of automated external defibrillator devices in certain buildings owned or leased by the state; specifying factors to be considered in device placement and deployment; providing an effective date.

WHEREAS, over 700 lives are lost every day to sudden cardiac arrest in the United States alone, and

WHEREAS, two out of every three sudden cardiac deaths occur before a victim can reach a hospital, and

WHEREAS, more than 95 percent of these cardiac arrest victims will die, many because of lack of readily available lifesaving medical equipment, and

WHEREAS, with current medical technology, up to 30 percent of cardiac arrest victims could be saved if victims had access to immediate medical response, including defibrillation and cardiopulmonary resuscitation, and

WHEREAS, once a victim has suffered a cardiac arrest, every minute that passes before returning the heart to a normal rhythm decreases the chances of survival by 10 percent, and

WHEREAS, most cardiac arrests are caused by an abnormal heart rhythm called ventricular fibrillation, which occurs when the heart's electrical system malfunctions, causing a chaotic rhythm that prevents the heart from pumping oxygen to the victim's brain and body, and

WHEREAS, communities that have implemented programs ensuring widespread access to defibrillators, combined with appropriate training, maintenance, and coordination with local emergency medical systems have dramatically improved the survival rates from cardiac arrest, and

WHEREAS, automated external defibrillator devices have been demonstrated to be safe and effective, even when used by laypersons, since the devices are designed not to allow a user to administer a shock until after the device has analyzed a victim's heart rhythm and determined that an electric shock is required, and

WHEREAS, increased public awareness regarding automated external defibrillator devices will greatly facilitate their adoption, and

WHEREAS, limiting the liability of users and acquirers of automated external defibrillator devices in emergency situations may encourage the use of the devices, and result in saved lives, NOW, THEREFORE,

Rep. Murman moved the adoption of the amendment.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 241421)

**Amendment 1 to Amendment 1**—On page 2, lines 10 through 12, remove from the amendment: all of said lines

Rep. Murman moved the adoption of the amendment to the amendment.

On motion by Rep. Byrd, further consideration of **HB 1429**, with pending amendment, was temporarily postponed under Rule 11.10.

**CS/CS/HB 1053**—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising language with respect to the organization of the department; deleting responsibilities assigned to the secretary; providing that the secretary or his or her designee shall submit a report on major actions at each meeting of the Florida Transportation Commission; revising language with respect to assistant secretaries; creating the Office of Comptroller; deleting language with respect to the inspector general and comptroller; changing the Turnpike District into a turnpike enterprise; giving the Secretary of Transportation the authority to exempt the turnpike enterprise from department policies, procedures, and standards; giving the secretary authority to promulgate rules that will assist the turnpike enterprise in using best business practices; amending s. 110.205, F.S.; correcting cross references, to conform; amending s. 189.441, F.S.; removing an exemption to s. 287.055, F.S.; amending s. 206.46, F.S.; revising language with respect to the State Transportation Trust Fund; increasing the debt service cap; amending s. 255.20, F.S.; exempting certain transportation projects for certain competitive bidding requirements; amending s. 287.005, F.S.; increasing the amount defining a continuing contract; amending s. 311.07, F.S.; adding seaport security projects to the types of projects eligible for these funds; exempting seaport security projects from matching requirements; amending s. 311.09, F.S.; directing seaports to abide by the provisions of s. 287.055, F.S., related to competitive negotiation; amending s. 316.302, F.S.; revising a date concerning commercial motor vehicles to conform to federal regulations; amending s. 316.3025, F.S.; updating a cross reference to federal trucking regulations; amending s. 316.515, F.S.; deleting a requirement for a department permit with respect to the height of automobile transporters; amending s. 316.535, F.S.; adding weight requirements for certain commercial trucks; amending s. 316.545, F.S.; correcting a cross reference; amending s. 330.27, F.S.; revising definitions relating to aviation; providing definitions; amending s. 316.650, F.S.; requiring the issuance of a copy of the Traffic School Reference Guide with traffic citations; amending s. 318.14, F.S.; deleting reference to a restriction on the number of elections a person may make to attend a basic driver improvement course; amending s. 318.1451, F.S.; providing an assessment fee with respect to driver improvement courses for persons who are ordered by the court to attend and for certain other violations; amending s. 322.0261, F.S.; deleting reference to a time period and increasing the amount of damage required with respect to a crash for the screening of certain crash reports; creating s. 322.02615, F.S.; providing for mandatory driver improvement courses for certain violations; amending s. 322.05, F.S.; adding a condition for the issuance of a driver's license to certain persons; amending s. 330.29, F.S.; clarifying the department's rulemaking authority with respect to airports; amending s. 330.30, F.S.; eliminating airport license fees; revising language with respect to the department's site approval process; eliminating on-site inspections of private airports; creating a registration process for private airports; providing conditions; deleting obsolete language; providing exceptions; amending s. 330.35, F.S.; deleting obsolete language with respect to airport zoning; amending s. 330.36, F.S.; providing conditions under which municipalities may prohibit or otherwise regulate seaplanes; amending s. 332.004, F.S.; adding off-airport noise mitigation projects to the projects eligible for federal and state matching funds; amending s. 334.044, F.S.; authorizing the department to expend promotional money on scenic highway projects; authorizing the department to delegate its drainage permitting responsibilities to other governmental entities under certain circumstances; amending s. 334.193, F.S.; providing for employee bidding by department employees; amending s. 334.30, F.S.; clarifying existing program for public-private transportation projects; deleting requirement for legislative approval except for projects requiring more than \$50 million from the State Transportation Trust Fund; specifying notice and selection requirements for projects under this section; allowing Internal Revenue Service Code chapter 63-20 corporations to participate in these public-private transportation projects; providing conditions for using loans from Toll Facilities Revolving Trust Fund; deleting obsolete language; creating s. 335.066, F.S.; creating the Safe Paths to Schools Program; directing the department to establish the program and to authorize establishment of a grant program for purposes of funding the program; authorizing the department to adopt rules to administer the program; amending s. 335.141, F.S.; eliminating the

requirement that the department regulate all train speeds; amending s. 336.12, F.S.; creating process for homeowners' associations to be conveyed roads and rights-of-way abandoned by a county governing board for the purpose of converting a subdivision to a gated neighborhood; amending s. 336.41, F.S.; clarifying that a contract already qualified by the Department of Transportation is presumed qualified to bid on county road projects; amending s. 336.44, F.S.; replacing the term "competent" with "responsible bidder"; amending s. 337.107, F.S.; authorizing the department to enter into design-build contracts that include right-of-acquisition services; amending s. 337.11, F.S.; raising the cap on certain contracts into which the department can enter without first obtaining bids; adding enhancement projects to the types of projects that can be combined into a design-build contract; specifying that construction on design-build projects may not begin until certain conditions have been met; amending s. 337.14, F.S.; clarifying that contractors qualified by the Department of Transportation are presumed qualified to bid on projects for expressway authorities; amending s. 337.401, F.S.; providing that for projects on public roads or rail corridors under the department's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit; amending s. 339.08, F.S.; clarifying language with respect to the use of moneys in the State Transportation Trust Fund; amending s. 339.12, F.S.; providing that local governments which perform projects for the department are reimbursed promptly; specifying that certain counties that use revenues from a 1-cent local option sales tax for state transportation improvement projects not be penalized by receiving fewer state transportation funds; amending s. 339.135, F.S.; conforming language with respect to the tentative work program; conforming a reference to the turnpike district; amending s. 339.137, F.S.; revising definitions; amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; amending s. 341.051, F.S.; deleting obsolete language; amending s. 341.302, F.S.; deleting language requiring the department to perform certain railroad regulation tasks which are federal responsibilities; amending s. 348.0003, F.S.; giving a county governing body authority to set qualifications, terms of office, and obligations for the members of expressway authorities within their jurisdictions; amending ss. 348.0012, 348.754, 348.7543, 348.7544, 348.7545, 348.755, and 348.765, F.S.; giving the Orlando-Orange County Expressway Authority the ability to issue bonds, rather than issuance through the state Division of Bond Finance; amending s. 373.4137, F.S.; allowing transportation authorities created pursuant to chs. 348 and 349, F.S., to create environmental impact inventories and participate in a mitigation program to offset adverse impacts caused by their transportation projects; amending s. 475.011, F.S.; granting exemption from Florida licensing for certain firms or their employees under contract with the state or a local governmental entity to provide right-of-way acquisition services for property subject to condemnation; amending s. 479.15, F.S.; revising language with respect to harmony of regulations concerning lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements which allow outdoor signs to be erected above sound barriers; creating s. 70.20, F.S.; creating process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; providing for just compensation to sign owners under certain conditions; amending s. 496.425, F.S.; redefining the term "facility"; creating s. 496.4256, F.S.; providing that a governmental entity or authority that owns or operates welcome centers, wayside parks, service plazas, or rest areas on the state highway system are not required to issue a permit to, or grant access to, any person for the purpose of soliciting funds; repealing s. 316.3027, F.S.; relating to identification requirements on certain commercial motor vehicles; amending s. 337.408, F.S.; revising language with respect to the regulation of benches, transit shelters, and waste disposal receptacles within rights-of-way; providing for regulation of street light poles; amending s. 380.0651, F.S.; excluding certain wholesaling facilities from development-of-regional-impact review; deleting provision which provides the development-of-regional-impact statewide guidelines and standards for airports; deleting provision which provides for certain residential developments located in one county to be treated as located in an adjacent less populated county;

amending s. 768.28, F.S.; providing that certain operators of rail services and providers of security for rail services are agents of the state for certain purposes; providing for indemnification; repealing s. 316.610(3), F.S.; relating to certain inspections of certain commercial motor vehicles; amending s. 337.025, F.S.; eliminating cap on innovative highway projects for the turnpike enterprise; amending s. 337.11, F.S.; providing an exemption for a turnpike enterprise project; amending s. 338.22, F.S.; redesignating the Florida Turnpike Law as the Florida Turnpike Enterprise Law; amending s. 338.221, F.S.; redefining the term "economically feasible" as used with respect to turnpike projects; creating s. 338.2215, F.S.; providing legislative findings, policy, purpose, and intent for the Florida Turnpike Enterprise; creating s. 338.2216, F.S.; prescribing the power and authority of the turnpike enterprise; amending s. 338.223, F.S.; increasing the maximum loan amount for the turnpike enterprise; amending ss. 338.165 and 338.227, F.S.; conforming provisions; amending s. 338.2275, F.S.; authorizing the turnpike enterprise to advertise for bids for contracts prior to obtaining environmental permits; amending s. 338.234, F.S.; authorizing the turnpike enterprise to expand business opportunities; amending s. 338.235, F.S.; authorizing the consideration of goods instead of fees; amending s. 338.239, F.S.; providing that approved expenditure to the Florida Highway Patrol be paid by the turnpike enterprise; amending s. 338.241, F.S.; lowering the required cash reserve for the turnpike enterprise; amending s. 338.251, F.S.; conforming provisions; amending s. 553.80, F.S.; providing for self-regulation; amending s. 333.06, F.S.; requiring each licensed publicly owned and operated airport to prepare an airport master plan; providing notice to affected local governments with respect thereto; amending s. 380.06, F.S., relating to developments of regional impact; removing the rebuttable presumptions with respect to application of the statewide guidelines and standards; removing provisions which specify that certain changes in airport facilities or increases in the storage capacity for chemical or petroleum storage facilities constitute a substantial deviation and require further development-of-regional-impact review; exempting certain proposed facilities for the storage of any petroleum product from development-of-regional-impact requirements; amending ss. 163.3180 and 331.303, F.S.; correcting references; providing application with respect to airports and petroleum storage facilities which have received a development-of-regional-impact development order, or which have an application for development approval or notification of proposed change pending, on the effective date of the act; providing for severability; providing an effective date.

—was read the second time by title.

Representative(s) Bennett offered the following:

(Amendment Bar Code: 960809)

**Amendment 1 (with title amendment)**—On page 10, line 18,

insert:

Section 1. Paragraph (e) is added to subsection (2) of section 333.03, Florida Statutes, to read:

333.03 Power to adopt airport zoning regulations.—

(2) In the manner provided in subsection (1), interim airport land use compatibility zoning regulations shall be adopted. When political subdivisions have adopted land development regulations in accordance with the provisions of chapter 163 which address the use of land in the manner consistent with the provisions herein, adoption of airport land use compatibility regulations pursuant to this subsection shall not be required. Interim airport land use compatibility zoning regulations shall consider the following:

(e) Where an airport authority or other governing body operating a publicly owned public-use airport has conducted a noise study in accordance with the provisions of 14 C.F.R. part 150, any county or municipality applying a noise exposure map to a development as defined in s. 163.3164(6) pursuant to its comprehensive plan, a development order, or a development permit, as defined in s. 163.3164(4), (7), and (8), respectively, or any land development regulation as defined in s.



163.3221(7), shall utilize the noise exposure map most recently approved by the Federal Aviation Administration.

And the title is amended as follows:

On page 1, line 2, after the semicolon

insert: amending s. 333.03, F.S.; requiring an airport authority or other governing body operating a publicly owned public-use airport to utilize the most recently approved noise exposure map;

Rep. Bennett moved the adoption of the amendment, which was adopted.

Representative(s) Mack offered the following:

(Amendment Bar Code: 702559)

**Amendment 2 (with title amendment)**—On page 41, between lines 12 & 13,

insert:

Section 9. Subsection (1) of Section 315.031, Florida Statutes is amended to read:

315.031 Promoting and advertising port facilities.—

(1) Each unit is authorized and empowered:

(a) To publicize, advertise and promote the activities and port facilities herein authorized;

(b) To make known the advantages, facilities, resources, products, attractions and attributes of the activities and port facilities herein authorized;

(c) To create a favorable climate of opinion concerning the activities and port facilities herein authorized;

(d) To cooperate with other agencies, public and private, in accomplishing these purposes;

(e) To enter into agreements with the purchaser or purchasers of port facilities bonds issued under the provisions of this law to establish a special fund to be set aside from the proceeds of the revenues collected under the provisions of s. 315.03(13), during any fiscal year, for the promotional activities authorized herein.

(f) To authorize expenditures for promotional activities authorized by this section, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its port facilities.

~~Nothing herein shall be construed to authorize any unit to expend funds for meals, hospitality, amusement or any other purpose of an entertainment nature.~~

(Renumber subsequent sections)

And the title is amended as follows:

On page 1, line 9 after the semi-colon,

insert: s. 315.031, F.S.; authorizing certain entertainment expenditures for seaport;

Rep. Mack moved the adoption of the amendment, which was adopted.

Representative(s) Russell offered the following:

(Amendment Bar Code: 174173)

**Amendment 3**—On page 45, lines 12-19 delete,

and insert in lieu thereof: ordinance of any city or town, shall deposit the original and one copy of such traffic citation or, in the case of a traffic enforcement agency which has an automated citation issuance system, shall provide an electronic facsimile with a court having jurisdiction

over the alleged offense or with its traffic violations bureau within 5 days after issuance to the violator. *If a law enforcement officer distributes additional information, such information shall be a copy of the traffic school reference guide.*

Rep. Russell moved the adoption of the amendment, which was adopted.

Representative(s) Brown offered the following:

(Amendment Bar Code: 802057)

**Amendment 4 (with title amendment)**—On page 110, between lines 25 and 26 of the bill

insert:

Section 54. Subsection (18) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(18) The department and each water management district responsible for implementation of the environmental resource permitting program shall develop a uniform wetland mitigation assessment method no later than October 1, 2001. The department shall adopt the uniform wetland mitigation assessment method by rule no later than January 31, 2002. *Rules promulgated pursuant to this subsection shall be submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the 2002 regular session, and shall become effective only after legislative review. In its review, the Legislature may reject, modify, or take no action relative to such rules.* Once the department adopts the uniform wetland mitigation assessment method by rule, the uniform wetland mitigation assessment method shall be binding on the department, the water management districts, local governments, and any other governmental agencies and shall be the sole means to determine mitigation needed to offset adverse impacts and to award and deduct mitigation bank credits. A water management district and any other governmental agency subject to chapter 120 may apply the uniform wetland mitigation assessment method without the need to adopt it pursuant to s. 120.54. It shall be a goal of the department and water management districts that the uniform wetland mitigation assessment method developed be practicable for use within the timeframes provided in the permitting process and result in a consistent process for determining mitigation requirements. It shall be recognized that any such method shall require the application of reasonable scientific judgment. The uniform wetland mitigation assessment method must determine the value of functions provided by wetlands and other surface waters considering the current conditions of these areas, utilization by fish and wildlife, location, uniqueness, and hydrologic connection, in addition to the factors listed in s. 373.4136(4). The uniform wetland mitigation assessment method shall also account for the expected time-lag associated with offsetting impacts and the degree of risk associated with the proposed mitigation. The uniform wetland mitigation assessment method shall account for different ecological communities in different areas of the state. In developing the uniform wetland mitigation assessment method, the department and water management districts shall consult with approved local programs under s. 403.182 which have an established wetland mitigation program. The department and water management districts shall consider the recommendations submitted by such approved local programs, including any recommendations relating to the adoption by the department and water management districts of any uniform wetland mitigation methodology that has been adopted and used by an approved local program in its established wetland mitigation program. Environmental resource permitting rules may establish categories of permits or thresholds for minor impacts under which the use of the uniform wetland mitigation assessment method will not be required. The application of the uniform wetland mitigation assessment method is not subject to s. 70.001. In the event the rule establishing the uniform wetland mitigation assessment method is deemed to be invalid, the applicable rules related to establishing needed mitigation in existence

prior to the adoption of the uniform wetland mitigation assessment method, including those adopted by a county which is an approved local program under s. 403.182, and the method described in paragraph (b) for existing mitigation banks, shall be authorized for use by the department, water management districts, local governments, and other state agencies.

(a) In developing the uniform wetland mitigation assessment method, the department shall seek input from the United States Army Corps of Engineers in order to promote consistency in the mitigation assessment methods used by the state and federal permitting programs.

(b) An entity which has received a mitigation bank permit prior to the adoption of the uniform wetland mitigation assessment method shall have impact sites assessed, for the purpose of deducting bank credits, using the credit assessment method, including any functional assessment methodology, which was in place when the bank was permitted; unless the entity elects to have its credits redetermined, and thereafter have its credits deducted, using the uniform wetland mitigation assessment method.

And the title is amended as follows:

On page 7, line 1  
remove from the title of the bill: all of said line

and insert in lieu thereof: projects; amending s. 373.414, F.S.; providing for legislative review of the uniform wetland mitigation assessment method rule; amending s. 475.011, F.S.; granting

Rep. Brown moved the adoption of the amendment, which was adopted.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 031199)

**Amendment 5 (with title amendment)**—On page 130, line 11 through page 134, line 27,  
remove from the bill: all of said lines

And the title is amended as follows:

On page 7, lines 12-18,  
remove from the title of the bill: all of said lines

and insert in lieu thereof: erected above sound barriers; amending s. 496.425, F.S.;

Rep. Greenstein moved the adoption of the amendment.

On motion by Rep. Johnson, the amendment was laid on the table.

Representative(s) Melvin offered the following:

(Amendment Bar Code: 635295)

**Amendment 6**—On page 134, line 22, after *act*

insert: *nor shall the provisions of this act apply to any signs that are the subject of an ordinance providing an amortization period, which period has expired, and which ordinance is the subject of judicial proceedings which were commenced on or before January 1, 2001.*

Rep. Melvin moved the adoption of the amendment, which was adopted.

Representative(s) Slosberg offered the following:

(Amendment Bar Code: 754409)

**Amendment 7 (with title amendment)**—On page 156, between lines 16 and 17,

insert:

Section 1. (1) *This shall be known as the “Dori Slosberg Act of 2001.”*

(2) *Notwithstanding the provisions of s. 318.121, Florida Statutes, a board of county commissioners may require, by ordinance, that the clerk*

*of the court collect an additional \$3 with each civil traffic penalty, which shall be used to fund driver education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds. The funds shall be used for direct educational expenses and shall not be used for administration.*

And the title is amended as follows:

On page 10, line 14 after “severability;”

insert: authorizing a board of county commissioners to require by ordinance that an additional amount be collected with each civil fine and used to fund traffic education and awareness programs;

Rep. Slosberg moved the adoption of the amendment, which was adopted.

Rep. Meador moved that, under Rule 12.2(c), a late-filed amendment be allowed for consideration, which was not agreed to.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1885**—A bill to be entitled An act relating to health care; amending s. 381.0403, F.S.; transferring the programs for community hospital education and graduate medical education under the “Community Hospital Education Act” from the Board of Regents to the Department of Health; authorizing certain expenditure of funds; revising provisions to conform; authorizing participation in the innovations grant program by individual Florida medical schools providing graduate medical education in community-based clinical settings; revising the membership of a committee; providing rulemaking authority to the Department of Health; amending s. 409.908, F.S.; revising provisions relating to the reimbursement of Medicaid providers to conform to the transfer of the Community Hospital Education Program from the Board of Regents to the Department of Health; providing for the certification of local matching funds; providing requirements for the distribution of federal funds earned as a result of local matching funds; requiring an impact statement; amending s. 409.911, F.S.; revising the definition of the term “charity care”; amending s. 409.9117, F.S.; revising criteria for participation in the primary care disproportionate share program; providing an effective date.

—was read the second time by title.

The Committee on Health & Human Services Appropriations offered the following:

(Amendment Bar Code: 201415)

**Amendment 1 (with title amendment)**—On page 2, line 2,

insert:

Section 1. Subsections (3) and (4) of section 154.306, Florida Statutes, are redesignated as subsections (4) and (5), respectively, and a new subsection (3) is added to said section, to read:

154.306 Financial responsibility for certified residents who are qualified indigent patients treated at an out-of-county participating hospital or regional referral hospital.—Ultimate financial responsibility for treatment received at a participating hospital or a regional referral hospital by a qualified indigent patient who is a certified resident of a county in the State of Florida, but is not a resident of the county in which the participating hospital or regional referral hospital is located, is the obligation of the county of which the qualified indigent patient is a resident. Each county shall reimburse participating hospitals or regional referral hospitals as provided for in this part, and shall provide or arrange for indigent eligibility determination procedures and resident certification determination procedures as provided for in rules developed to implement this part. The agency, or any county determining eligibility of a qualified indigent, shall provide to the county of residence, upon request, a copy of any documents, forms, or other information, as determined by rule, which may be used in making an eligibility determination.

(3) For the purpose of computing the maximum amount that a county having a population of 100,000 or less may be required to pay, the agency must reduce the official state population estimates by the number of inmates and patients residing in the county in institutions operated by the Federal Government, the Department of Corrections, the Department of Health, or the Department of Children and Family Services, and by the number of active-duty military personnel residing in the county, none of whom shall be considered residents of the county. However, a county is entitled to receive the benefit of such a reduction in estimated population figures only if the county accepts as valid and true, and does not require any reverification of, the documentation of financial eligibility and county residency which is provided to it by the participating hospital or regional referral hospital. The participating hospital or regional referral hospital must provide documentation that is complete and in the form required by s. 154.3105.

And the title is amended as follows:

On page 1, line 2,

insert: amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county's financial responsibility for such hospital care; requiring the county of residence to accept the hospital's documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria;

Rep. Littlefield moved the adoption of the amendment, which was adopted.

The Committee on Health & Human Services Appropriations offered the following:

(Amendment Bar Code: 114071)

**Amendment 2**—On page 3, line 6, of the bill

before the word "council" insert: *program and the*

Rep. Littlefield moved the adoption of the amendment, which was adopted.

The Committee on Health & Human Services Appropriations offered the following:

(Amendment Bar Code: 593599)

**Amendment 3**—On page 11, line 31, remove from the bill: 150

and insert in lieu thereof: 200 150

Rep. Littlefield moved the adoption of the amendment, which was adopted.

Representative(s) Littlefield offered the following:

(Amendment Bar Code: 863605)

**Amendment 4 (with title amendment)**—On page 14, between lines 16 and 17, of the bill

insert:

Section 5. Paragraph (d) of subsection (3) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of

care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(d) No more than four provider service networks for demonstration projects to test Medicaid direct contracting. The demonstration projects may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. A demonstration project awarded pursuant to this paragraph shall be for 4 2 years from the date of implementation.

And the title is amended as follows:

On page 1, line 29,

after the semicolon insert: amending s. 409.912, F.S.; extending the duration of provider service network demonstration projects;

Rep. Littlefield moved the adoption of the amendment, which was adopted.

Representative(s) Justice offered the following:

(Amendment Bar Code: 371999)

**Amendment 5 (with title amendment)**—On page 14, between lines 23 and 24, of the bill

insert:

Section 6. *The Legislature finds that personal identifying information, name, age, diagnosis, address, bank account numbers, and debit and credit card numbers contained in the records relating to an individual's personal health or eligibility for health-related services made or received by the individual's physician, pharmacist, and public or private health facility should be held confidential. Furthermore, the Legislature finds that every person has an expectation of and a right to privacy in all matters concerning her or his personal health when medical services are provided. Matters of personal health are traditionally private and confidential concerns between the patient and the health care provider. The private and confidential nature of personal health matters pervades both the public and private sectors. For these reasons, it is the express intent of the Legislature to protect confidential information and the individual's expectations of the right to privacy in all matters regarding her or his personal health and not to have such information exploited for purposes of solicitation or marketing the sale of goods and services.*

Section 7. Subsection (5) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished.—

(5)(a) Except as otherwise provided in this section and in s. 440.13(4)(c), such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care practitioners and providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization under the following circumstances:

1.(a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent.

2.(b) When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff.

3.(e) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.

4.(d) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.

*(b) Absent a specific written release or authorization permitting utilization of patient information for solicitation or marketing the sale of goods or services, any use of that information for those purposes is prohibited.*

(14) Licensees in violation of the provisions of this section shall be disciplined by the appropriate licensing authority.

(15) The Attorney General is authorized to enforce the provisions of this section for records owners not otherwise licensed by the state, through injunctive relief and fines not to exceed \$5,000 per violation.

Section 8. Subsection (7) of section 395.3025, Florida Statutes is amended to read:

395.3025 Patient and personnel records; copies; examination.—

(7)(a) If the content of any record of patient treatment is provided under this section, the recipient, if other than the patient or the patient's representative, may use such information only for the purpose provided and may not further disclose any information to any other person or entity, unless expressly permitted by the written consent of the patient. A general authorization for the release of medical information is not sufficient for this purpose. The content of such patient treatment record is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

*(b) Absent a specific written release or authorization permitting utilization of patient information for solicitation or marketing the sale of goods or services, any use of that information for those purposes is prohibited.*

Section 9. Subsection (1) of section 400.1415, Florida Statutes, is amended to read:

400.1415 Patient records; penalties for alteration.—

(1) Any person who fraudulently alters, defaces, or falsifies any medical record or releases medical records for the purposes of solicitation or marketing the sale of goods or services absent a specific written release or authorization permitting utilization of patient information, or other nursing home record, or causes or procures any of these offenses to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 10. Section 626.9651, Florida Statutes, is created to read:

*626.9651 Privacy.—The department shall adopt rules consistent with other provisions of the Florida Insurance Code to govern the use of a consumer's nonpublic personal financial and health information. These rules must be based on, consistent with, and not more restrictive than the Privacy of Consumer Financial and Health Information Regulation, adopted September 26, 2000, by the National Association of Insurance Commissioners; however, the rules must permit the use and disclosure of nonpublic personal health information for scientific, medical, or public policy research, in accordance with federal law. In addition, these rules must be consistent with, and not more restrictive than, the standards contained in Title V of the Gramm-Leach-Bliley Act of 1999, Pub. L. No. 106-102. If the department determines that a health insurer or health maintenance organization is in compliance with, or is actively undertaking compliance with, the consumer privacy protection*

*rules adopted by the United States Department of Health and Human Services, in conformance with the Health Insurance Portability and Affordability Act, that health insurer or health maintenance organization is in compliance with this section.*

And the title is amended as follows:

On page 1, line 29,

after the semicolon insert: providing legislative intent; amending ss. 395.3025, 400.1415, and 456.057, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing absent a specific written release or authorization; providing penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules;

Rep. Justice moved the adoption of the amendment.

On motion by Rep. Justice, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Justice offered the following:

(Amendment Bar Code: 291277)

**Amendment 1 to Amendment 5**—On page 1, line 22, remove from the amendment: *pharmacist*,

Rep. Justice moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 5**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 475**—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, and 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; providing implied consent for treatment and transport and certain immunity from liability; amending s. 154.02, F.S.; specifying purposes for which reserve amounts must be maintained in the County Health Department Trust Fund; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; amending s. 381.0059, F.S.; revising background screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; replacing references to the term "physical handicap" with the term "handicap"; amending ss. 382.003, 382.004, 382.013, 382.016, and 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.14, F.S.; requiring postnatal tests and screenings for infant metabolic disorders to be performed by the State Public Health Laboratory; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the Department of Health to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; requiring the department to establish rules; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; modifying provisions relating to a retail pharmacy wholesaler's permit to authorize transfer of certain prescription drugs between the permittee and a Modified Class II institutional pharmacy; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing

rulemaking authority; amending s. 742.10, F.S.; requiring a voluntary acknowledgment of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration; providing effective dates.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 477**—A bill to be entitled An act relating to public records; amending s. 383.51, F.S.; providing an exemption from public records requirements for information that identifies parents who leave newborn infants at emergency medical services stations; providing an exception; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Health Promotion offered the following:

(Amendment Bar Code: 734935)

**Amendment 1**—On page 2, line 7, remove from the bill: “\_\_\_\_\_”

and insert in lieu thereof: 475

Rep. Hogan moved the adoption of the amendment, which was adopted.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 241051)

**Amendment 2 (with title amendment)**—On page 2, line 6, remove from the bill: all of said line

and insert in lieu thereof:

Section 3. (1) *All information contained in the Paternity Registry created by section 63.165, Florida Statutes, is exempt from public disclosure pursuant to section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution, except that certificates attesting to the results of a search of the Paternity Registry pursuant to section 63.165(8), Florida Statutes, may be disclosed as provided in section 63.165(8), Florida Statutes. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

(2) This section shall take effect on the same date that Committee Substitute for House Bill 415 or similar legislation takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Section 4. (1) *The Legislature finds that it is a public necessity to exempt from disclosure pursuant to section 119.07(1), Florida Statutes, and Section 24 of Article I of the State Constitution all information contained in the Paternity Registry created by section 63.165, Florida Statutes. The Legislature finds that it is good public policy to encourage putative fathers to grasp both the responsibility and the opportunity to be made legally aware of petitions and hearings to terminate their parental rights pending an adoption. The Legislature also finds that by providing legal notice to putative fathers, adoptions will be less likely to be legally disrupted. The Legislature further finds that the information required by the Paternity Registry reveals the existence of intimate sexual relations. Disclosure of this information would likely have a chilling effect on the likelihood that putative fathers will register. Therefore, the Legislature finds that any benefit that could occur from public disclosure of the information in the Paternity Registry is outweighed by the necessity to ensure the due process rights of putative fathers.*

(2) This section shall take effect on the same date that Committee Substitute for House Bill 415 or similar legislation takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Section 5. Except as otherwise provided herein, this act shall take effect on the same date

And the title is amended as follows:

On page 1, lines 7-10, remove from the title of the bill: all of said lines

and insert in lieu thereof: providing an exception; providing an exemption from public records requirements for information contained in the Paternity Registry; providing for future legislative review and repeal; providing findings of public necessity; providing contingent effective dates.

Rep. Hogan moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Paul, consideration of **HM 37** was temporarily postponed under Rule 11.10.

**HB 1799**—A bill to be entitled An act relating to integrated children’s crisis stabilization unit/juvenile addictions receiving facility services; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children’s behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children’s crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; providing an effective date.

—was read the second time by title.

The Committee on Health & Human Services Appropriations offered the following:

(Amendment Bar Code: 791485)

**Amendment 1 (with title amendment)**—On page 5, between lines 8 and 9, of the bill

insert:

Section 3. Subsection (20) is added to section 402.305, Florida Statutes, to read:

402.305 Licensing standards; child care facilities.—

(20) *The department shall establish separate personnel standards, in conjunction with existing providers, for before and after school programs, day camp programs, and summer camp programs.*

And the title is amended as follows:

On page 1, line 20, after the semicolon,

insert: amending s. 402.305, F.S.; requiring establishment of separate personnel standards for certain child care programs;

Rep. Detert moved the adoption of the amendment.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 863779)

**Amendment 1 to Amendment 1**—On page 1, line 14 to page 2, line 3, remove from the amendment: all said lines

Rep. Detert moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 521503)

**Amendment 2 (with title amendment)**—On page 5, between lines 8 and 9 of the bill

insert:

Section 3. Subsections (13) and (14) are added to section 394.66, Florida Statutes, to read:

394.66 Legislative intent with respect to substance abuse and mental health services.—It is the intent of the Legislature to:

(13) *Promote best practices and the highest quality of care in contracted alcohol, drug abuse, and mental health services through achievement of national accreditation.*

(14) *Ensure that the state agencies licensing and monitoring contracted providers perform in the most cost-efficient and effective manner with limited duplication and disruption to organizations providing services.*

Section 4. Section 394.741, Florida Statutes, is created to read:

394.741 Accreditation requirements for providers of behavioral health care services.—

(1) *As used in this section, the term “behavioral health care services” means mental health and substance abuse treatment services.*

(2) *Notwithstanding any provision of law to the contrary, accreditation of the following shall be accepted by the agency and department in lieu of the agency’s and department’s facility licensure onsite review requirements and shall be accepted as a substitute for the department’s administrative and program monitoring requirements, except as required by subsection (3):*

(a) *Any organization from which the department purchases behavioral health care services that is accredited by the Joint Commission on Accreditation of Health Care Organizations or the Council on Accreditation for Children and Family Services; or which has those services that are being purchased by the department accredited by CARF--the Rehabilitation Accreditation Commission.*

(b) *Any mental health facility licensed by the agency or any substance abuse component licensed by the department that is accredited by the Joint Commission on Accreditation of Health Care Organizations, CARF--the Rehabilitation Accreditation Commission, or the Council on Accreditation of Children and Family Services.*

(c) *Any network of providers from which the department or the agency purchases behavioral health care services accredited by the Joint Commission on Accreditation of Health Care Organizations, CARF--the Rehabilitation Accreditation Commission, the Council on Accreditation of Children and Family Services, or the National Committee for Quality Assurance. A provider organization which is part of an accredited network is afforded the same rights under this part.*

(3) *The department and the agency may adopt rules that establish:*

(a) *Additional standards for monitoring and licensing accredited programs and facilities that the department and the agency have determined are not specifically and distinctly covered by the accreditation standards and processes. These standards and the associated monitoring must not duplicate the standards and processes already covered by the accrediting bodies.*

(b) *An onsite monitoring process between 24 months and 36 months after accreditation for nonresidential facilities to assure that accredited organizations exempt from licensing and monitoring activities under this part continue to comply with critical standards.*

(c) *An onsite monitoring process between 12 months and 24 months after accreditation for residential facilities to assure that accredited*

*organizations exempt from licensing and monitoring activities under this part continue to comply with critical standards.*

(4) *The department and the agency shall be given access to all accreditation reports, corrective action plans, and performance data submitted to the accrediting organizations. When major deficiencies, as defined by the accrediting organization, are identified through the accreditation process, the department and the agency may perform followup monitoring to assure that such deficiencies are corrected and that the corrections are sustained over time.*

(5) *The department or the agency, by accepting the survey or inspection of an accrediting organization, does not forfeit its right to perform inspections at any time, including contract monitoring to ensure that deliverables are provided in accordance with the contract.*

(6) *The department and the agency shall report to the Legislature by January 1, 2003, on the viability of mandating all organizations under contract with the department for the provision of behavioral health care services, or licensed by the department or the agency, to be accredited. The department and the agency shall also report to the Legislature by January 1, 2003, on the viability of privatizing all licensure and monitoring functions through an accrediting organization.*

(7) *The accreditation requirements of this section shall apply to contracted organizations that are already accredited immediately upon becoming law.*

Section 5. Subsection (5) of section 394.90, Florida Statutes, is amended to read:

394.90 Inspection; right of entry; records.—

(5)(a) ~~The agency shall may accept, in lieu of its own inspections for licensure, the survey or inspection of an accrediting organization, if the provider is accredited according to the provisions of s. 394.741 and the agency receives the report of the accrediting organization. The department, in consultation with the agency, shall develop, and adopt by rule, specific criteria for assuring that the accrediting organization has specific standards and experience related to the program area being licensed, specific criteria for accepting the standards and survey methodologies of an accrediting organization, delineations of the obligations of accrediting organizations to assure adherence to those standards, criteria for receiving, accepting and maintaining the confidentiality of the survey and corrective action reports, and allowance for the agency’s participation in surveys.~~

~~(b) The agency shall conduct compliance investigations and sample validation inspections to evaluate the inspection process of accrediting organizations to ensure minimum standards are maintained as provided in Florida statute and rule. The agency may conduct a lifesafety inspection in calendar years in which an accrediting organization survey is not conducted and shall conduct a full state inspection, including a lifesafety inspection, if an accrediting organization survey has not been conducted within the previous 36 months. The agency, by accepting the survey or inspection of an accrediting organization, does not forfeit its right to perform inspections.~~

Section 6. Subsection (3) of section 397.403, Florida Statutes, is amended to read:

397.403 License application.—

(3) ~~The department shall accept proof of accreditation by CARF--the Rehabilitation Accreditation Commission on Accreditation of Rehabilitation Facilities (CARF) or the Joint Commission on Accreditation of Health Care Organizations (JCAHCO), or through any other nationally recognized certification process that is acceptable to the department and meets the minimum licensure requirements under this chapter, in lieu of requiring the applicant to submit the information required by paragraphs (1)(a)-(c).~~

Section 7. Subsection (2) of section 397.411, Florida Statutes, is amended to read:

397.411 Inspection; right of entry; records.—

~~(2)(a) The department shall may accept, in lieu of its own inspections for licensure, the survey or inspection of an accrediting organization, if the provider is accredited according to the provisions of s. 394.741 and the department receives the report of the accrediting organization. The department shall develop, and adopt by rule, specific criteria for assuring that the accrediting organization has specific standards and experience related to the program area being licensed; specific criteria for accepting the standards and survey methodologies of an accrediting organization; delineations of the obligations of accrediting organizations to assure adherence to those standards; criteria for receiving, accepting, and maintaining the confidentiality of the survey and corrective action reports; and allowance for the department's participation in surveys.~~

~~(b) The department shall conduct compliance investigations and sample validation inspections to evaluate the inspection process of accrediting organizations to ensure minimum standards are maintained as provided in Florida statute and rule. The department may conduct a fire, safety, and health inspection in calendar years in which an accrediting organization survey is not conducted and shall conduct a full state inspection, including a lifesafety inspection, if an accrediting organization survey has not been conducted within the previous 36 months. The department, by accepting the survey or inspection of an accrediting organization, does not forfeit its right to perform inspections.~~

And the title is amended as follows:

On page 1, line 20

insert after the semicolon: amending s. 394.66, F.S.; providing legislative intent relating to the accreditation and cost-efficiency of substance abuse and mental health service providers; creating s. 394.741, F.S., relating to accreditation requirements for providers of behavioral health care services; defining the term "behavioral health care services"; requiring the accreditation of certain entities to be accepted in lieu of licensure, administrative, and program monitoring requirements; authorizing the adoption of rules; requiring that the Department of Children and Family Services and the Agency for Health Care Administration be allowed access to all accreditation reports, corrective action plans, and performance data submitted to accrediting organizations; authorizing followup monitoring by the department and the agency if major deficiencies are identified through the accreditation process; preserving the right of the department and agency to perform inspections, including contract monitoring; requiring the department and the agency to report to the Legislature on the viability of mandating accreditation and privatizing licensure and monitoring functions; specifying that the accreditation requirements of s. 394.741, F.S., apply to contracted organizations that are already accredited; amending s. 394.90, F.S., relating to substance abuse and mental health services; revising provisions relating to licensure, accreditation, and inspection of facilities, to conform; providing a cross reference; amending s. 397.411, F.S., relating to substance abuse service providers; revising provisions relating to licensure, accreditation, and inspection of facilities, to conform; providing a cross reference; amending ss. 397.403; revising the name of the Commission on Accreditation of Rehabilitation Facilities;

Rep. Detert moved the adoption of the amendment.

Representative(s) Detert offered the following:

(Amendment Bar Code: 561319)

**Amendment 1 to Amendment 2**—On page 1, line 29 to page 4, line 15

remove from the amendment: all said lines

and insert in lieu thereof:

Section 4. Section 394.741, Florida Statutes, is created to read:

*394.741 Accreditation requirements for providers of behavioral health care services.—*

(1) *As used in this section, the term "behavioral health care services" means mental health and substance abuse treatment services.*

(2) *Notwithstanding any provision of law to the contrary, accreditation shall be accepted by the agency and department in lieu of the agency's and department's facility licensure on-site review requirements and shall be accepted as a substitute for the department's administrative and program monitoring requirements, except as required by subsections (3) and (4):*

(a) *Any organization from which the department purchases behavioral health care services that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the Council on Accreditation for Children and Family Services, or have those services that are being purchased by the department accredited by CARF—the Rehabilitation Accreditation Commission.*

(b) *Any mental health facility licensed by the agency or any substance abuse component licensed by the department that is accredited by the Joint Commission on Accreditation of Healthcare Organizations, CARF—the Rehabilitation Accreditation Commission or the Council on Accreditation of Children and Family Services.*

(c) *Any network of providers from which the department or the agency purchase behavioral health care services accredited by the Joint Commission on Accreditation of Healthcare Organizations, CARF—the Rehabilitation Accreditation Commission, the Council on Accreditation of Children and Family Services, or the National Committee for Quality Assurance. A provider organization, which is part of an accredited network, is afforded the same rights under this part.*

(3) *For mental health services, the department and the agency may adopt rules that establish:*

(a) *Additional standards for monitoring and licensing accredited programs and facilities that the department and the agency have determined are not specifically and distinctly covered by the accreditation standards and processes. These standards and the associated monitoring must not duplicate the standards and processes already covered by the accrediting bodies.*

(b) *An on-site monitoring process between 24 months and 36 months after accreditation for non-residential facilities to assure that accredited organizations exempt from licensing and monitoring activities under this part continue to comply with critical standards.*

(c) *An on-site monitoring process between 12 months and 24 months after accreditation for residential facilities to assure that accredited organizations exempt from licensing and monitoring activities under this part continue to comply with critical standards.*

(4) *For substance abuse services, the department shall conduct full licensure inspections every three years and shall develop in rule criteria which would justify more frequent inspections.*

(5) *The department and the agency shall be given access to all accreditation reports, corrective action plans, and performance data submitted to the accrediting organizations. When major deficiencies, as defined by the accrediting organization, are identified through the accreditation process, the department and the agency may perform followup monitoring to assure that such deficiencies are corrected and that the corrections are sustained over time. Proof of compliance with fire and health safety standards will be submitted as required by rule.*

(6) *The department or agency, by accepting the survey or inspection of an accrediting organization, does not forfeit its rights to perform inspections at any time, including contract monitoring to ensure that deliverables are provided in accordance with the contract.*

(7) *The department and the agency shall report to the Legislature by January 1, 2003 on the viability of mandating all organizations under contract with the department for the provision of behavioral healthcare services, or licensed by the agency or department to be accredited. The department and the agency shall also report to the Legislature by January 1, 2003 on the viability of privatizing all licensure and monitoring functions through an accrediting organization.*

(8) *The accreditation requirements of this section shall apply to contracted organizations that are already accredited immediately upon becoming law.*

Rep. Detert moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 2**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

#### REPRESENTATIVE MAYGARDEN IN THE CHAIR

**CS/HB 1145** was taken up. On motion by Rep. Murman, the rules were waived and CS for SB 1214 was substituted for CS/HB 1145. Under Rule 5.15, the House bill was laid on the table and—

**CS for CS for SB 1214**—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term “related services”; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; providing an effective date.

—was read the second time by title.

Representative(s) Murman offered the following:

(Amendment Bar Code: 483633)

**Amendment 1 (with title amendment)**—  
remove from the bill: everything after the enacting clause  
and insert in lieu thereof:

Section 1. Paragraph (c) of subsection (7) of section 20.19, Florida Statutes, is amended to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(7) PROTOTYPE REGION.—

(c) The department is authorized to contract for children’s services with a lead agency in each county of the prototype area, except that the lead agency contract may cover more than one county when it is determined that such coverage will provide more effective or efficient services. The duties of the lead agency shall include, but not necessarily be limited to:

1. Directing and coordinating the program and children’s services within the scope of its contract.

2. *Providing or* contracting for the provision of core services, including intake and eligibility, assessment, service planning, and case management. ~~However, a lead agency may obtain approval from the department to provide core services, including intake and eligibility, assessment, service planning, and case management, upon a finding by the department that such lead agency is the only appropriate organization within the service district capable of providing such service or services within the department’s quality assurance and performance standards.~~

3. Creating a service provider network capable of delivering the services contained in client service plans, which shall include identifying the necessary services, the necessary volume of services, and possible utilization patterns and negotiating rates and expectations with providers.

4. Managing and monitoring of provider contracts and subcontracts.

5. Developing and implementing an effective bill payment mechanism to ensure all providers are paid in a timely fashion.

6. Providing or arranging for administrative services necessary to support service delivery.

7. Utilizing departmentally approved training and meeting departmentally defined credentials and standards.

8. Providing for performance measurement in accordance with the department’s quality assurance program and providing for quality improvement and performance measurement.

9. Developing and maintaining effective interagency collaboration to optimize service delivery.

10. Ensuring that all federal and state reporting requirements are met.

11. Operating a consumer complaint and grievance process.

12. Ensuring that services are coordinated and not duplicated with other major payors, such as the local schools and Medicaid.

13. Any other duties or responsibilities defined in s. 409.1671 related to community-based care.

Section 2. Present subsection (15) of section 39.402, Florida Statutes, is redesignated as subsection (16), subsection (9) is amended and a new subsection (15) is added to that section, to read:

(9) At any shelter hearing, *the department shall provide to the court a recommendation for scheduled contact between the child and parents, if appropriate. T*he court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child. *If visitation is ordered but will not commence within 72 hours of the shelter hearing, the department shall provide justification to the court.*

(10) The shelter hearing order shall contain a written determination as to whether the department has made a reasonable effort to prevent or eliminate the need for removal or continued removal of the child from the home. If the department has not made such an effort, the court shall order the department to provide appropriate and available services to ensure the protection of the child in the home when such services are necessary for the child’s health and safety.

(11) If a child is placed in a shelter pursuant to a court order following a shelter hearing, the court shall require in the shelter hearing



order that the parents of the child, or the guardian of the child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or institution having custody of the child, fees as established by the department. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. The shelter order shall also require the parents to provide to the department and any other state agency or party designated by the court, within 28 days after entry of the shelter order, the financial information necessary to accurately calculate child support pursuant to s. 61.30.

(12) In the event the shelter hearing is conducted by a judge other than the juvenile court judge, the juvenile court judge shall hold a shelter review on the status of the child within 2 working days after the shelter hearing.

(13) A child may not be held in a shelter under an order so directing for more than 60 days without an adjudication of dependency. A child may not be held in a shelter for more than 30 days after the entry of an order of adjudication unless an order of disposition has been entered by the court.

(14) The time limitations in this section do not include:

(a) Periods of delay resulting from a continuance granted at the request or with the consent of the child's counsel or the child's guardian ad litem, if one has been appointed by the court, or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child's attorney or the child's guardian ad litem, if one has been appointed by the court, and the child.

(b) Periods of delay resulting from a continuance granted at the request of the attorney for the department, if the continuance is granted:

1. Because of an unavailability of evidence material to the case when the attorney for the department has exercised due diligence to obtain such evidence and there are substantial grounds to believe that such evidence will be available within 30 days. However, if the department is not prepared to present its case within 30 days, the parent or legal custodian may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

2. To allow the attorney for the department additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(c) Reasonable periods of delay necessary to accomplish notice of the hearing to the child's parents or legal custodians; however, the petitioner shall continue regular efforts to provide notice to the parents or legal custodians during such periods of delay.

(d) Reasonable periods of delay resulting from a continuance granted at the request of the parent or legal custodian of a subject child.

(15) *The department at the conclusion of the shelter hearing, shall make available to parents or legal custodians seeking voluntary services, any referral information necessary for participation in such identified services. The parents' or legal custodians' participation in the services shall not be considered an admission or other acknowledgement of the allegations in the shelter petition.*

(16)(15) At the conclusion of a shelter hearing, the court shall notify all parties in writing of the next scheduled hearing to review the shelter placement. Such hearing shall be held no later than 30 days after placement of the child in shelter status, in conjunction with the arraignment hearing, and every 15 days thereafter until the child is released from shelter status.

Section 3. Present subsections (5), (6), and (7) of section 39.521, Florida Statutes are redesignated as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to that section, to read:

39.521 Disposition hearings; powers of disposition.—

(5)(a) *In districts 4, 11, and 12 and in the Suncoast Region of the department and, except as provided in s. 39.407, any child 11 years of age or older who has been in licensed family foster care for 6 months or longer and who is then moved more than once must be assessed for placement in licensed residential group care. The assessment procedures shall be conducted by the department or its agent and shall incorporate and address current and historical information from any psychological testing or evaluation that has occurred; current and historical information from the guardian ad litem, if one has been assigned; current and historical information from any current therapist, teacher, or other professional who has knowledge of the child and has worked with the child; information regarding the placement of any siblings of the child and the impact of the child's placement in residential group care on the child's siblings; the circumstances necessitating the moves of the child while in family foster care and the recommendations of the former foster families, if available; the status of the child's case plan and a determination as to the impact of placing the child in residential group care on the goals of the case plan; the age, maturity, and desires of the child concerning placement; the availability of any less restrictive, more family-like setting for the child in which the foster parents have the necessary training and skills for providing a suitable placement for the child; and any other information concerning the availability of suitable residential group care. If such placement is determined to be appropriate as a result of this procedure, the child must be placed in residential group care, if available.*

(b) *The results of the assessment described in paragraph (a) and the actions taken as a result of the assessment must be included in the next judicial review of the child. At each subsequent judicial review, the court must be advised in writing of the status of the child's placement, with special reference regarding the stability of the placement and the permanency planning for the child.*

(c) *Any residential group care facility that receives children under the provisions of this subsection shall establish special permanency teams dedicated to overcoming the special permanency challenges presented by this population of children. Each facility shall report to the department its success in achieving permanency for children placed by the department in its care at intervals that allow the current information to be provided to the court at each judicial review for the child.*

(d) *This subsection does not prohibit the department from assessing and placing children who do not meet the criteria in paragraph (a) in residential group care if such placement is the most appropriate placement for such children.*

(e) *By December 1 of each year beginning in 2001, the department shall report to the Legislature on the placement of children in licensed residential group care during the year, including the criteria used to determine the placement of children, the number of children who were evaluated for placement, the number of children who were placed based upon the evaluation, and the number of children who were not placed. The department shall maintain data specifying the number of children who were referred to licensed residential child care for whom placement was unavailable and the counties in which such placement was unavailable. The department shall include this data in its report to the Legislature due on December 1, so that the Legislature may consider this information in developing the General Appropriations Act.*

(f) *The provisions of this subsection shall be implemented to the extent of available appropriations contained in the annual General Appropriations Act for such purpose.*

Section 4. Subsection (1) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.—

(1)(a) It is the intent of the Legislature that the Department of Children and Family Services shall privatize the provision of foster care and related services statewide. It is further the Legislature's intent to encourage communities and other stakeholders in the well-being of children to participate in assuring that children are safe and well-nurtured. However, while recognizing that some local governments are

presently funding portions of certain foster care and related services programs and may choose to expand such funding in the future, the Legislature does not intend by its privatization of foster care and related services that any county, municipality, or special district be required to assist in funding programs that previously have been funded by the state. Nothing in this paragraph prohibits any county, municipality, or special district from future voluntary funding participation in foster care and related services. As used in this section, the term "privatize" means to contract with competent, community-based agencies. The department shall submit a plan to accomplish privatization statewide, through a competitive process, phased in over a 3-year period beginning January 1, 2000. This plan must be developed with local community participation, including, but not limited to, input from community-based providers that are currently under contract with the department to furnish community-based foster care and related services, and must include a methodology for determining and transferring all available funds, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract. The methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, including all management, capital (including current furniture and equipment), and administrative funds to accomplish the transfer of these programs. This methodology must address expected workload and at least the 3 previous years' experience in expenses and workload. With respect to any district or portion of a district in which privatization cannot be accomplished within the 3-year timeframe, the department must clearly state in its plan the reasons the timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to total privatization, such as public-private partnerships. As used in this section, the term "related services" includes, but is not limited to, means family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, foster care supervision, case management, postplacement supervision, permanent foster care, and family reunification. Unless otherwise provided for, beginning in fiscal year 1999-2000, either the state attorney or the Office of the Attorney General shall provide child welfare legal services, pursuant to chapter 39 and other relevant provisions, in Sarasota, Pinellas, Pasco, Broward, and Manatee Counties. Such legal services shall commence and be effective, as soon as determined reasonably feasible by the respective state attorney or the Office of the Attorney General, after the privatization of associated programs and child protective investigations has occurred. When a private nonprofit agency has received case management responsibilities, transferred from the state under this section, for a child who is sheltered or found to be dependent and who is assigned to the care of the privatization project, the agency may act as the child's guardian for the purpose of registering the child in school if a parent or guardian of the child is unavailable and his or her whereabouts cannot reasonably be ascertained. The private nonprofit agency may also seek emergency medical attention for such a child, but only if a parent or guardian of the child is unavailable, his or her whereabouts cannot reasonably be ascertained, and a court order for such emergency medical services cannot be obtained because of the severity of the emergency or because it is after normal working hours. However, the provider may not consent to sterilization, abortion, or termination of life support. If a child's parents' rights have been terminated, the nonprofit agency shall act as guardian of the child in all circumstances.

(b) As used in this section, the term "eligible lead community-based provider" means a single agency with which the department shall contract for the provision of child protective services in a community that is no smaller than a county. The secretary of the department may authorize more than one eligible lead community-based provider within a single county when to do so will result in more effective delivery of foster care and related services. To compete for a privatization project, such agency must have:

1. The ability to coordinate, integrate, and manage all child protective services in the designated community in cooperation with child protective investigations.

2. The ability to ensure continuity of care from entry to exit for all children referred from the protective investigation and court systems.

3. The ability to provide directly, or contract for through a local network of providers, all necessary child protective services.

4. The willingness to accept accountability for meeting the outcomes and performance standards related to child protective services established by the Legislature and the Federal Government.

5. The capability and the willingness to serve all children referred to it from the protective investigation and court systems, regardless of the level of funding allocated to the community by the state, provided all related funding is transferred.

6. The willingness to ensure that each individual who provides child protective services completes the training required of child protective service workers by the Department of Children and Family Services.

7. *The ability to maintain eligibility to receive all federal child welfare funds, including Title IV-E and IV-A funds, currently being used by the Department of Children and Family Services.*

(c)1. *If attempts to competitively procure services through an eligible lead community-based provider as defined in paragraph (b) do not produce a capable and willing agency, the department shall develop a plan in collaboration with the local community alliance. The plan must detail how the community will continue to implement privatization through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified licensed agencies as part of its efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration of the service provision in accordance with the intent of this section and may include recognized best business practices, including some form of public or private partnerships. In the absence of a community alliance, the plan must be submitted to the President of the Senate and the Speaker of the House of Representatives for their comments.*

2.1- The Legislature finds that the state has traditionally provided foster care services to children who have been the responsibility of the state. As such, foster children have not had the right to recover for injuries beyond the limitations specified in s. 768.28. The Legislature has determined that foster care and related services need to be privatized pursuant to this section and that the provision of such services is of paramount importance to the state. The purpose for such privatization is to increase the level of safety, security, and stability of children who are or become the responsibility of the state. One of the components necessary to secure a safe and stable environment for such children is that private providers maintain liability insurance. As such, insurance needs to be available and remain available to nongovernmental foster care and related services providers without the resources of such providers being significantly reduced by the cost of maintaining such insurance.

3.2- The Legislature further finds that, by requiring the following minimum levels of insurance, children in privatized foster care and related services will gain increased protection and rights of recovery in the event of injury than provided for in s. 768.28.

(d) Other than an entity to which s. 768.28 applies, any eligible lead community-based provider, as defined in paragraph (b), or its employees or officers, except as otherwise provided in paragraph (e), must, as a part of its contract, obtain a minimum of \$1 million per claim/\$3 million per incident in general liability insurance coverage. In any tort action brought against such an eligible lead community-based provider, net economic damages shall be limited to \$1 million per claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such an eligible lead community-based provider, noneconomic damages shall be limited to \$200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the

date of the settlement or judgment shall be in accordance with s. 768.76. The lead community-based provider shall not be liable in tort for the acts or omissions of its subcontractors or the officers, agents, or employees of its subcontractors.

(e) The liability of an eligible lead community-based provider described in this section shall be exclusive and in place of all other liability of such provider. The same immunities from liability enjoyed by such providers shall extend as well to each employee of the provider when such employee is acting in furtherance of the provider's business. Such immunities shall not be applicable to a provider or an employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death or such acts proximately cause such injury or death; nor shall such immunities be applicable to employees of the same provider when each is operating in the furtherance of the provider's business, but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by a provider shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his or her duties acts in a managerial or policymaking capacity and the conduct that caused the alleged injury arose within the course and scope of those managerial or policymaking duties. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life.

(f) Any subcontractor of an eligible lead community-based provider, as defined in paragraph (b), which is a direct provider of foster care and related services to children and families, and its employees or officers, except as otherwise provided in paragraph (e), must, as a part of its contract, obtain a minimum of \$1 million per claim \$3 million per incident in general liability insurance coverage. In any tort action brought against such subcontractor, net economic damages shall be limited to \$1 million per claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such subcontractor, noneconomic damages shall be limited to \$200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76.

(g) The liability of a subcontractor of an eligible lead community-based provider that is a direct provider of foster care and related services as described in this section shall be exclusive and in place of all other liability of such provider. The same immunities from liability enjoyed by such subcontractor provider shall extend as well to each employee of the subcontractor when such employee is acting in furtherance of the subcontractor's business. Such immunities shall not be applicable to a subcontractor or an employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death or such acts proximately cause such injury or death; nor shall such immunities be applicable to employees of the same subcontractor when each is operating in the furtherance of the subcontractor's business, but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by a subcontractor shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his or her duties acts in a managerial or policymaking capacity and the conduct that caused the alleged injury arose within the course and scope of those managerial or policymaking duties. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life.

(h) The Legislature is cognizant of the increasing costs of goods and services each year and recognizes that fixing a set amount of compensation actually has the effect of a reduction in compensation each year. Accordingly, the conditional limitations on damages in this section shall be increased at the rate of 5 percent each year, prorated from the effective date of this paragraph to the date at which damages subject to such limitations are awarded by final judgment or settlement.

Section 5. Section 409.1676, Florida Statutes, is created to read:

*409.1676 Comprehensive residential services to children who have extraordinary needs.—*

*(1) It is the intent of the Legislature to provide comprehensive residential services, including residential care, case management, and other services, to children in the child protection system who have extraordinary needs, such as serious behavioral problems or having been determined to be without the options of either reunification with family or adoption. These services are to be provided in a residential group care setting by a not-for-profit corporation or a local government entity under a contract with the Department of Children and Family Services or by a lead agency as described in s. 409.1671. These contracts should be designed to provide an identified number of children with access to a full array of services for a fixed price.*

*(2) As used in this section, the term:*

*(a) "Residential group care" means a living environment for children who have been adjudicated dependent and are expected to be in foster care for at least 6 months with 24-hour-awake staff or live-in group home parents or staff. Beginning July 1, 2001, all facilities must be appropriately licensed in this state, and they must be accredited by July 1, 2005.*

*(b) "Serious behavioral problems" means behaviors of children who have been assessed by a licensed master's-level human-services professional to need at a minimum intensive services but who do not meet the criteria of s. 394.492(6) or s. 394.492(7). A child with an emotional disturbance as defined in s. 394.492(5) may be served in residential group care unless a determination is made by a mental health professional that such a setting is inappropriate.*

*(3) The department, in accordance with a specific appropriation for this program, shall contract with a not-for-profit corporation, a local government entity, or the lead agency that has been established in accordance with s. 409.1671 for the performance of residential group care services described in this section in, at a minimum, districts 4, 11, 12, and the Suncoast Region of the Department of Children and Family Services and with a not-for-profit entity serving children from multiple districts. A lead agency that is currently providing residential care may provide this service directly with the approval of the local community alliance. The department or a lead agency may contract for more than one site in a county if that is determined to be the most effective way to achieve the goals set forth in this section.*

*(4) The lead agency, the contracted not-for-profit corporation, or the local government entity is responsible for a comprehensive assessment, residential care, transportation, behavioral health services, recreational activities, clothing, supplies and miscellaneous expenses associated with caring for these children, for necessary arrangement for or provision of educational services, and for assuring necessary and appropriate health and dental care.*

*(5) The department may transfer all casework responsibilities for children served under this program to the entity that provides this service, including case management and development and implementation of a case plan in accordance with current standards for child protection services. When the department establishes this program in a community that has a lead agency as described in s. 409.1671, the casework responsibilities must be transferred to the lead agency.*

*(6) This section does not prohibit any provider of these services from appropriately billing Medicaid for services rendered, from contracting with a local school district for educational services, or from earning federal or local funding for services provided, as long as two or more funding sources do not pay for the same specific service that has been provided to a child.*

*(7) The lead agency, not-for-profit corporation, or local government entity has the legal authority for children served under this program, as provided in chapter 39 or this chapter, as appropriate, to enroll the child in school, to sign for a driver's license for the child, to co-sign loans and insurance for the child, to sign for medical treatment, and to authorize other such activities.*

(8) *The department shall provide technical assistance as requested and contract-management services.*

(9) *The provisions of this section shall be implemented to the extent of available appropriations contained in the annual General Appropriations Act for such purpose.*

Section 6. Section 409.1677, Florida Statutes, is created to read:

409.1677 *Model comprehensive residential services programs.—*

(1) *As used in this section, the term:*

(a) *“Residential group care” means a living environment for children who have been adjudicated dependent and are expected to be in foster care for a minimum of 6 months with 24-hour-awake staff or live-in group home parents or staff. Beginning July 1, 2001, all facilities must be appropriately licensed in this state, and they must be accredited by July 1, 2005.*

(b) *“Serious behavioral problems” means behaviors of children who have been assessed by a licensed master’s-level human services professional to need at a minimum intensive services but who do not meet the criteria of s. 394.492(6) or s. 394.492(7). A child with an emotional disturbance as defined in s. 394.492(5) may be served in residential group care unless a determination is made by a mental health professional that such a setting is inappropriate.*

(2) *The department shall establish a model comprehensive residential services program in Dade and Manatee Counties through a contract with the designated lead agency established in accordance with s. 409.1671 or with a private entity capable of providing residential group care and home-based care and experienced in the delivery of a range of services to foster children, if no lead agency exists. These model programs are to serve that portion of eligible children within each county which is specified in the contract, based on funds appropriated, to include a full array of services for a fixed price. The private entity or lead agency is responsible for all programmatic functions necessary to carry out the intent of this section.*

(3) *Each model must include:*

(a) *A focus on serving the full range of children in foster care, including those who have specialized needs, such as children who are unlikely to be reunited with their families or placed in adoptive homes; sibling groups; children who have serious behavioral problems; and children who are victims of sexual abuse.*

(b) *For each child who is in care, the provision of or arrangements for a comprehensive assessment; residential care; transportation; behavioral health services; recreational activities; clothing, supplies, and miscellaneous expenses associated with caring for these children; educational services; necessary and appropriate health and dental care; legal services; and aftercare services.*

(c) *A commitment and ability to find and use innovative approaches to address the problems in the traditional foster care system, such as high caregiver turnover, disrupted and multiple placements, runaway behavior, and abusive or nontherapeutic care.*

(d) *The provision of a full range of residential services tailored to the individual needs of each child in care, including group homes for initial assessment and for stabilization; professional and traditional foster homes; residential group care provided in a setting that is homelike and provides care in residences housing no more than 12 children and staffed with full-time, appropriately trained house parents; and independent living apartments. The programs are designed for children who must enter the foster care system, but the use of placement with relatives as part of a child’s care is encouraged.*

(e) *The provision of the full range of administrative services necessary to operate the program.*

(f) *Specific eligibility criteria established in the contract, including a “no-reject-no-eject” commitment with the described eligible children, unless the court determines that the placement is not in a child’s best interest.*

(g) *An ability, through its trained, multidisciplinary staff, to facilitate the achievement of the permanency goals of the children who are in care.*

(h) *The design and utilization of a retired-volunteer mentor program that would make use of the skills of retired individuals in helping to meet the needs of both the children in care and their caregivers.*

(i) *The willingness and ability to assume financial risk for the care of children referred to the program under the contract.*

(j) *The willingness and ability to serve as a research and teaching laboratory for departmental and community-based care programs throughout the state in an effort to improve the quality of foster care.*

(4) *This section does not prohibit any provider of these services from appropriately billing Medicaid for services rendered, from contracting with a local school district for educational services, or from earning federal or local funding for services provided, as long as two or more funding sources do not pay for the same specific service that has been provided to a child.*

(5) *The lead agency, not-for-profit corporation, or local government entity has the legal authority for children served under this program, as provided in chapter 39 or this chapter, as appropriate, to enroll the child in school, to sign for a driver’s license for the child, to co-sign loans and insurance for the child, to sign for medical treatment, and to authorize other such activities.*

(6) *The department shall provide technical assistance as requested and contract-management services.*

(7) *The provisions of this section shall be implemented to the extent of available appropriations contained in the annual General Appropriations Act for such purpose.*

Section 7. Section 409.1679, Florida Statutes, is created to read:

409.1679 *Additional requirements, effective date, reimbursement methodology, and evaluation.—*

(1) *The programs established under ss. 409.1676 and 409.1677 are to be operational within 6 months after those sections take effect, and, beginning 1 month after this section takes effect and continuing until full operation of those programs is realized, the department shall provide to the Legislature monthly written status reports on the progress toward implementing those programs.*

(2) *The programs established under ss. 409.1676 and 409.1677 must be included as part of the annual evaluation currently required under s. 409.1671. With respect to these specific programs and models, the annual evaluation must be conducted by an independent third party and must include, by specific site, the level of attainment of the targeted outcomes listed in subsection (3). The evaluation of the model programs must include, at a minimum, an assessment of their cost-effectiveness, of their ability to successfully implement the assigned program elements, and of their attainment of performance standards that include legislatively established standards for similar programs and other standards determined jointly by the department and the providers and stated in a contract.*

(3) *Each program established under ss. 409.1676 and 409.1677 must meet the following expectations, which must be included in its contracts with the department or lead agency:*

(a) *No more than 10 percent of the children served may move from one living environment to another, unless the child is returned to family members or is moved, in accordance with the treatment plan, to a less-restrictive setting. Each child must have a comprehensive transitional plan that identifies the child’s living arrangement upon leaving the program and specific steps and services that are being provided to prepare for that arrangement. Specific expectations as to the time period necessary for the achievement of these permanency goals must be included in the contract.*

(b) *Each child must receive a full academic year of appropriate educational instruction. No more than 10 percent of the children may be*

in more than one academic setting in an academic year, unless the child is being moved, in accordance with an educational plan, to a less-restrictive setting. Each child must demonstrate academic progress and must be performing at grade level or at a level commensurate with a valid academic assessment.

(c) Siblings must be kept together in the same living environment 100 percent of the time, unless that is determined by the provider not to be in the children's best interest. When siblings are separated in placement, the decision must be reviewed and approved by the court within 30 days.

(d) The program must experience a caregiver turnover rate and an incidence of child runaway episodes which are at least 50 percent below the rates experienced in the rest of the state.

(e) In addition to providing a comprehensive assessment, the program must provide, 100 percent of the time, any or all of the following services that are indicated through the assessment: residential care; transportation; behavioral health services; recreational activities; clothing, supplies, and miscellaneous expenses associated with caring for these children; necessary arrangements for or provision of educational services; and necessary and appropriate health and dental care.

(f) The children who are served in this program must be satisfied with the services and living environment.

(g) The caregivers must be satisfied with the program.

(4) Notwithstanding the provisions of s. 409.141, the Department of Children and Family Services shall fairly and reasonably reimburse the programs established under ss. 409.1676 and 409.1677 based on a prospective per-diem rate, which must be specified annually in the General Appropriations Act. Funding for these programs shall be made available from resources appropriated and identified in the General Appropriations Act.

Section 8. Present paragraph (j) of subsection (5) of section 409.175, Florida Statutes, is redesignated as paragraph (k), paragraphs (h) and (i) of that subsection are amended, and a new paragraph (j) is added to that subsection, to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(5)

(h) Upon determination that the applicant meets the state minimum licensing requirements, the department shall issue a license without charge to a specific person or agency at a specific location. A license may be issued if all the screening materials have been timely submitted; however, a license may not be issued or renewed if any person at the home or agency has failed the required screening. The license is nontransferable. A copy of the license shall be displayed in a conspicuous place. *Except as provided in paragraph (j)*, the license is valid for 1 year from the date of issuance, unless the license is suspended or revoked by the department or is voluntarily surrendered by the licensee. The license is the property of the department.

(i) A license issued for the operation of a family foster home or agency, unless sooner suspended, revoked, or voluntarily returned, will expire automatically 1 year from the date of issuance *except as provided in paragraph (j)*. Ninety days prior to the expiration date, an application for renewal shall be submitted to the department by a licensee who wishes to have the license renewed. A license shall be renewed upon the filing of an application on forms furnished by the department if the applicant has first met the requirements established under this section and the rules promulgated hereunder.

(j) The department may issue a license that is valid for longer than 1 year but no longer than 3 years to a family foster home that:

1. Has maintained a license with the department as a family foster home for at least the 3 previous consecutive years;
2. Remains in good standing with the department; and

3. Has not been the subject of a report of child abuse or neglect with any findings of maltreatment.

A family foster home that has been issued a license valid for longer than 1 year must be monitored and visited as frequently as one that has been issued a 1-year license. The department reserves the right to reduce a licensure period to 1 year at any time.

(k)⊕ The department may not license summer day camps or summer 24-hour camps. However, the department shall have access to the personnel records of such facilities to ensure compliance with the screening requirements.

Section 9. Paragraph (a) of subsection (2) of section 409.176, Florida Statutes, amended to read:

409.176 Registration of residential child-caring agencies and family foster homes.—

(1)(a) A residential child-caring agency or family foster home may not receive a child for continuing full-time care or custody, and a residential child-caring agency may not place a child for full-time continuing care or custody in a family foster home, unless it has first registered with an association that is certified by a Florida statewide child care organization which was in existence on January 1, 1984, and which publishes, and requires compliance with, its standards and files copies thereof with the department as provided in paragraph (5)(b). For purposes of this section, such an association shall be referred to as the "qualified association."

(b) For the purposes of this section, the terms "child," "family foster home," "screening," and "residential child-caring agency" are defined as provided in s. 409.175(2), and the terms "personnel," "operator," and "owner" as they pertain to "residential child-caring agency" are defined as provided in s. 409.175.

(c) As used in this section, the term "facility" means a residential child-caring agency or a family foster home.

(2)(a) Registration shall consist of annually filing with the qualified association, on forms provided by the qualified association, the name and address of the facility; the capacity of, and the number of children being cared for in, the facility; the names and addresses of the officers and the board of directors or other governing body of the organization, if applicable; the name of the officer or person in charge of the facility; and proof that the facility is in compliance with the minimum fire, health, sanitary, and safety standards required by applicable state law or local ordinance, and the uniform fire safety standards required by chapter 633, and in compliance with the requirements for screening of personnel in s. 409.175 and chapter 435. A separate registration form shall be filed for each such facility.

(b) As part of the registration application, each child-caring agency and each family foster home shall annually provide to the qualified association the names and ages of children being cared for in the facility; the names of children who have been received from out of state or who have been sent out of state during the past calendar year; the names of children who have left the facility during the past year, the lengths of their stays, and the nature of the placements; the names of all personnel; and proof that the facility is in compliance with published minimum standards that are filed with the department under the provisions of paragraph (5)(b). The agency shall also attest to the good moral character of the personnel of the facility by providing proof of compliance with the screening requirements of s. 409.175 and chapter 435 and provide the name of any member of the staff having a prior felony conviction.

(c) Upon verification that all requirements for registration have been met, the qualified association shall issue without charge a certificate of registration valid for 1 year.

Section 10. Section 435.045, Florida Statutes, is amended to read:

435.045 Requirements for placement of dependent children prospective foster or adoptive parents.—

(1)(a) Unless an election provided for in subsection (2) is made with respect to the state, the department ~~is authorized to~~ shall conduct criminal records checks equivalent to the level 2 screening required in s. 435.04(1) for any person being considered by the department for placement of a child subject to a placement decision pursuant to ch. 39, Florida Statutes. ~~prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments under s. 471 of the Social Security Act, 42 U.S.C. s. 671, are to be made. Approval shall not be granted:~~

1. In any case in which a record check reveals a felony conviction for child abuse, abandonment, or neglect; for spousal abuse; for a crime against children, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery, if the department finds that a court of competent jurisdiction has determined that the felony was committed at any time; and

2. In any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if the department finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years.

(b) Notwithstanding paragraph (a), the department may place a child in a foster home which otherwise meets licensing requirements if state and local criminal records checks do not disqualify the applicant and the department has submitted fingerprint information to the Florida Department of Law Enforcement for forwarding to the Federal Bureau of Investigation and is awaiting the results of the federal criminal records check.

(c) Prospective and approved foster parents must disclose to the department any prior or pending local, state, or federal criminal proceedings in which they are or have been involved.

(2) For purposes of this section, and ss. 39.401(3) and 39.521(1)(d), the department and its authorized agents or contract providers are hereby designated a criminal justice agency for the purposes of accessing criminal justice information, including National Crime Information Center information, to be used for enforcing Florida's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purposes.

(3) Subsection (2) shall not apply if the Governor has notified the Secretary of the United States Department of Health and Human Services in writing that the state has elected to make subsection (2) inapplicable to the state, or if the Legislature, by law, has elected to make subsection (2) inapplicable to the state.

Section 11. Section 784.081, Florida Statutes, is amended to read:

784.081 Assault or battery on specified officials or employees; reclassification of offenses.—Whenever a person is charged with committing an assault or aggravated assault or a battery or aggravated battery upon any elected official or employee of: a school district; a private school; the Florida School for the Deaf and the Blind; a university developmental research school; a state university or any other entity of the state system of public education, as defined in s. 228.041; or an employee or protective investigator of the Department of Children and Family Services; or an employee of a lead community-based provider and its direct service contract providers, when the person committing the offense knows or has reason to know the identity or position or employment of the victim, the offense for which the person is charged shall be reclassified as follows:

(1) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

(2) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.

(3) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(4) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

Section 12. *Status report on the child protection program.—*

(1) *The Office of Program Policy Analysis and Government Accountability shall provide the Legislature with a report on the status of the child protection program. The report shall be submitted to the Governor, the Speaker of the House of Representatives, the President of the Senate, the minority leaders of each house of the Legislature, and the appropriate substantive committees of each house of the Legislature, no later than February 1, 2002.*

(2) *The status report shall contain, at a minimum:*

(a) *The most current statistical information from the abuse hotline.*

(b) *The most current data on the number of abuse and neglect cases that are not closed within 60 days, by district.*

(c) *Reasons cases are not closed, by district.*

(d) *The turnover rate of the child protective investigator staff, by district.*

(e) *Strategies to retain child protective investigator staff.*

(f) *Factors that are creating caseload increases in district 7 and other districts, including strategies to address these factors.*

(g) *The most current statistical information concerning the number of foster homes recruited, the number of additional foster homes needed, and the description of the department's effort to recruit foster homes.*

(h) *The department's progress in implementing the HomeSafeNet information system.*

(i) *The progress made in implementing the recommendations of the Office of Program Policy Analysis and Government Accountability in the March 2001 justification review of the child protection program.*

Section 13. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2 after the semicolon, through page 2, line 31 remove from the title of the bill: all said lines

and insert in lieu thereof: amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.402, F.S.; requiring department recommend visitation schedule; requiring department provide information regarding services and providing that participation in services not be considered admission of allegations; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term "related services"; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing

responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 409.176, F.S., providing for compliance with uniform fire safety standards; amending s. 435.045, F.S., relating to placement of dependent children, authorizing department to conduct criminal records checks; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; requiring the Office of Program Policy Analysis and Government Accountability to provide the Legislature with a report on the status of the child protection program; providing an effective date.

Rep. Murman moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 1073** was taken up. On motion by Rep. Murman, the rules were waived and CS for CS for SB 1258 was substituted for CS/HB 1073. Under Rule 5.15, the House bill was laid on the table and—

**CS for CS for SB 1258**—A bill to be entitled An act relating to behavioral health services; providing legislative findings with respect to providing mental health and substance-abuse-treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance-abuse-treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring the Secretary of the Department of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; amending s. 394.66, F.S.; providing legislative intent; creating s. 394.741, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Family Services to accept accreditation in lieu of its administrative and program monitoring under certain circumstances; amending s. 394.90, F.S.; requiring the Agency for Health Care Administration to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.411, F.S.; requiring the Department of Children and Family Services to accept accreditation in lieu of its onsite licensure reviews; amending s. 397.403, F.S.; conforming provisions; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative(s) Murman offered the following:

(Amendment Bar Code: 102671)

**Amendment 1 (with title amendment)**—

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 394.499, Florida Statutes, is created to read:

*394.499 Integrated children's crisis stabilization unit/juvenile addictions receiving facility services.—*

*(1) Beginning July 1, 2001, the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, is authorized to establish children's behavioral crisis unit demonstration models in Collier, Lee, and Sarasota Counties. By December 31, 2003, the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees that oversee departmental activities a report that evaluates the number of clients served, quality of services, performance outcomes, and feasibility of continuing or expanding the demonstration models. Beginning July 1, 2004, subject to approval by the Legislature, the department, in cooperation with the agency, may expand the demonstration models to other areas in the state. The children's behavioral crisis unit demonstration models will integrate children's mental health crisis stabilization units with substance abuse juvenile addictions receiving facility services, to provide emergency mental health and substance abuse services that are integrated within facilities licensed and designated by the agency for children under 18 years of age who meet criteria for admission or examination under this section. The services shall be designated as "integrated children's crisis stabilization unit/juvenile addictions receiving facility services," shall be licensed by the agency as children's crisis stabilization units, and shall meet all licensure requirements for crisis stabilization units. The department, in cooperation with the agency, shall develop standards that address eligibility criteria, clinical procedures, staffing requirements, operational, administrative, and financing requirements, and investigation of complaints for such integrated facility services. Standards that are implemented specific to substance abuse services shall meet or exceed existing standards for addictions receiving facilities.*

*(2) Children eligible to receive integrated children's crisis stabilization unit/juvenile addictions receiving facility services include:*

*(a) A person under 18 years of age for whom voluntary application is made by his or her guardian, if such person is found to show evidence of mental illness and to be suitable for treatment pursuant to s. 394.4625. A person under 18 years of age may be admitted for integrated facility services only after a hearing to verify that the consent to admission is voluntary.*

*(b) A person under 18 years of age who may be taken to a receiving facility for involuntary examination, if there is reason to believe that he or she is mentally ill and because of his or her mental illness, pursuant to s. 394.463:*

*1. Has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or*

*2. Is unable to determine for himself or herself whether examination is necessary; and*

*a. Without care or treatment is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or*

*b. There is a substantial likelihood that without care or treatment he or she will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.*

(c) A person under 18 years of age who wishes to enter treatment for substance abuse and applies to a service provider for voluntary admission, pursuant to s. 397.601.

(d) A person under 18 years of age who meets the criteria for involuntary admission because there is good faith reason to believe the person is substance abuse impaired pursuant to s. 397.675 and, because of such impairment:

1. Has lost the power of self-control with respect to substance use; and

2.a. Has inflicted, or threatened or attempted to inflict, or unless admitted is likely to inflict, physical harm on himself or herself or another; or

b. Is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that the person is incapable of appreciating his or her need for such services and of making a rational decision in regard thereto; however, mere refusal to receive such services does not constitute evidence of lack of judgment with respect to his or her need for such services.

(e) A person under 18 years of age who meets the criteria for examination or admission under paragraph (b) or paragraph (d) and has a coexisting mental health and substance abuse disorder.

(3) The department shall contract for an independent evaluation of the children's behavioral crisis unit demonstration models to identify the most effective ways to provide integrated crisis stabilization unit/juvenile addiction receiving facility services to children. The evaluation shall be reported to the Legislature by December 31, 2003.

(4) The department, in cooperation with the agency, is authorized to adopt rules regarding standards and procedures for integrated children's crisis stabilization unit/juvenile addictions receiving facility services.

Section 2. Nothing in s. 394.499, Florida Statutes, shall be construed to require an existing crisis stabilization unit or juvenile addictions receiving facility to convert to a children's behavioral crisis unit.

Section 3. Subsections (13) and (14) are added to section 394.66, Florida Statutes, to read:

394.66 Legislative intent with respect to substance abuse and mental health services.—It is the intent of the Legislature to:

(13) Promote best practices and the highest quality of care in contracted alcohol, drug abuse, and mental health services through achievement of national accreditation.

(14) Ensure that the state agencies licensing and monitoring contracted providers perform in the most cost-efficient and effective manner with limited duplication and disruption to organizations providing services.

Section 4. Section 394.741, Florida Statutes, is created to read:

394.741 Accreditation requirements for providers of behavioral health care services.—

(1) As used in this section, the term "behavioral health care services" means mental health and substance abuse treatment services.

(2) Notwithstanding any provision of law to the contrary, accreditation shall be accepted by the agency and department in lieu of the agency's and department's facility licensure on-site review requirements and shall be accepted as a substitute for the department's administrative and program monitoring requirements, except as required by subsections (3) and (4):

(a) Any organization from which the department purchases behavioral health care services that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the Council on Accreditation for Children and Family Services, or have those services that are being purchased by the department accredited by CARF—the Rehabilitation Accreditation Commission.

(b) Any mental health facility licensed by the agency or any substance abuse component licensed by the department that is accredited by the Joint Commission on Accreditation of Healthcare Organizations, CARF—the Rehabilitation Accreditation Commission, or the Council on Accreditation of Children and Family Services.

(c) Any network of providers from which the department or the agency purchase behavioral health care services accredited by the Joint Commission on Accreditation of Healthcare Organizations, CARF—the Rehabilitation Accreditation Commission, the Council on Accreditation of Children and Family Services, or the National Committee for Quality Assurance. A provider organization, which is part of an accredited network, is afforded the same rights under this part.

(3) For mental health services, the department and the agency may adopt rules that establish:

(a) Additional standards for monitoring and licensing accredited programs and facilities that the department and the agency have determined are not specifically and distinctly covered by the accreditation standards and processes. These standards and the associated monitoring must not duplicate the standards and processes already covered by the accrediting bodies.

(b) An on-site monitoring process between 24 months and 36 months after accreditation for nonresidential facilities to assure that accredited organizations exempt from licensing and monitoring activities under this part continue to comply with critical standards.

(c) An on-site monitoring process between 12 months and 24 months after accreditation for residential facilities to assure that accredited organizations exempt from licensing and monitoring activities under this part continue to comply with critical standards.

(4) For substance abuse services, the department shall conduct full licensure inspections every 3 years and shall develop in rule criteria which would justify more frequent inspections.

(5) The department and the agency shall be given access to all accreditation reports, corrective action plans, and performance data submitted to the accrediting organizations. When major deficiencies, as defined by the accrediting organization, are identified through the accreditation process, the department and the agency may perform followup monitoring to assure that such deficiencies are corrected and that the corrections are sustained over time. Proof of compliance with fire and health safety standards will be submitted as required by rule.

(6) The department or agency, by accepting the survey or inspection of an accrediting organization, does not forfeit its rights to perform inspections at any time, including contract monitoring to ensure that deliverables are provided in accordance with the contract.

(7) The department and the agency shall report to the Legislature by January 1, 2003, on the viability of mandating all organizations under contract with the department for the provision of behavioral health care services, or licensed by the agency or department to be accredited. The department and the agency shall also report to the Legislature by January 1, 2003, on the viability of privatizing all licensure and monitoring functions through an accrediting organization.

(8) The accreditation requirements of this section shall apply to contracted organizations that are already accredited immediately upon becoming law.

Section 5. Subsection (5) of section 394.90, Florida Statutes, is amended to read:

394.90 Inspection; right of entry; records.—

(5)(a) The agency shall ~~may~~ accept, in lieu of its own inspections for licensure, the survey or inspection of an accrediting organization, if the provider is accredited according to the provisions of s. 394.741 and the agency receives the report of the accrediting organization. ~~The department, in consultation with the agency, shall develop, and adopt by rule, specific criteria for assuring that the accrediting organization has specific standards and experience related to the program area being~~



~~licensed, specific criteria for accepting the standards and survey methodologies of an accrediting organization, delineations of the obligations of accrediting organizations to assure adherence to those standards, criteria for receiving, accepting and maintaining the confidentiality of the survey and corrective action reports, and allowance for the agency's participation in surveys.~~

~~(b) The agency shall conduct compliance investigations and sample validation inspections to evaluate the inspection process of accrediting organizations to ensure minimum standards are maintained as provided in Florida statute and rule. The agency may conduct a lifesafety inspection in calendar years in which an accrediting organization survey is not conducted and shall conduct a full state inspection, including a lifesafety inspection, if an accrediting organization survey has not been conducted within the previous 36 months. The agency, by accepting the survey or inspection of an accrediting organization, does not forfeit its right to perform inspections.~~

Section 6. Subsection (3) of section 397.403, Florida Statutes, is amended to read:

397.403 License application.—

(3) The department shall accept proof of accreditation by *CARF*--the *Rehabilitation Accreditation Commission on Accreditation of Rehabilitation Facilities (CARF)* or the Joint Commission on Accreditation of Health Care Organizations (JCAHCO), or through any other nationally recognized certification process that is acceptable to the department and meets the minimum licensure requirements under this chapter, in lieu of requiring the applicant to submit the information required by paragraphs (1)(a)-(c).

Section 7. Subsection (2) of section 397.411, Florida Statutes, is amended to read:

397.411 Inspection; right of entry; records.—

(2)(a) The department ~~shall may~~ accept, in lieu of its own inspections for licensure, the survey or inspection of an accrediting organization, if the provider is accredited *according to the provisions of s. 394.741* and the department receives the report of the accrediting organization. ~~The department shall develop, and adopt by rule, specific criteria for assuring that the accrediting organization has specific standards and experience related to the program area being licensed; specific criteria for accepting the standards and survey methodologies of an accrediting organization; delineations of the obligations of accrediting organizations to assure adherence to those standards; criteria for receiving, accepting, and maintaining the confidentiality of the survey and corrective action reports; and allowance for the department's participation in surveys.~~

~~(b) The department shall conduct compliance investigations and sample validation inspections to evaluate the inspection process of accrediting organizations to ensure minimum standards are maintained as provided in Florida statute and rule. The department may conduct a fire, safety, and health inspection in calendar years in which an accrediting organization survey is not conducted and shall conduct a full state inspection, including a lifesafety inspection, if an accrediting organization survey has not been conducted within the previous 36 months. The department, by accepting the survey or inspection of an accrediting organization, does not forfeit its right to perform inspections.~~

Section 8. Paragraph (a) of subsection (4) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.—

(4)(a) The department shall establish a quality assurance program for privatized services. The quality assurance program shall be based on standards established by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or *CARF--the Rehabilitation Accreditation Commission the Council on Accreditation of Rehabilitation Facilities (CARF)*. The

department may develop a request for proposal for such oversight. This program must be developed and administered at a statewide level. The Legislature intends that the department be permitted to have limited flexibility to use funds for improving quality assurance. To this end, effective January 1, 2000, the department may transfer up to 0.125 percent of the total funds from categories used to pay for these contractually provided services, but the total amount of such transferred funds may not exceed \$300,000 in any fiscal year. When necessary, the department may establish, in accordance with s. 216.177, additional positions that will be exclusively devoted to these functions. Any positions required under this paragraph may be established, notwithstanding ss. 216.262(1)(a) and 216.351. The department, in consultation with the community-based agencies that are undertaking the privatized projects, shall establish minimum thresholds for each component of service, consistent with standards established by the Legislature. Each program operated under contract with a community-based agency must be evaluated annually by the department. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, and the Governor no later than January 31 of each year for each project in operation during the preceding fiscal year.

Section 9. *Behavioral Health Service Delivery Strategies.*—

(1) *LEGISLATIVE FINDINGS AND INTENT.*—*The Legislature finds that a management structure that places the responsibility for mental health and substance abuse treatment services within a single entity and that contains a flexible funding arrangement will allow for customized services to meet individual client needs and will provide incentives for provider agencies to serve persons in the target population who have the most complex treatment and support needs. The Legislature recognizes that in order for the state's publicly funded mental health and substance abuse treatment systems to evolve into a single well-integrated behavioral health system, a transition period is needed and demonstration sites must be established where new ideas and technologies can be tested and critically reviewed.*

(2) *DEFINITIONS.*—*As used in this section, the term:*

(a) *"Behavioral health services" means mental health services and substance abuse treatment services that are provided with state and federal funds.*

(b) *"Managing entity" means an entity that manages the delivery of behavioral health services.*

(3) *SERVICE DELIVERY STRATEGIES.*—*The Department of Children and Family Services and the Agency for Health Care Administration shall develop service delivery strategies that will improve the coordination, integration, and management of the delivery of mental health and substance abuse treatment services to persons with emotional, mental, or addictive disorders. It is the intent of the Legislature that a well-managed service delivery system will increase access for those in need of care, improve the coordination and continuity of care for vulnerable and high-risk populations, redirect service dollars from restrictive care settings and out-of-date service models to community-based psychiatric rehabilitation services, and reward cost-effective and appropriate care patterns. The Legislature recognizes that the Medicaid, mental health, and substance abuse treatment programs are three separate systems and that each has unique characteristics, including unique requirements for eligibility. To move toward a well-integrated system of behavioral health care services will require careful planning and implementation. It is the intent of the Legislature that the service delivery strategies will be the first phase of transferring the provision and management of mental health and substance abuse treatment services provided by the Department of Children and Family Services and the Medicaid program from traditional fee-for-service and unit-cost contracting methods to risk-sharing arrangements. As used in this section, the term "behavioral health care services" means mental health services and substance abuse treatment services that are provided with state and federal funds.*

## (4) CONTRACT FOR SERVICES.—

(a) The Department of Children and Family Services and the Agency for Health Care Administration may contract for the provision or management of behavioral health services with a managing entity in at least two geographic areas. Both the Department of Children and Family Services and the Agency for Health Care Administration must contract with the same managing entity in any distinct geographic area where the strategy operates. This managing entity shall be accountable for the delivery of behavioral health services specified by the department and the agency for children, adolescents, and adults. The geographic area must be of sufficient size in population and have enough public funds for behavioral health services to allow for flexibility and maximum efficiency. Notwithstanding the provisions of s. 409.912(3)(b) 1. and 2., Florida Statutes, at least one service delivery strategy must be in one of the service districts in the catchment area of G. Pierce Wood Memorial Hospital.

(b) Under one of the service delivery strategies, the Department of Children and Family Services may contract with a prepaid mental health plan that operates under s. 409.912, Florida Statutes, to be the managing entity. Under this strategy, the Department of Children and Family Services is not required to competitively procure those services and, notwithstanding other provisions of law, may employ prospective payment methodologies that the department finds are necessary to improve client care or institute more efficient practices. The Department of Children and Family Services may employ in its contract any provision of the current prepaid behavioral health care plan authorized under s. 409.912(3)(a) and (b), Florida Statutes, or any other provision necessary to improve quality, access, continuity, and price. Any contracts under this strategy in Area 6 of the Agency for Health Care Administration or in the prototype region under s. 20.19(7), Florida Statutes, of the Department of Children and Family Services may be entered with the existing substance abuse treatment provider network if an administrative services organization is part of its network. In Area 6 of the Agency for Health Care Administration or in the prototype region of the Department of Children and Family Services, the Department of Children and Family Services and the Agency for Health Care Administration may employ alternative service delivery and financing methodologies, which may include prospective payment for certain population groups. The population groups that are to be provided these substance abuse services would include at a minimum: individuals and families receiving family safety services; Medicaid-eligible children, adolescents, and adults who are substance-abuse-impaired; or current recipients and persons at risk of needing cash assistance under Florida's welfare reform initiatives.

(c) Under the second service delivery strategy, the Department of Children and Family Services and the Agency for Health Care Administration shall competitively procure a contract for the management of behavioral health services with a managing entity. The Department of Children and Family Services and the Agency for Health Care Administration may purchase from the managing entity the management services necessary to improve continuity of care and access to care, contain costs, and improve quality of care. The managing entity shall manage and coordinate all publicly funded diagnostic or assessment services, acute care services, rehabilitative services, support services, and continuing care services for persons who meet the financial criteria specified in part IV of chapter 394, Florida Statutes, for publicly funded mental health and substance abuse treatment services or for persons who are Medicaid eligible. The managing entity shall be solely accountable for a geographic area and shall coordinate the emergency care system. The managing entity may be a network of existing providers with an administrative services organization that can function independently, may be an administrative services organization that is independent of local provider agencies, or may be an entity of state or local government.

(d) Under both strategies, the Department of Children and Family Services and the Agency for Health Care Administration may:

1. Establish benefit packages based on the level of severity of illness and level of client functioning;

2. Align and integrate procedure codes, standards, or other requirements if it is jointly determined that these actions will simplify or improve client services and efficiencies in service delivery;

3. Use prepaid per capita and prepaid aggregate fixed-sum payment methodologies; and

4. Modify their current procedure codes to increase clinical flexibility, encourage the use of the most effective interventions, and support rehabilitative activities.

(e) The cost of the managing entity contract shall be funded through a combination of funds from the Department of Children and Family Services and the Agency for Health Care Administration. To operate the managing entity, the Department of Children and Family Services and the Agency for Health Care Administration may not expend more than 10 percent of the annual appropriations for mental health and substance abuse treatment services prorated to the geographic areas and must include all behavioral health Medicaid funds, including psychiatric inpatient funds. This restriction does not apply to a prepaid behavioral health plan that is authorized under s. 409.912(3)(a) and (b), Florida Statutes.

(f) Contracting and payment mechanisms for services should promote flexibility and responsiveness and should allow different categorical funds to be combined. The service array should be determined by using needs assessment and best practice models.

(5) STATEWIDE ACTIONS.—If Medicaid appropriations for Community Mental Health Services or Mental Health Targeted Case Management are reduced in Fiscal Year 2001-02, the agency and the department shall jointly develop and implement strategies that reduce service costs in a manner that mitigates the impact on persons in need of those services. The agency and department may employ any methodologies on a regional or statewide basis necessary to achieve the reduction, including but not limited to use of case rates, prepaid per capita contracts, utilization management, expanded use of care management, use of waivers from the Health Care Financing Administration to maximize federal matching of current local and state funding, modification or creation of additional procedure codes, and certification of match or other management techniques.

(6) GOALS.—The goal of the service delivery strategies is to provide a design for an effective coordination, integration, and management approach for delivering effective behavioral health services to persons who are experiencing a mental health or substance abuse crisis, who have a disabling mental illness or substance abuse disorder and will require extended services in order to recover from their illness, or who need brief treatment or supportive interventions to avoid a crisis or disability. Other goals of the models include the following:

(a) Improve accountability for a local system of behavioral health care services to meet performance outcomes and standards.

(b) Assure continuity of care for all children, adolescents, and adults who enter the publicly funded behavioral health service system.

(c) Provide early diagnosis and treatment interventions to enhance recovery and prevent hospitalization.

(d) Improve assessment of local needs for behavioral health services.

(e) Improve the overall quality of behavioral health services through the use of best practice models.

(f) Demonstrate improved service integration between behavioral health programs and other programs, such as vocational rehabilitation, education, child welfare, primary health care, emergency services, and criminal justice.

(g) Provide for additional testing of creative and flexible strategies for financing behavioral health services to enhance individualized treatment and support services.

(h) Control the costs of services without sacrificing quality of care.

(i) Coordinate the admissions and discharges from state mental health hospitals and residential treatment centers.

(j) Improve the integration, accessibility, and dissemination of behavioral health data for planning and monitoring purposes.

(k) Promote specialized behavioral health services to residents of assisted living facilities.

(l) Reduce the admissions and the length of stay for dependent children in residential treatment centers.

(m) Provide services to abused and neglected children and their families as indicated in court-ordered case plans.

(7) **ESSENTIAL ELEMENTS.—**

(a) The managing entity must demonstrate the ability of its network of providers to comply with the pertinent provisions of chapters 394 and 397, Florida Statutes, and to assure the provision of comprehensive behavioral health services. The network of providers shall include, but is not limited to, mental health centers, substance abuse treatment providers, hospitals, licensed psychiatrists, licensed psychiatric nurses, and mental health professionals licensed under chapter 490 or chapter 491, Florida Statutes. A behavioral health client served by the network under the service delivery strategies may reside in his or her own home or in settings including, but not limited to, assisted living facilities, skilled nursing facilities, foster homes, or group homes.

(b) The target population to be served in the service delivery strategies must include children, adolescents, and adults who fall into the following categories:

1. Adults in mental health crisis;
2. Older adults in crisis;
3. Adults with serious and persistent mental illness;
4. Adults with substance abuse problems;
5. Adults with forensic involvement;
6. Older adults with severe and persistent mental illness;
7. Older adults with substance abuse problems;
8. Children and adolescents with serious emotional disturbances as defined in s. 394.492(6), Florida Statutes;
9. Children with substance abuse problems as defined in s. 397.93(2), Florida Statutes;
10. Children and adolescents in state custody pursuant to chapter 39, Florida Statutes; and
11. Children and adolescents in residential commitment programs of the Department of Juvenile Justice pursuant to chapter 985, Florida Statutes.

(c) The service delivery strategies must include a continuing care system for persons whose clinical and functional status indicates the need for these services. These persons will be eligible for a range of treatment, rehabilitative, and support services until they no longer need the services to maintain or improve their level of functioning. Given the long-term nature of some mental and addictive disorders, continuing care services should be sensitive to the variable needs of individuals across time and shall be designed to help assure easy access for persons with these long-term problems. The Department of Children and Family Services shall develop criteria for the continuing care program for behavioral health services.

(d) A local body or group must be identified by the district administrator of the Department of Children and Family Services to serve in an advisory capacity to the behavioral health service delivery strategy and must include representatives of the local school system, the judicial system, county government, public and private Baker Act receiving facilities, and law enforcement agencies; a consumer of the

public behavioral health system; and a family member of a consumer of the publicly funded system. This advisory body may be the community alliance established under section 20.19(6), Florida Statutes, or any other suitable established local group.

(e) The managing entity shall ensure that written cooperative agreements are developed among the judicial system, the criminal justice system, and the local behavioral health providers in the geographic area which define strategies and alternatives for diverting, from the criminal justice system to the civil system as provided under part I of chapter 394, Florida Statutes, or chapter 397, Florida Statutes, persons with behavioral health problems who are arrested for a misdemeanor. These agreements must also address the provision of appropriate services to persons with behavioral health problems who leave the criminal justice system.

(f) Managing entities must submit data to the Department of Children and Family Services and the Agency for Health Care Administration on the use of services and the outcomes for all enrolled clients. Managing entities must meet performance standards developed by the Agency for Health Care Administration and the Department of Children and Family Services related to:

1. The rate at which individuals in the community receive services, including persons who receive followup care after emergencies.
2. Clinical improvement of individuals served, clinically and functionally.
3. Reduction of jail admissions.
4. Consumer and family satisfaction.
5. Satisfaction of key community constituents such as law enforcement agencies, juvenile justice agencies, the courts, the schools, local government entities, and others as appropriate for the locality.

(g) The Agency for Health Care Administration may establish a certified match program, which must be voluntary. Under a certified match program, reimbursement is limited to the federal Medicaid share to Medicaid-enrolled strategy participants. The agency shall take no action to implement a certified match program without ensuring that the consultation provisions of chapter 216, Florida Statutes, have been met. The agency may seek federal waivers that are necessary to implement the behavioral health service delivery strategies.

(h)1. The Department of Children and Family Services, in consultation with the Agency for Health Care Administration, shall prepare an amendment by October 31, 2001, to the 2001 master state plan required under s. 394.75(1), Florida Statutes, which describes each service delivery strategy, including at least the following details:

- a. Operational design;
  - b. Counties or service districts included in each strategy;
  - c. Expected outcomes; and
  - d. Timeframes.
2. The amendment shall specifically address the application of each service delivery strategy to substance abuse services, including:
    - a. The development of substance abuse service protocols;
    - b. Credentialing requirements for substance abuse services; and
    - c. The development of new service models for individuals with co-occurring mental health and substance abuse disorders.
  3. The amendment must specifically address the application of each service delivery strategy to the child welfare system, including:
    - a. The development of service models that support working with both children and their families in a community-based care system and that are specific to the child welfare system.
    - b. A process for providing services to abused and neglected children and their families as indicated in court-ordered case plans.

(8) **MONITORING AND EVALUATION.**—*The Department of Children and Family Services and the Agency for Health Care Administration shall provide routine monitoring and oversight of and technical assistance to the managing entities. The Louis de la Parte Florida Mental Health Institute shall conduct an ongoing formative evaluation of each strategy to identify the most effective methods and techniques used to manage, integrate, and deliver behavioral health services. The entity conducting the evaluation shall report to the Department of Children and Family Services, the Agency for Health Care Administration, the Executive Office of the Governor, and the Legislature every 12 months regarding the status of the implementation of the service delivery strategies. The report must include a summary of activities that have occurred during the past 12 months of implementation and any problems or obstacles that prevented, or may prevent in the future, the managing entity from achieving performance goals and measures. The first status report is due January 1, 2002. After the service delivery strategies have been operational for 1 year, the status report must include an analysis of administrative costs and the status of the achievement of performance outcomes. Upon receiving the annual report from the evaluator, the Department of Children and Family Services and the Agency for Health Care Administration shall jointly make any recommendations to the Executive Office of the Governor regarding changes in the service delivery strategies or in the implementation of the strategies, including timeframes.*

**Section 10. Behavioral Health Services Integration Workgroup.—**

(1) *The Secretary of Children and Family Services shall establish the Behavioral Health Services Integration Workgroup, which, at a minimum, shall include representatives from the following: Department of Juvenile Justice, the Department of Corrections, and the Department of Education; the Office of Drug Control Policy; the Agency for Health Care Administration; and county jails, homeless coalitions, county government, providers of behavioral health services, public and private Baker Act receiving facilities, providers of child protection services, assisted living facilities serving behavioral health clients, and consumers of behavioral health services and their families. The Behavioral Health Services Integration Workgroup shall assess barriers to the effective and efficient integration of mental health and substance abuse treatment services across various systems, propose solutions to these barriers, and ensure that plans for mental health and substance abuse treatment services which are required by statute consider these solutions. Under chapter 216, Florida Statutes, the Department of Children and Family Services may transfer up to \$200,000 to support the Behavioral Health Services Integration Workgroup.*

(2) *The Behavioral Health Services Integration Workgroup shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002, regarding the Workgroup's progress toward achieving the goals specified in subsection (1).*

**Section 11. This act shall take effect upon becoming a law.**

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to substance abuse and mental health services; creating s. 394.499, F.S.; authorizing the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, to establish children's behavioral crisis unit demonstration models to provide integrated emergency mental health and substance abuse services to persons under 18 years of age at facilities licensed as children's crisis stabilization units; providing for standards, procedures, and requirements for services; providing eligibility criteria; requiring the department to report on the initial demonstration models; providing for expanding the demonstration models; providing for independent evaluation and report; providing rulemaking authority; amending s. 394.66, F.S.; providing legislative intent relating to the accreditation and cost-efficiency of substance abuse and mental health service providers; creating s. 394.741, F.S., relating to accreditation requirements for providers of behavioral health care services; defining the term "behavioral health care services"; requiring the accreditation

of certain entities to be accepted in lieu of licensure, administrative, and program monitoring requirements; authorizing the adoption of rules; requiring that the Department of Children and Family Services and the Agency for Health Care Administration be allowed access to all accreditation reports, corrective action plans, and performance data submitted to accrediting organizations; authorizing followup monitoring by the department and the agency if major deficiencies are identified through the accreditation process; preserving the right of the department and agency to perform inspections, including contract monitoring; requiring the department and the agency to report to the Legislature on the viability of mandating accreditation and privatizing licensure and monitoring functions; specifying that the accreditation requirements of s. 394.741, F.S., apply to contracted organizations that are already accredited; amending s. 394.90, F.S., relating to substance abuse and mental health services; revising provisions relating to licensure, accreditation, and inspection of facilities, to conform; providing a cross reference; amending s. 397.411, F.S., relating to substance abuse service providers; revising provisions relating to licensure, accreditation, and inspection of facilities, to conform; providing a cross reference; amending ss. 397.403 and 409.1671, F.S.; revising the name of the Commission on Accreditation of Rehabilitation Facilities; providing legislative findings with respect to providing mental health and substance abuse treatment services; permitting the Department of Children and Family Services and the Agency for Health Care Administration to contract for the establishment of two behavioral health service delivery strategies to test methods and techniques for coordinating, integrating, and managing the delivery of mental health services and substance abuse treatment services for persons with emotional, mental, or addictive disorders; requiring a managing entity for each service delivery strategy; requiring that costs be shared by the Department of Children and Family Services and the Agency for Health Care Administration; specifying the goals of the service delivery strategies; specifying the target population of persons to be enrolled under each strategy; requiring a continuing care system; requiring an advisory body for each demonstration model; requiring certain cooperative agreements; providing reporting requirements; requiring an independent entity to evaluate the service delivery strategies; requiring annual reports; creating a Behavioral Health Services Integration Workgroup; requiring the Secretary of Children and Family Services to appoint members to the Workgroup; providing authority for a transfer of funds to support the Workgroup; requiring the Workgroup to report to the Governor and the Legislature; providing an effective date.

Rep. Murman moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 1895** was taken up. On motion by Rep. Farkas, the rules were waived and SB 782 was substituted for CS/HB 1895. Under Rule 5.15, the House bill was laid on the table and—

**SB 782**—A bill to be entitled An act relating to nursing education; amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing an effective date.

—was read the second time by title.

Representative(s) Farkas offered the following:

(Amendment Bar Code: 600753)

**Amendment 1 (with title amendment)**—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (1) of section 483.245, Florida Statutes, is amended to read:

483.245 Rebates prohibited; penalties.—

(1) It is unlawful for any person to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement in any form whatsoever with any *dialysis facility*, physician, surgeon, organization, agency, or person, either directly or indirectly, for patients referred to a clinical laboratory licensed under this part.

Section 2. Subsection (3) of section 232.435, Florida Statutes, is amended to read:

232.435 Extracurricular athletic activities; athletic trainers.—

(3)(a) To the extent practicable, a school district program should include the following employment classification and advancement scheme:

1. *First responder* - To qualify as a first responder, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 231.17, be certified in cardiopulmonary resuscitation, first aid, and have 15 semester hours in courses such as care and prevention of athletic injuries, anatomy, physiology, nutrition, counseling, and other similar courses approved by the Commissioner of Education. This person may only administer first aid and similar care.

1.—Teacher apprentice trainer I.—To qualify as a teacher apprentice trainer I, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 231.17, be certified in first aid and cardiopulmonary resuscitation, and have earned a minimum of 6 semester hours or the equivalent number of inservice education points in the basic prevention and care of athletic injuries.

2.—Teacher apprentice trainer II.—To qualify as a teacher apprentice trainer II, a person must meet the requirements of teacher apprentice trainer I and also have earned a minimum of 15 additional semester hours or the equivalent number of inservice education points in such courses as anatomy, physiology, use of modalities, nutrition, counseling, and other courses approved by the Commissioner of Education.

2.3. Teacher athletic trainer.—To qualify as a teacher athletic trainer, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 232.17, and be licensed as required by part XIII of chapter 468 meet the requirements of teacher apprentice trainer II, be certified by the Department of Education or a nationally recognized athletic trainer association, and perform one or more of the following functions: preventing athletic injuries; recognizing, evaluating, managing, treating, and rehabilitating athletic injuries; administering an athletic training program; and educating and counseling athletes.

(b) If a school district uses the services of an athletic trainer who is not a teacher athletic trainer or a teacher apprentice trainer within the requirements of this section, such athletic trainer must be licensed as required by part XIII of chapter 468.

Section 3. Section 381.6021, Florida Statutes, is amended to read:

381.6021 Certification of organizations engaged in the practice of cadaveric organ and tissue procurement.—The Agency for Health Care Administration shall:

(1) Establish a program for the certification of organizations, agencies, or other entities engaged in the procurement of organs, tissues, and eyes for transplantation;

(2) Adopt rules that set forth appropriate standards and guidelines for the program. These standards and guidelines must be substantially based on the existing laws of the Federal Government and this state and the existing standards and guidelines of the *federal Food and Drug Administration (FDA)*, the United Network for Organ Sharing (UNOS), the American Association of Tissue Banks (AATB), the South-Eastern Organ Procurement Foundation (SEOPF), the North American Transplant Coordinators Organization (NATCO), and the Eye Bank Association of America (EBAA). In addition, the Agency for Health Care Administration shall, before adopting these standards and guidelines, seek input from all organ procurement organizations, tissue banks, and eye banks based in this state. However, notwithstanding any other provision of law to the contrary, rules adopted under this subsection shall

not allow human cells or tissue from two or more donors to be pooled during retrieval, processing, preservation, or storage. For purposes of this subsection, "pooled" means placed in physical contact or mixed in a single receptacle;

(3) Collect, keep, and make available to the Governor and the Legislature information regarding the numbers and disposition of organs and tissues procured by each certified entity;

(4) Monitor participating facilities and agencies for program compliance; and

(5) Provide for the administration of the Organ and Tissue Procurement and Transplantation Advisory Board.

Section 4. Paragraph (b) of subsection (1) of section 383.14, Florida Statutes, is amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(1) SCREENING REQUIREMENTS.—To help ensure access to the maternal and child health care system, the Department of Health shall promote the screening of all infants born in Florida for phenylketonuria and other metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect, as screening programs accepted by current medical practice become available and practical in the judgment of the department. The department shall also promote the identification and screening of all infants born in this state and their families for environmental risk factors such as low income, poor education, maternal and family stress, emotional instability, substance abuse, and other high-risk conditions associated with increased risk of infant mortality and morbidity to provide early intervention, remediation, and prevention services, including, but not limited to, parent support and training programs, home visitation, and case management. Identification, perinatal screening, and intervention efforts shall begin prior to and immediately following the birth of the child by the attending health care provider. Such efforts shall be conducted in hospitals, perinatal centers, county health departments, school health programs that provide prenatal care, and birthing centers, and reported to the Office of Vital Statistics.

(b) Postnatal screening.—A risk factor analysis using the department's designated risk assessment instrument shall also be conducted as part of the medical screening process upon the birth of a child and submitted to the department's Office of Vital Statistics for recording and other purposes provided for in this chapter. The department's screening process for risk assessment shall include a scoring mechanism and procedures that establish thresholds for notification, further assessment, referral, and eligibility for services by professionals or paraprofessionals consistent with the level of risk. Procedures for developing and using the screening instrument, notification, referral, and care coordination services, reporting requirements, management information, and maintenance of a computer-driven registry in the Office of Vital Statistics which ensures privacy safeguards must be consistent with the provisions and plans established under chapter 411, Pub. L. No. 99-457, and this chapter. Procedures established for reporting information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department's automated data systems, including the Florida On-line Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed by the *State Public Health Laboratory, in coordination with Children's Medical Services*, at such times and in such manner as is prescribed by the department after consultation with the Genetics and Infant Screening Advisory Council and the State Coordinating Council for School Readiness Programs.

Section 5. Section 395.0197, Florida Statutes, is amended to read:

395.0197 Internal risk management program.—

(1) Every licensed facility shall, as a part of its administrative functions, establish an internal risk management program that includes all of the following components:

(a) The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents to patients.

(b) The development of appropriate measures to minimize the risk of adverse incidents to patients, including, but not limited to:

1. Risk management and risk prevention education and training of all nonphysician personnel as follows:

a. Such education and training of all nonphysician personnel as part of their initial orientation; and

b. At least 1 hour of such education and training annually for all ~~nonphysician~~ personnel of the licensed facility working in clinical areas and providing patient care, *except those persons licensed as health care practitioners who are required to complete continuing education coursework pursuant to chapter 456 or the respective practice act.*

2. A prohibition, except when emergency circumstances require otherwise, against a staff member of the licensed facility attending a patient in the recovery room, unless the staff member is authorized to attend the patient in the recovery room and is in the company of at least one other person. However, a licensed facility is exempt from the two-person requirement if it has:

a. Live visual observation;

b. Electronic observation; or

c. Any other reasonable measure taken to ensure patient protection and privacy.

3. *A prohibition against an unlicensed person from assisting or participating in any surgical procedure unless the facility has authorized the person to do so following a competency assessment, and such assistance or participation is done under the direct and immediate supervision of a licensed physician and is not otherwise an activity that may only be performed by a licensed health care practitioner.*

4. *Development, implementation, and ongoing evaluation of procedures, protocols, and systems to accurately identify patients, planned procedures, and the correct site of the planned procedure so as to minimize the performance of a surgical procedure on the wrong patient, a wrong surgical procedure, a wrong-site surgical procedure, or a surgical procedure otherwise unrelated to the patient's diagnosis or medical condition.*

(c) The analysis of patient grievances that relate to patient care and the quality of medical services.

(d) The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the licensed health care facility to report adverse incidents to the risk manager, or to his or her designee, within 3 business days after their occurrence.

(2) The internal risk management program is the responsibility of the governing board of the health care facility. Each licensed facility shall hire a risk manager, licensed under s. 395.10974 ~~part IX of chapter 626~~, who is responsible for implementation and oversight of such facility's internal risk management program as required by this section. A risk manager must not be made responsible for more than four internal risk management programs in separate licensed facilities, unless the facilities are under one corporate ownership or the risk management programs are in rural hospitals.

(3) In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of medical malpractice and patient injury claims shall be encouraged and their implementation and operation facilitated. Such additional approaches may include extending internal risk management programs to health care providers' offices and the assuming of provider liability by

a licensed health care facility for acts or omissions occurring within the licensed facility.

(4) The agency shall, ~~after consulting with the Department of Insurance,~~ adopt rules governing the establishment of internal risk management programs to meet the needs of individual licensed facilities. Each internal risk management program shall include the use of incident reports to be filed with an individual of responsibility who is competent in risk management techniques in the employ of each licensed facility, such as an insurance coordinator, or who is retained by the licensed facility as a consultant. The individual responsible for the risk management program shall have free access to all medical records of the licensed facility. The incident reports are part of the workpapers of the attorney defending the licensed facility in litigation relating to the licensed facility and are subject to discovery, but are not admissible as evidence in court. A person filing an incident report is not subject to civil suit by virtue of such incident report. As a part of each internal risk management program, the incident reports shall be used to develop categories of incidents which identify problem areas. Once identified, procedures shall be adjusted to correct the problem areas.

(5) For purposes of reporting to the agency pursuant to this section, the term "adverse incident" means an event over which health care personnel could exercise control and which is associated in whole or in part with medical intervention, rather than the condition for which such intervention occurred, and which:

(a) Results in one of the following injuries:

1. Death;

2. Brain or spinal damage;

3. Permanent disfigurement;

4. Fracture or dislocation of bones or joints;

5. A resulting limitation of neurological, physical, or sensory function which continues after discharge from the facility;

6. Any condition that required specialized medical attention or surgical intervention resulting from nonemergency medical intervention, other than an emergency medical condition, to which the patient has not given his or her informed consent; or

7. Any condition that required the transfer of the patient, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the patient's condition prior to the adverse incident;

(b) Was the performance of a surgical procedure on the wrong patient, a wrong surgical procedure, a wrong-site surgical procedure, or a surgical procedure otherwise unrelated to the patient's diagnosis or medical condition;

(c) Required the surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage was not a recognized specific risk, as disclosed to the patient and documented through the informed-consent process; or

(d) Was a procedure to remove unplanned foreign objects remaining from a surgical procedure.

(6)(a) Each licensed facility subject to this section shall submit an annual report to the agency summarizing the incident reports that have been filed in the facility for that year. The report shall include:

1. The total number of adverse incidents.

2. A listing, by category, of the types of operations, diagnostic or treatment procedures, or other actions causing the injuries, and the number of incidents occurring within each category.

3. A listing, by category, of the types of injuries caused and the number of incidents occurring within each category.

4. A code number using the health care professional's licensure number and a separate code number identifying all other individuals

directly involved in adverse incidents to patients, the relationship of the individual to the licensed facility, and the number of incidents in which each individual has been directly involved. Each licensed facility shall maintain names of the health care professionals and individuals identified by code numbers for purposes of this section.

5. A description of all malpractice claims filed against the licensed facility, including the total number of pending and closed claims and the nature of the incident which led to, the persons involved in, and the status and disposition of each claim. Each report shall update status and disposition for all prior reports.

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(c) The report submitted to the agency shall also contain the name and license number of the risk manager of the licensed facility, a copy of its policy and procedures which govern the measures taken by the facility and its risk manager to reduce the risk of injuries and adverse incidents, and the results of such measures. The annual report is confidential and is not available to the public pursuant to s. 119.07(1) or any other law providing access to public records. The annual report is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The annual report is not available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause.

(7) The licensed facility shall notify the agency no later than 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d) and can determine within 1 business day that any of the following adverse incidents has occurred, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility:

- (a) The death of a patient;
- (b) Brain or spinal damage to a patient;
- (c) The performance of a surgical procedure on the wrong patient;
- (d) The performance of a wrong-site surgical procedure; or
- (e) The performance of a wrong surgical procedure.

The notification must be made in writing and be provided by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected patient, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to other patients.

(8) Any of the following adverse incidents, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility, shall be reported by the facility to the agency within 15 calendar days after its occurrence:

- (a) The death of a patient;
- (b) Brain or spinal damage to a patient;
- (c) The performance of a surgical procedure on the wrong patient;
- (d) The performance of a wrong-site surgical procedure;
- (e) The performance of a wrong surgical procedure;

(f) The performance of a surgical procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition;

(g) The surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage is not a recognized specific risk, as disclosed to the patient and documented through the informed-consent process; or

(h) The performance of procedures to remove unplanned foreign objects remaining from a surgical procedure.

The agency may grant extensions to this reporting requirement for more than 15 days upon justification submitted in writing by the facility administrator to the agency. The agency may require an additional, final report. These reports shall not be available to the public pursuant to s. 119.07(1) or any other law providing access to public records, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

*(9) The agency shall publish on the agency's website, no less than quarterly, a summary and trend analysis of adverse incident reports received pursuant to this section, which shall not include information that would identify the patient, the reporting facility, or the health care practitioners involved. The agency shall publish on the agency's website an annual summary and trend analysis of all adverse incident reports and malpractice claims information provided by facilities in their annual reports, which shall not include information that would identify the patient, the reporting facility, or the practitioners involved. The purpose of the publication of the summary and trend analysis is to promote the rapid dissemination of information relating to adverse incidents and malpractice claims to assist in avoidance of similar incidents and reduce morbidity and mortality.*

~~(10)~~ (9) The internal risk manager of each licensed facility shall:

(a) Investigate every allegation of sexual misconduct which is made against a member of the facility's personnel who has direct patient contact, when the allegation is that the sexual misconduct occurred at the facility or on the grounds of the facility; ~~and~~

(b) Report every allegation of sexual misconduct to the administrator of the licensed facility.

(c) Notify the family or guardian of the victim, if a minor, that an allegation of sexual misconduct has been made and that an investigation is being conducted;

*(d) Report to the Department of Health every allegation of sexual misconduct, as defined in chapter 456 and the respective practice act, by a licensed health care practitioner that involves a patient.*

~~(11)~~ (10) Any witness who witnessed or who possesses actual knowledge of the act that is the basis of an allegation of sexual abuse shall:

- (a) Notify the local police; and
- (b) Notify the hospital risk manager and the administrator.

For purposes of this subsection, "sexual abuse" means acts of a sexual nature committed for the sexual gratification of anyone upon, or in the presence of, a vulnerable adult, without the vulnerable adult's informed consent, or a minor. "Sexual abuse" includes, but is not limited to, the acts defined in s. 794.011(1)(h), fondling, exposure of a vulnerable adult's or minor's sexual organs, or the use of the vulnerable adult or minor to solicit for or engage in prostitution or sexual performance.

"Sexual abuse" does not include any act intended for a valid medical purpose or any act which may reasonably be construed to be a normal caregiving action.

(12)(11) A person who, with malice or with intent to discredit or harm a licensed facility or any person, makes a false allegation of sexual misconduct against a member of a licensed facility's personnel is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(13)(12) In addition to any penalty imposed pursuant to this section, the agency shall require a written plan of correction from the facility. For a single incident or series of isolated incidents that are nonwillful violations of the reporting requirements of this section, the agency shall first seek to obtain corrective action by the facility. If the correction is not demonstrated within the timeframe established by the agency or if there is a pattern of nonwillful violations of this section, the agency may impose an administrative fine, not to exceed \$5,000 for any violation of the reporting requirements of this section. The administrative fine for repeated nonwillful violations shall not exceed \$10,000 for any violation. The administrative fine for each intentional and willful violation may not exceed \$25,000 per violation, per day. The fine for an intentional and willful violation of this section may not exceed \$250,000. In determining the amount of fine to be levied, the agency shall be guided by s. 395.1065(2)(b). This subsection does not apply to the notice requirements under subsection (7).

(14)(13) The agency shall have access to all licensed facility records necessary to carry out the provisions of this section. The records obtained by the agency under subsection (6), subsection (8), or subsection (10) (9) are not available to the public under s. 119.07(1), nor shall they be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall records obtained pursuant to s. 456.071 be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause, except that, with respect to medical review committee records, s. 766.101 controls.

(15)(14) The meetings of the committees and governing board of a licensed facility held solely for the purpose of achieving the objectives of risk management as provided by this section shall not be open to the public under the provisions of chapter 286. The records of such meetings are confidential and exempt from s. 119.07(1), except as provided in subsection (14) (13).

(16)(15) The agency shall review, as part of its licensure inspection process, the internal risk management program at each licensed facility regulated by this section to determine whether the program meets standards established in statutes and rules, whether the program is being conducted in a manner designed to reduce adverse incidents, and whether the program is appropriately reporting incidents under *this section* subsections (5), (6), (7), and (8).

(17)(16) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any risk manager, licensed under s. 395.10974 ~~part IX of chapter 626~~, for the implementation and oversight of the internal risk management program in a facility licensed under this chapter or chapter 390 as required by this section, for any act or proceeding undertaken or performed within the scope of the functions of such internal risk management program if the risk manager acts without intentional fraud.

(18) A privilege against civil liability is hereby granted to any licensed risk manager or licensed facility with regard to information furnished pursuant to this chapter, unless the licensed risk manager or facility acted in bad faith or with malice in providing such information.

(19)(17) If the agency, through its receipt of any reports required under this section ~~the annual reports prescribed in subsection (6) or~~

through any investigation, has a reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to such regulatory board.

~~(18) The agency shall annually publish a report summarizing the information contained in the annual incident reports submitted by licensed facilities pursuant to subsection (6) and disciplinary actions reported to the agency pursuant to s. 395.0193. The report must, at a minimum, summarize:~~

~~(a) Adverse incidents, by category of reported incident, and by type of professional involved.~~

~~(b) Types of malpractice claims filed, by type of professional involved.~~

~~(c) Disciplinary actions taken against professionals, by type of professional involved.~~

(20) *It shall be unlawful for any person to coerce, intimidate, or preclude a risk manager from lawfully executing his or her reporting obligations pursuant to this chapter. Such unlawful action shall be subject to civil monetary penalties not to exceed \$10,000 per violation.*

Section 6. Section 395.10972, Florida Statutes, is amended to read:

395.10972 Health Care Risk Manager Advisory Council.—The Secretary of Health Care Administration may appoint a *seven-member* ~~five-member~~ advisory council to advise the agency on matters pertaining to health care risk managers. The members of the council shall serve at the pleasure of the secretary. The council shall designate a chair. The council shall meet at the call of the secretary or at those times as may be required by rule of the agency. The members of the advisory council shall receive no compensation for their services, but shall be reimbursed for travel expenses as provided in s. 112.061. The council shall consist of individuals representing the following areas:

(1) Two shall be active health care risk managers, *including one risk manager who is recommended by and a member of the Florida Society of Healthcare Risk Management.*

(2) One shall be an active hospital administrator.

(3) One shall be an employee of an insurer or self-insurer of medical malpractice coverage.

(4) One shall be a representative of the health-care-consuming public.

(5) *Two shall be licensed health care practitioners, one of whom shall be licensed as a physician under chapter 458 or chapter 459.*

Section 7. Paragraph (b) of subsection (2) of section 395.701, Florida Statutes, is amended to read:

395.701 Annual assessments on net operating revenues for inpatient *and outpatient* services to fund public medical assistance; administrative fines for failure to pay assessments when due; exemption.—

(2)

(b) There is imposed upon each hospital an assessment in an amount equal to 1 percent of the annual net operating revenue for outpatient services for each hospital, such revenue to be determined by the agency, based on the actual experience of the hospital as reported to the agency. *While prior year report worksheets may be reconciled to the hospital's audited financial statements, no additional audited financial components may be required for the purposes of determining the amount of the assessment imposed pursuant to this section other than those in effect on July 1, 2000.* Within 6 months after the end of each hospital fiscal year, the agency shall certify the amount of the assessment for each hospital. The assessment shall be payable to and collected by the agency in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the agency certifies the amount of the assessment for each



hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

Section 8. Section 409.905, Florida Statutes, is amended to read:

409.905 **Mandatory Medicaid services.**—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. *Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency.* Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(1) **ADVANCED REGISTERED NURSE PRACTITIONER SERVICES.**—The agency shall pay for services provided to a recipient by a licensed advanced registered nurse practitioner who has a valid collaboration agreement with a licensed physician on file with the Department of Health or who provides anesthesia services in accordance with established protocol required by state law and approved by the medical staff of the facility in which the anesthetic service is performed. Reimbursement for such services must be provided in an amount that equals not less than 80 percent of the reimbursement to a physician who provides the same services, unless otherwise provided for in the General Appropriations Act.

(2) **EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT SERVICES.**—The agency shall pay for early and periodic screening and diagnosis of a recipient under age 21 to ascertain physical and mental problems and conditions and provide treatment to correct or ameliorate these problems and conditions. These services include all services determined by the agency to be medically necessary for the treatment, correction, or amelioration of these problems, including personal care, private duty nursing, durable medical equipment, physical therapy, occupational therapy, speech therapy, respiratory therapy, and immunizations.

(3) **FAMILY PLANNING SERVICES.**—The agency shall pay for services necessary to enable a recipient voluntarily to plan family size or to space children. These services include information; education; counseling regarding the availability, benefits, and risks of each method of pregnancy prevention; drugs and supplies; and necessary medical care and followup. Each recipient participating in the family planning portion of the Medicaid program must be provided freedom to choose any alternative method of family planning, as required by federal law.

(4) **HOME HEALTH CARE SERVICES.**—The agency shall pay for nursing and home health aide services, supplies, appliances, and durable medical equipment, necessary to assist a recipient living at home. An entity that provides services pursuant to this subsection shall be licensed under part IV of chapter 400 or part II of chapter 499, if appropriate. These services, equipment, and supplies, or reimbursement therefor, may be limited as provided in the General Appropriations Act and do not include services, equipment, or supplies provided to a person residing in a hospital or nursing facility. In providing home health care services, the agency may require prior authorization of care based on diagnosis.

(5) **HOSPITAL INPATIENT SERVICES.**—The agency shall pay for all covered services provided for the medical care and treatment of a recipient who is admitted as an inpatient by a licensed physician or dentist to a hospital licensed under part I of chapter 395. However, the agency shall limit the payment for inpatient hospital services for a Medicaid recipient 21 years of age or older to 45 days or the number of days necessary to comply with the General Appropriations Act.

(a) The agency is authorized to implement reimbursement and utilization management reforms in order to comply with any limitations or directions in the General Appropriations Act, which may include, but

are not limited to: prior authorization for inpatient psychiatric days; enhanced utilization and concurrent review programs for highly utilized services; reduction or elimination of covered days of service; adjusting reimbursement ceilings for variable costs; adjusting reimbursement ceilings for fixed and property costs; and implementing target rates of increase.

(b) A licensed hospital maintained primarily for the care and treatment of patients having mental disorders or mental diseases is not eligible to participate in the hospital inpatient portion of the Medicaid program except as provided in federal law. However, the department shall apply for a waiver, within 9 months after June 5, 1991, designed to provide hospitalization services for mental health reasons to children and adults in the most cost-effective and lowest cost setting possible. Such waiver shall include a request for the opportunity to pay for care in hospitals known under federal law as “institutions for mental disease” or “IMD’s.” The waiver proposal shall propose no additional aggregate cost to the state or Federal Government, and shall be conducted in Hillsborough County, Highlands County, Hardee County, Manatee County, and Polk County. The waiver proposal may incorporate competitive bidding for hospital services, comprehensive brokering, prepaid capitated arrangements, or other mechanisms deemed by the department to show promise in reducing the cost of acute care and increasing the effectiveness of preventive care. When developing the waiver proposal, the department shall take into account price, quality, accessibility, linkages of the hospital to community services and family support programs, plans of the hospital to ensure the earliest discharge possible, and the comprehensiveness of the mental health and other health care services offered by participating providers.

(c) Agency for Health Care Administration shall adjust a hospital’s current inpatient per diem rate to reflect the cost of serving the Medicaid population at that institution if:

1. The hospital experiences an increase in Medicaid caseload by more than 25 percent in any year, primarily resulting from the closure of a hospital in the same service area occurring after July 1, 1995; or

2. The hospital’s Medicaid per diem rate is at least 25 percent below the Medicaid per patient cost for that year.

No later than November 1, 2000, the agency must provide estimated costs for any adjustment in a hospital inpatient per diem pursuant to this paragraph to the Executive Office of the Governor, the House of Representatives General Appropriations Committee, and the Senate Budget Committee. Before the agency implements a change in a hospital’s inpatient per diem rate pursuant to this paragraph, the Legislature must have specifically appropriated sufficient funds in the 2001-2002 General Appropriations Act to support the increase in cost as estimated by the agency. This paragraph is repealed on July 1, 2001.

(6) **HOSPITAL OUTPATIENT SERVICES.**—The agency shall pay for preventive, diagnostic, therapeutic, or palliative care and other services provided to a recipient in the outpatient portion of a hospital licensed under part I of chapter 395, and provided under the direction of a licensed physician or licensed dentist, except that payment for such care and services is limited to \$1,500 per state fiscal year per recipient, unless an exception has been made by the agency, and with the exception of a Medicaid recipient under age 21, in which case the only limitation is medical necessity.

(7) **INDEPENDENT LABORATORY SERVICES.**—The agency shall pay for medically necessary diagnostic laboratory procedures ordered by a licensed physician or other licensed practitioner of the healing arts which are provided for a recipient in a laboratory that meets the requirements for Medicare participation and is licensed under chapter 483, if required.

(8) **NURSING FACILITY SERVICES.**—The agency shall pay for 24-hour-a-day nursing and rehabilitative services for a recipient in a nursing facility licensed under part II of chapter 400 or in a rural hospital, as defined in s. 395.602, or in a Medicare certified skilled nursing facility operated by a hospital, as defined by s. 395.002(11), that

is licensed under part I of chapter 395, and in accordance with provisions set forth in s. 409.908(2)(a), which services are ordered by and provided under the direction of a licensed physician. However, if a nursing facility has been destroyed or otherwise made uninhabitable by natural disaster or other emergency and another nursing facility is not available, the agency must pay for similar services temporarily in a hospital licensed under part I of chapter 395 provided federal funding is approved and available.

(9) **PHYSICIAN SERVICES.**—The agency shall pay for covered services and procedures rendered to a recipient by, or under the personal supervision of, a person licensed under state law to practice medicine or osteopathic medicine. These services may be furnished in the physician's office, the Medicaid recipient's home, a hospital, a nursing facility, or elsewhere, but shall be medically necessary for the treatment of an injury, illness, or disease within the scope of the practice of medicine or osteopathic medicine as defined by state law. The agency shall not pay for services that are clinically unproven, experimental, or for purely cosmetic purposes.

(10) **PORTABLE X-RAY SERVICES.**—The agency shall pay for professional and technical portable radiological services ordered by a licensed physician or other licensed practitioner of the healing arts which are provided by a licensed professional in a setting other than a hospital, clinic, or office of a physician or practitioner of the healing arts, on behalf of a recipient.

(11) **RURAL HEALTH CLINIC SERVICES.**—The agency shall pay for outpatient primary health care services for a recipient provided by a clinic certified by and participating in the Medicare program which is located in a federally designated, rural, medically underserved area and has on its staff one or more licensed primary care nurse practitioners or physician assistants, and a licensed staff supervising physician or a consulting supervising physician.

(12) **TRANSPORTATION SERVICES.**—The agency shall ensure that appropriate transportation services are available for a Medicaid recipient in need of transport to a qualified Medicaid provider for medically necessary and Medicaid-compensable services, provided a client's ability to choose a specific transportation provider shall be limited to those options resulting from policies established by the agency to meet the fiscal limitations of the General Appropriations Act. The agency may pay for transportation and other related travel expenses as necessary only if these services are not otherwise available.

Section 9. Section 409.906, Florida Statutes, is amended to read:

409.906 **Optional Medicaid services.**—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. *Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency.* Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(1) **ADULT DENTURE SERVICES.**—The agency may pay for dentures, the procedures required to seat dentures, and the repair and relining of dentures, provided by or under the direction of a licensed dentist, for a recipient who is age 21 or older. *However, Medicaid will not provide reimbursement for dental services provided in a mobile dental unit, except for a mobile dental unit:*

(a) *Owned by, operated by, or having a contractual agreement with the Department of Health and complying with Medicaid's county health department clinic services program specifications as a county health department clinic services provider.*

(b) *Owned by, operated by, or having a contractual arrangement with a federally qualified health center and complying with Medicaid's federally qualified health center specifications as a federally qualified health center provider.*

(c) *Rendering dental services to Medicaid recipients, 21 years of age and older, at nursing facilities.*

(d) *Owned by, operated by, or having a contractual agreement with a state-approved dental educational institution.*

(2) **ADULT HEALTH SCREENING SERVICES.**—The agency may pay for an annual routine physical examination, conducted by or under the direction of a licensed physician, for a recipient age 21 or older, without regard to medical necessity, in order to detect and prevent disease, disability, or other health condition or its progression.

(3) **AMBULATORY SURGICAL CENTER SERVICES.**—The agency may pay for services provided to a recipient in an ambulatory surgical center licensed under part I of chapter 395, by or under the direction of a licensed physician or dentist.

(4) **BIRTH CENTER SERVICES.**—The agency may pay for examinations and delivery, recovery, and newborn assessment, and related services, provided in a licensed birth center staffed with licensed physicians, certified nurse midwives, and midwives licensed in accordance with chapter 467, to a recipient expected to experience a low-risk pregnancy and delivery.

(5) **CASE MANAGEMENT SERVICES.**—The agency may pay for primary care case management services rendered to a recipient pursuant to a federally approved waiver, and targeted case management services for specific groups of targeted recipients, for which funding has been provided and which are rendered pursuant to federal guidelines. The agency is authorized to limit reimbursement for targeted case management services in order to comply with any limitations or directions provided for in the General Appropriations Act. Notwithstanding s. 216.292, the Department of Children and Family Services may transfer general funds to the Agency for Health Care Administration to fund state match requirements exceeding the amount specified in the General Appropriations Act for targeted case management services.

(6) **CHILDREN'S DENTAL SERVICES.**—The agency may pay for diagnostic, preventive, or corrective procedures, including orthodontia in severe cases, provided to a recipient under age 21, by or under the supervision of a licensed dentist. Services provided under this program include treatment of the teeth and associated structures of the oral cavity, as well as treatment of disease, injury, or impairment that may affect the oral or general health of the individual. *However, Medicaid will not provide reimbursement for dental services provided in a mobile dental unit, except for a mobile dental unit:*

(a) *Owned by, operated by, or having a contractual agreement with the Department of Health and complying with Medicaid's county health department clinic services program specifications as a county health department clinic services provider.*

(b) *Owned by, operated by, or having a contractual arrangement with a federally qualified health center and complying with Medicaid's federally qualified health center specifications as a federally qualified health center provider.*

(c) *Rendering dental services to Medicaid recipients, 21 years of age and older, at nursing facilities.*

(d) *Owned by, operated by, or having a contractual agreement with a state-approved dental educational institution.*

(7) **CHIROPRACTIC SERVICES.**—The agency may pay for manual manipulation of the spine and initial services, screening, and X rays provided to a recipient by a licensed chiropractic physician.

(8) **COMMUNITY MENTAL HEALTH SERVICES.**—The agency may pay for rehabilitative services provided to a recipient by a mental health or substance abuse provider licensed by the agency and under contract with the agency or the Department of Children and Family Services to provide such services. Those services which are psychiatric in nature shall be rendered or recommended by a psychiatrist, and those services which are medical in nature shall be rendered or recommended by a physician or psychiatrist. The agency must develop a provider enrollment process for community mental health providers which bases provider enrollment on an assessment of service need. The provider enrollment process shall be designed to control costs, prevent fraud and abuse, consider provider expertise and capacity, and assess provider success in managing utilization of care and measuring treatment outcomes. Providers will be selected through a competitive procurement or selective contracting process. In addition to other community mental health providers, the agency shall consider for enrollment mental health programs licensed under chapter 395 and group practices licensed under chapter 458, chapter 459, chapter 490, or chapter 491. The agency is also authorized to continue operation of its behavioral health utilization management program and may develop new services if these actions are necessary to ensure savings from the implementation of the utilization management system. The agency shall coordinate the implementation of this enrollment process with the Department of Children and Family Services and the Department of Juvenile Justice. The agency is authorized to utilize diagnostic criteria in setting reimbursement rates, to preauthorize certain high-cost or highly utilized services, to limit or eliminate coverage for certain services, or to make any other adjustments necessary to comply with any limitations or directions provided for in the General Appropriations Act.

(9) **DIALYSIS FACILITY SERVICES.**—Subject to specific appropriations being provided for this purpose, the agency may pay a dialysis facility that is approved as a dialysis facility in accordance with Title XVIII of the Social Security Act, for dialysis services that are provided to a Medicaid recipient under the direction of a physician licensed to practice medicine or osteopathic medicine in this state, including dialysis services provided in the recipient's home by a hospital-based or freestanding dialysis facility.

(10) **DURABLE MEDICAL EQUIPMENT.**—The agency may authorize and pay for certain durable medical equipment and supplies provided to a Medicaid recipient as medically necessary.

(11) **HEALTHY START SERVICES.**—The agency may pay for a continuum of risk-appropriate medical and psychosocial services for the Healthy Start program in accordance with a federal waiver. The agency may not implement the federal waiver unless the waiver permits the state to limit enrollment or the amount, duration, and scope of services to ensure that expenditures will not exceed funds appropriated by the Legislature or available from local sources. If the Health Care Financing Administration does not approve a federal waiver for Healthy Start services, the agency, in consultation with the Department of Health and the Florida Association of Healthy Start Coalitions, is authorized to establish a Medicaid certified-match program for Healthy Start services. Participation in the Healthy Start certified-match program shall be voluntary, and reimbursement shall be limited to the federal Medicaid share to Medicaid-enrolled Healthy Start coalitions for services provided to Medicaid recipients. The agency shall take no action to implement a certified-match program without ensuring that the amendment and review requirements of ss. 216.177 and 216.181 have been met.

(12) **HEARING SERVICES.**—The agency may pay for hearing and related services, including hearing evaluations, hearing aid devices, dispensing of the hearing aid, and related repairs, if provided to a recipient by a licensed hearing aid specialist, otolaryngologist, otologist, audiologist, or physician.

(13) **HOME AND COMMUNITY-BASED SERVICES.**—The agency may pay for home-based or community-based services that are rendered to a recipient in accordance with a federally approved waiver program.

(14) **HOSPICE CARE SERVICES.**—The agency may pay for all reasonable and necessary services for the palliation or management of

a recipient's terminal illness, if the services are provided by a hospice that is licensed under part VI of chapter 400 and meets Medicare certification requirements.

(15) **INTERMEDIATE CARE FACILITY FOR THE DEVELOPMENTALLY DISABLED SERVICES.**—The agency may pay for health-related care and services provided on a 24-hour-a-day basis by a facility licensed and certified as a Medicaid Intermediate Care Facility for the Developmentally Disabled, for a recipient who needs such care because of a developmental disability.

(16) **INTERMEDIATE CARE SERVICES.**—The agency may pay for 24-hour-a-day intermediate care nursing and rehabilitation services rendered to a recipient in a nursing facility licensed under part II of chapter 400, if the services are ordered by and provided under the direction of a physician.

(17) **OPTOMETRIC SERVICES.**—The agency may pay for services provided to a recipient, including examination, diagnosis, treatment, and management, related to ocular pathology, if the services are provided by a licensed optometrist or physician.

(18) **PHYSICIAN ASSISTANT SERVICES.**—The agency may pay for all services provided to a recipient by a physician assistant licensed under s. 458.347 or s. 459.022. Reimbursement for such services must be not less than 80 percent of the reimbursement that would be paid to a physician who provided the same services.

(19) **PODIATRIC SERVICES.**—The agency may pay for services, including diagnosis and medical, surgical, palliative, and mechanical treatment, related to ailments of the human foot and lower leg, if provided to a recipient by a podiatric physician licensed under state law.

(20) **PRESCRIBED DRUG SERVICES.**—The agency may pay for medications that are prescribed for a recipient by a physician or other licensed practitioner of the healing arts authorized to prescribe medications and that are dispensed to the recipient by a licensed pharmacist or physician in accordance with applicable state and federal law.

(21) **REGISTERED NURSE FIRST ASSISTANT SERVICES.**—The agency may pay for all services provided to a recipient by a registered nurse first assistant as described in s. 464.027. Reimbursement for such services may not be less than 80 percent of the reimbursement that would be paid to a physician providing the same services.

(22) **STATE HOSPITAL SERVICES.**—The agency may pay for all-inclusive psychiatric inpatient hospital care provided to a recipient age 65 or older in a state mental hospital.

(23) **VISUAL SERVICES.**—The agency may pay for visual examinations, eyeglasses, and eyeglass repairs for a recipient, if they are prescribed by a licensed physician specializing in diseases of the eye or by a licensed optometrist.

(24) **CHILD-WELFARE-TARGETED CASE MANAGEMENT.**—The Agency for Health Care Administration, in consultation with the Department of Children and Family Services, may establish a targeted case-management pilot project in those counties identified by the Department of Children and Family Services and for the community-based child welfare project in Sarasota and Manatee counties, as authorized under s. 409.1671. These projects shall be established for the purpose of determining the impact of targeted case management on the child welfare program and the earnings from the child welfare program. Results of the pilot projects shall be reported to the Child Welfare Estimating Conference and the Social Services Estimating Conference established under s. 216.136. The number of projects may not be increased until requested by the Department of Children and Family Services, recommended by the Child Welfare Estimating Conference and the Social Services Estimating Conference, and approved by the Legislature. The covered group of individuals who are eligible to receive targeted case management include children who are eligible for Medicaid; who are between the ages of birth through 21; and who are under protective supervision or postplacement supervision, under foster-care supervision, or in shelter care or foster care. The number of

individuals who are eligible to receive targeted case management shall be limited to the number for whom the Department of Children and Family Services has available matching funds to cover the costs. The general revenue funds required to match the funds for services provided by the community-based child welfare projects are limited to funds available for services described under s. 409.1671. The Department of Children and Family Services may transfer the general revenue matching funds as billed by the Agency for Health Care Administration.

Section 10. Subsections (7) through (11) of section 456.013, Florida Statutes, are renumbered as subsections (8) through (12), respectively, and a new subsection (7) is added to said section to read:

456.013 Department; general licensing provisions.—

(7) *The boards, or the department when there is no board, shall require the completion of a 2-hour course relating to prevention of medical errors as part of the licensure and renewal process. The 2-hour course shall count towards the total number of continuing education hours required for the profession. The course shall be approved by the board or department, as appropriate, and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is being offered by a facility licensed pursuant to chapter 395 for its employees, the board may approve up to 1 hour of the 2-hour course to be specifically related to error reduction and prevention methods used in that facility.*

Section 11. Subsection (19) is added to section 456.057, Florida Statutes, to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished.—

(19) *The board, or department when there is no board, may temporarily or permanently appoint a person or entity as a custodian of medical records in the event of the death of a practitioner, the mental or physical incapacitation of the practitioner, or the abandonment of medical records by a practitioner. The custodian appointed shall comply with all provisions of this section, including the release of patient records.*

Section 12. Subsection (3) is added to section 456.063, Florida Statutes, to read:

456.063 Sexual misconduct; disqualification for license, certificate, or registration; reports of allegation of sexual misconduct.—

(3) *Licensed health care practitioners shall report allegations of sexual misconduct to the department, regardless of the practice setting in which the alleged sexual misconduct occurred.*

Section 13. Paragraph (c) of subsection (1) of section 456.072, Florida Statutes, is amended, paragraphs (aa) and (bb) are added to said subsection, paragraphs (c) and (d) of subsection (2) and subsection (4) are amended, and paragraphs (i) and (j) are added to subsection (2) of said section, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(c) Being convicted or found guilty of, or entering a plea of *guilty* or *nolo contendere* to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

(aa) *Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. For the purposes of this paragraph, performing or attempting to perform health care services includes the preparation of the patient.*

(bb) *Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures. For the purposes*

*of this paragraph, it shall be legally presumed that retention of a foreign body is not in the best interest of the patient and is not within the standard of care of the profession, regardless of the intent of the professional.*

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(c) Restriction of practice or license, *including, but not limited to, restricting the licensee from practicing in certain settings, restricting the licensee to work only under designated conditions or in certain settings, restricting the licensee from performing or providing designated clinical and administrative services, restricting the licensee from practicing more than a designated number of hours, or any other restriction found to be necessary for the protection of the public health, safety, and welfare.*

(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense. *If the violation is for fraud or making a false or fraudulent representation, the board, or the department if there is no board, must impose a fine of \$10,000 per count or offense.*

(i) *Refund of fees billed and collected from the patient or a third party on behalf of the patient.*

(j) *Requirement that the practitioner undergo remedial education.*

In determining what action is appropriate, the board, or department when there is no board, must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the practitioner. All costs associated with compliance with orders issued under this subsection are the obligation of the practitioner.

(4) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, ~~shall~~ *may* assess costs related to the investigation and prosecution of the case. In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

Section 14. Paragraphs (a) and (c) of subsection (9) of section 456.073, Florida Statutes, are amended, and, effective upon this act becoming a law, subsection (13) is added to said section, to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(9)(a) The department shall periodically notify the person who filed the complaint, *as well as the patient or the patient's legal representative*, of the status of the investigation, indicating whether probable cause has been found and the status of any civil action or administrative proceeding or appeal.

(c) In any disciplinary case for which probable cause is not found, the department shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the ~~department probable cause panel~~ which may be relevant to the decision. *To facilitate the provision of additional information, the person who filed the complaint may receive, upon request, a copy of the department's expert report that supported the recommendation for closure, if such a report was relied upon by the department. In no way does this require the department to procure an expert opinion or report if none was used. Additionally, the identity of the expert shall remain confidential.* In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

(13) *Notwithstanding any provision of law to the contrary, an administrative complaint against a licensee shall be filed within 6 years after the time of the incident or occurrence giving rise to the complaint against the licensee. If such incident or occurrence involved criminal actions, diversion of controlled substances, sexual misconduct, or impairment by the licensee, this subsection does not apply to bar initiation of an investigation or filing of an administrative complaint beyond the 6-year timeframe. In those cases covered by this subsection in which it can be shown that fraud, concealment, or intentional misrepresentation of fact prevented the discovery of the violation of law, the period of limitations is extended forward, but in no event to exceed 12 years after the time of the incident or occurrence.*

Section 15. Subsection (1) of section 456.074, Florida Statutes, is amended to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(1) The department shall issue an emergency order suspending the license of any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, or chapter 484 who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, a felony under chapter 409, *chapter 817*, or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396.

Section 16. Subsections (2) and (6) of section 456.077, Florida Statutes, are amended to read:

456.077 Authority to issue citations.—

(2) The board, or the department if there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare. *Violations for which a citation may be issued shall include violations of continuing education requirements, failure to timely pay required fees and fines, failure to comply with the requirements of ss. 381.026 and 381.0261 regarding the dissemination of information regarding patient rights, failure to comply with advertising requirements, failure to timely update practitioner profile and credentialing files, failure to display signs, licenses, and permits, failure to have required reference books available, and all other violations that do not pose a direct and serious threat to the health and safety of the patient.*

(6) A board ~~created on or after January 1, 1992~~, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

Section 17. Section 456.081, Florida Statutes, is amended to read:

456.081 Publication of information.—The department and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter, about information that the department or the board determines is of interest to the industry. *The department and the boards shall maintain a website which contains copies of the newsletter; information relating to adverse incident reports without identifying the patient, practitioner, or facility in which the adverse incident occurred until 10 days after probable cause is found, at which time the name of the practitioner and facility shall become public as part of the investigative file; information about error prevention and safety strategies; and information concerning best practices.* Unless otherwise prohibited by law, the department and the boards shall publish on the website a summary of final orders entered after July 1, 2001, resulting in disciplinary action ~~fining, suspensions, or revocations~~, and any other information the department or the board determines is of interest to the public. *In order to provide useful and timely information at minimal cost, the department and boards may consult with, and include information provided by, professional associations and national organizations.*

Section 18. Section 458.3147, Florida Statutes, is created to read:

458.3147 *Medical school eligibility of military academy students or graduates.—Any Florida resident who is a student at or a graduate of any of the United States military academies who qualifies for assignment to the Medical Corps of the United States military shall be considered eligible for admission to any medical school in the State University System. All application fees shall be waived or refunded.*

Section 19. Subsection (9) of section 458.331, Florida Statutes, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(9) When an investigation of a physician is undertaken, the department shall promptly furnish to the physician or the physician's attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to s. 395.0197(6); a report of an adverse incident which is provided to the department pursuant to s. 395.0197(8); a report of peer review disciplinary action submitted to the department pursuant to s. 395.0193(4) or s. 458.337, providing that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by ss. 395.0193(8) and 458.337(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the physician of the complaint or document. The physician's written response shall be considered by the probable cause panel.

Section 20. Subsection (9) of section 459.015, Florida Statutes, is amended to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(9) When an investigation of an osteopathic physician is undertaken, the department shall promptly furnish to the osteopathic physician or his or her attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to s. 395.0197(6); a report of an adverse incident which is provided to the department pursuant to s. 395.0197(8); a report of peer review disciplinary action submitted to the department pursuant to s. 395.0193(4) or s. 459.016, provided that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by ss. 395.0193(8) and 459.016(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The osteopathic physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the osteopathic physician of the complaint or document. The osteopathic physician's written response shall be considered by the probable cause panel.

Section 21. Effective January 1, 2002, subsection (4) of section 641.51, Florida Statutes, is amended to read:

641.51 Quality assurance program; second medical opinion requirement.—

(4) The organization shall ensure that only a physician *with an active, unencumbered license licensed under chapter 458 or chapter 459, or an allopathic or osteopathic physician with an active, unencumbered*

license in another state with similar licensing requirements may render an adverse determination regarding a service provided by a physician licensed in this state. The organization shall submit to the treating provider and the subscriber written notification regarding the organization's adverse determination within 2 working days after the subscriber or provider is notified of the adverse determination. The written notification must include the utilization review criteria or benefits provisions used in the adverse determination, identify the physician who rendered the adverse determination, and be signed by an authorized representative of the organization or the physician who rendered the adverse determination. The organization must include with the notification of an adverse determination information concerning the appeal process for adverse determinations. *This provision does not create authority for the Board of Medicine or Board of Osteopathic Medicine to regulate the organization; however, the Board of Medicine and the Board of Osteopathic Medicine continue to have jurisdiction over licensees of their respective boards.*

Section 22. Subsection (5) of section 465.019, Florida Statutes, is amended to read:

465.019 Institutional pharmacies; permits.—

(5) All institutional pharmacies shall be under the professional supervision of a consultant pharmacist, and the compounding and dispensing of medicinal drugs shall be done only by a licensed pharmacist. *Every institutional pharmacy that employs or otherwise utilizes pharmacy technicians shall have a written policy and procedures manual specifying those duties, tasks, and functions which a pharmacy technician is allowed to perform.*

Section 23. Section 465.0196, Florida Statutes, is amended to read:

465.0196 Special pharmacy permits.—Any person desiring a permit to operate a pharmacy which does not fall within the definitions set forth in s. 465.003(11)(a)1., 2., and 3. shall apply to the department for a special pharmacy permit. If the board certifies that the application complies with the applicable laws and rules of the board governing the practice of the profession of pharmacy, the department shall issue the permit. No permit shall be issued unless a licensed pharmacist is designated to undertake the professional supervision of the compounding and dispensing of all drugs dispensed by the pharmacy. The licensed pharmacist shall be responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs occurs. The permittee shall notify the department within 10 days of any change of the licensed pharmacist responsible for such duties. *Every permittee that employs or otherwise utilizes pharmacy technicians shall have a written policy and procedures manual specifying those duties, tasks, and functions which a pharmacy technician is allowed to perform.*

Section 24. *The Department of Health and the Agency for Health Care Administration shall conduct a review of all statutorily imposed reporting requirements for health care practitioners and health facilities. The department and the agency shall report back to the Legislature on or before November 1, 2001, with recommendations and suggested statutory changes to streamline reporting requirements to avoid duplicative, overlapping, and unnecessary reports or data elements.*

Section 25. Paragraph (r) is added to subsection (1) of section 468.1755, Florida Statutes, and, for the purpose of incorporating the amendment to section 456.072(1), Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of said section is reenacted, to read:

468.1755 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Violation of any provision of s. 456.072(1) or s. 468.1745(1).

(r) *Failing to implement an ongoing quality assurance program directed by an interdisciplinary team that meets at least every other month.*

(2) When the board finds any nursing home administrator guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee.

(f) Restriction of the authorized scope of practice.

Section 26. For the purpose of incorporating the amendment to section 468.1755(1), Florida Statutes, in reference thereto, subsection (3) of section 468.1695, Florida Statutes, and section 468.1735, Florida Statutes, are reenacted to read:

468.1695 Licensure by examination.—

(3) The department shall issue a license to practice nursing home administration to any applicant who successfully completes the examination in accordance with this section and otherwise meets the requirements of this part. The department shall not issue a license to any applicant who is under investigation in this state or another jurisdiction for an offense which would constitute a violation of s. 468.1745 or s. 468.1755. Upon completion of the investigation, the provisions of s. 468.1755 shall apply.

468.1735 Provisional license.—The board may establish by rule requirements for issuance of a provisional license. A provisional license shall be issued only to fill a position of nursing home administrator that unexpectedly becomes vacant due to illness, sudden death of the administrator, or abandonment of position and shall be issued for one single period as provided by rule not to exceed 6 months. The department shall not issue a provisional license to any applicant who is under investigation in this state or another jurisdiction for an offense which would constitute a violation of s. 468.1745 or s. 468.1755. Upon completion of the investigation, the provisions of s. 468.1755 shall apply. The provisional license may be issued to a person who does not meet all of the licensing requirements established by this part, but the board shall by rule establish minimal requirements to ensure protection of the public health, safety, and welfare. The provisional license shall be issued to the person who is designated as the responsible person next in command in the event of the administrator's departure. The board may set an application fee not to exceed \$500 for a provisional license.

Section 27. For the purpose of incorporating the amendment to section 456.072(1), Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 484.056, Florida Statutes, is reenacted to read:

484.056 Disciplinary proceedings.—

(1) The following acts relating to the practice of dispensing hearing aids shall be grounds for both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. 456.065 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:

(a) Violation of any provision of s. 456.072(1), s. 484.0512, or s. 484.053.

Section 28. Paragraph (a) of subsection (1), paragraph (a) of subsection (7), and subsection (8) of section 766.101, Florida Statutes, are amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(a) The term “medical review committee” or “committee” means:

1.a. A committee of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part I of chapter 641,

b. A committee of a physician-hospital organization, a provider-sponsored organization, or an integrated delivery system,

c. A committee of a state or local professional society of health care providers,

d. A committee of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home,

e. A committee of the Department of Corrections or the Correctional Medical Authority as created under s. 945.602, or employees, agents, or consultants of either the department or the authority or both,

f. A committee of a professional service corporation formed under chapter 621 or a corporation organized under chapter 607 or chapter 617, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients,

g. A committee of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907, provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

h. A committee of a substance abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

i. A peer review or utilization review committee organized under chapter 440, ~~or~~

j. A committee of the Department of Health, a county health department, healthy start coalition, or certified rural health network, when reviewing quality of care, or employees of these entities when reviewing mortality records, *or*

k. *A continuous quality improvement committee of a pharmacy licensed pursuant to chapter 465,*

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service or to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review under s. 766.106.

(7)(a) It is the intent of the Legislature to encourage medical review committees to contribute further to the quality of health care in this state by reviewing complaints against physicians in the manner described in this paragraph. Accordingly, the Department of ~~Health Business and Professional Regulation~~ may enter into a letter of agreement with a professional society of physicians licensed under chapter 458 or chapter 459, under which agreement the medical or peer review committees of the professional society will conduct a review of any complaint or case referred to the society by the department which involves a question as to whether a physician's actions represented a breach of the prevailing professional standard of care. The prevailing professional standard of care is that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers. The letter of agreement must specify that the

professional society will submit an advisory report to the department within a reasonable time following the department's written and appropriately supported request to the professional society. The advisory report, which is not binding upon the department, constitutes the professional opinion of the medical review committee and must include:

1. A statement of relevant factual findings.

2. The judgment of the committee as to whether the physician's actions represented a breach of the prevailing professional standard of care.

(8) No cause of action of any nature by a person licensed pursuant to chapter 458, chapter 459, chapter 461, chapter 463, part I of chapter 464, chapter 465, or chapter 466 shall arise against another person licensed pursuant to chapter 458, chapter 459, chapter 461, chapter 463, part I of chapter 464, chapter 465, or chapter 466 for furnishing information to a duly appointed medical review committee, to an internal risk management program established under s. 395.0197, to the Department of *Health or the Agency for Health Care Administration Business and Professional Regulation*, or to the appropriate regulatory board if the information furnished concerns patient care at a facility licensed pursuant to part I of chapter 395 where both persons provide health care services, if the information is not intentionally fraudulent, and if the information is within the scope of the functions of the committee, department, or board. However, if such information is otherwise available from original sources, it is not immune from discovery or use in a civil action merely because it was presented during a proceeding of the committee, department, or board.

Section 29. For the purpose of incorporating the amendment to section 766.101(1)(a), Florida Statutes, in references thereto, paragraph (a) of subsection (1) of section 440.105, Florida Statutes, and subsection (6) of section 626.989, Florida Statutes, are reenacted to read:

440.105 Prohibited activities; reports; penalties; limitations.—

(1)(a) Any insurance carrier, any individual self-insured, any commercial or group self-insurance fund, any professional practitioner licensed or regulated by the Department of Business and Professional Regulation, except as otherwise provided by law, any medical review committee as defined in s. 766.101, any private medical review committee, and any insurer, agent, or other person licensed under the insurance code, or any employee thereof, having knowledge or who believes that a fraudulent act or any other act or practice which, upon conviction, constitutes a felony or misdemeanor under this chapter is being or has been committed shall send to the Division of Insurance Fraud, Bureau of Workers' Compensation Fraud, a report or information pertinent to such knowledge or belief and such additional information relative thereto as the bureau may require. The bureau shall review such information or reports and select such information or reports as, in its judgment, may require further investigation. It shall then cause an independent examination of the facts surrounding such information or report to be made to determine the extent, if any, to which a fraudulent act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under this chapter is being committed. The bureau shall report any alleged violations of law which its investigations disclose to the appropriate licensing agency and state attorney or other prosecuting agency having jurisdiction with respect to any such violations of this chapter. If prosecution by the state attorney or other prosecuting agency having jurisdiction with respect to such violation is not begun within 60 days of the bureau's report, the state attorney or other prosecuting agency having jurisdiction with respect to such violation shall inform the bureau of the reasons for the lack of prosecution.

626.989 Investigation by department or Division of Insurance Fraud; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(6) Any person, other than an insurer, agent, or other person licensed under the code, or an employee thereof, having knowledge or who believes that a fraudulent insurance act or any other act or practice

which, upon conviction, constitutes a felony or a misdemeanor under the code, or under s. 817.234, is being or has been committed may send to the Division of Insurance Fraud a report or information pertinent to such knowledge or belief and such additional information relative thereto as the department may request. Any professional practitioner licensed or regulated by the Department of Business and Professional Regulation, except as otherwise provided by law, any medical review committee as defined in s. 766.101, any private medical review committee, and any insurer, agent, or other person licensed under the code, or an employee thereof, having knowledge or who believes that a fraudulent insurance act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under the code, or under s. 817.234, is being or has been committed shall send to the Division of Insurance Fraud a report or information pertinent to such knowledge or belief and such additional information relative thereto as the department may require. The Division of Insurance Fraud shall review such information or reports and select such information or reports as, in its judgment, may require further investigation. It shall then cause an independent examination of the facts surrounding such information or report to be made to determine the extent, if any, to which a fraudulent insurance act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under the code, or under s. 817.234, is being committed. The Division of Insurance Fraud shall report any alleged violations of law which its investigations disclose to the appropriate licensing agency and state attorney or other prosecuting agency having jurisdiction with respect to any such violation, as provided in s. 624.310. If prosecution by the state attorney or other prosecuting agency having jurisdiction with respect to such violation is not begun within 60 days of the division's report, the state attorney or other prosecuting agency having jurisdiction with respect to such violation shall inform the division of the reasons for the lack of prosecution.

Section 30. Effective on July 1, 2001 and applicable to all contracts entered into or renewed on or after July 1, 2001, section 627.6474, Florida Statutes, is created to read:

*627.6474 Provider contracts.—A health insurer shall not require a contracted health care practitioner as defined in s. 456.001(4) to accept the terms of other health care practitioner contracts with the insurer or any other insurer, or health maintenance organization, under common management and control with the insurer, including Medicare and Medicaid practitioner contracts and those authorized by s. 627.6471, s. 627.6472, or s. 641.315, except for a practitioner in a group practice as defined in s. 456.053 who must accept the terms of a contract negotiated for the practitioner by the group, as a condition of continuation or renewal of the contract. Any contract provision that violates this section is void. A violation of this section is not subject to the criminal penalty specified in s. 624.15.*

Section 31. Effective on July 1, 2001 and applicable to all contracts entered into or renewed on or after July 1, 2001, subsection (11) is added to section 627.662, Florida Statutes, to read:

*627.662 Other provisions applicable.—The following provisions apply to group health insurance, blanket health insurance, and franchise health insurance:*

*(11) Section 627.6474, relating to provider contracts.*

Section 32. Effective on July 1, 2001 and applicable to all contracts entered into or renewed on or after July 1, 2001, subsection (10) is added to section 641.315, Florida Statutes, to read:

*641.315 Provider contracts.—*

*(10) A health maintenance organization shall not require a contracted health care practitioner as defined in s. 456.001(4) to accept the terms of other health care practitioner contracts with the health maintenance organization or any insurer, or other health maintenance organization, under common management and control with the health maintenance organization, including Medicare and Medicaid practitioner contracts and those authorized by s. 627.6471, s. 627.6472, or s. 641.315, except for a practitioner in a group practice as defined in*

*s. 456.053 who must accept the terms of a contract negotiated for the practitioner by the group, as a condition of continuation or renewal of the contract. Any contract provision that violates this section is void. A violation of this section is not subject to the criminal penalty specified in s. 624.15.*

Section 33. Paragraph (c) of subsection (4) of section 766.1115, Florida Statutes, is amended to read:

*766.1115 Health care providers; creation of agency relationship with governmental contractors.—*

*(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver health care services on or after April 17, 1992, as an agent of the governmental contractor is an agent for purposes of s. 768.28(9), while acting within the scope of duties pursuant to the contract, if the contract complies with the requirements of this section and regardless of whether the individual treated is later found to be ineligible. A health care provider under contract with the state may not be named as a defendant in any action arising out of the medical care or treatment provided on or after April 17, 1992, pursuant to contracts entered into under this section. The contract must provide that:*

*(c) Adverse incidents and information on treatment outcomes must be reported by any health care provider to the governmental contractor if such incidents and information pertain to a patient treated pursuant to the contract. The health care provider shall submit the reports required by s. 395.0197 annually submit an adverse incident report that includes all information required by s. 395.0197(6)(a), unless the adverse incident involves a result described by s. 395.0197(8), in which case it shall be reported within 15 days after the occurrence of such incident. If an incident involves a professional licensed by the Department of Health or a facility licensed by the Agency for Health Care Administration, the governmental contractor shall submit such incident reports to the appropriate department or agency, which shall review each incident and determine whether it involves conduct by the licensee that is subject to disciplinary action. All patient medical records and any identifying information contained in adverse incident reports and treatment outcomes which are obtained by governmental entities pursuant to this paragraph are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.*

Section 34. Section 456.047, Florida Statutes, is amended to read:

*456.047 Standardized credentialing for health care practitioners.—*

*(1) INTENT.—The Legislature recognizes that an efficient and effective health care practitioner credentialing program helps to ensure access to quality health care and also recognizes that health care practitioner credentialing activities have increased significantly as a result of health care reform and recent changes in health care delivery and reimbursement systems. Moreover, the resulting duplication of health care practitioner credentialing activities is unnecessarily costly and cumbersome for both the practitioner and the entity granting practice privileges. Therefore, it is the intent of this section that a credentials collection program be established which provides that, once a health care practitioner's core credentials data are collected, they need not be collected again, except for corrections, updates, and modifications thereto. Furthermore, it is the intent of the Legislature that the department and all entities and practitioners work cooperatively to ensure the integrity and accuracy of the program. Participation under this section shall include those individuals licensed under chapter 458, chapter 459, chapter 460, chapter 461, or s. 464.012. However, the department shall, with the approval of the applicable board, include other professions under the jurisdiction of the Division of Medical Quality Assurance in this program, provided they meet the requirements of s. 456.039 or s. 456.0391.*

*(2) DEFINITIONS.—As used in this section, the term:*

*(a) "Certified" or "accredited," as applicable, means approved by a quality assessment program, from the National Committee for Quality Assurance, the Joint Commission on Accreditation of Healthcare*



Organizations, the American Accreditation HealthCare Commission/URAC, or any such other nationally recognized and accepted organization authorized by the department, used to assess and certify any credentials verification program, entity, or organization that verifies the credentials of any health care practitioner.

(b) "Core credentials data" means ~~data that is primary source verified and includes the following data: current name, any former name, and any alias, any professional education, professional training, licensure, current Drug Enforcement Administration certification, social security number, specialty board certification, Educational Commission for Foreign Medical Graduates certification, and hospital or other institutional affiliations, evidence of professional liability coverage or evidence of financial responsibility as required by s. 458.320, s. 459.0085, or s. 456.048, history of claims, suits, judgments, or settlements, final disciplinary action reported pursuant to s. 456.039(1)(a)8. or s. 456.0391(1)(a)8. The department may by rule designate additional core credentials data elements, and Medicare or Medicaid sanctions.~~

(c) "Credential" or "credentialing" means the process of assessing and verifying the qualifications of a licensed health care practitioner or applicant for licensure as a health care practitioner.

(d) "Credentials verification organization" means any organization certified or accredited as a credentials verification organization.

(e) "Department" means the Department of Health, Division of Medical Quality Assurance.

(f) "Designated credentials verification organization" means the credentials verification organization which is selected by the health care practitioner, if the health care practitioner chooses to make such a designation.

(g) "Drug Enforcement Administration certification" means certification issued by the Drug Enforcement Administration for purposes of administration or prescription of controlled substances. Submission of such certification under this section must include evidence that the certification is current and must also include all current addresses to which the certificate is issued.

(h) "Health care entity" means:

1. Any health care facility or other health care organization licensed or certified to provide approved medical and allied health services in this state;

2. Any entity licensed by the Department of Insurance as a prepaid health care plan or health maintenance organization or as an insurer to provide coverage for health care services through a network of providers or similar organization licensed under chapter 627, chapter 636, chapter 641, or chapter 651; or

3. Any accredited medical school in this state.

(i) "Health care practitioner" means any person licensed, or, for credentialing purposes only, any person applying for licensure, under chapter 458, chapter 459, chapter 460, chapter 461, or s. 464.012 or any person licensed or applying for licensure under a chapter subsequently made subject to this section by the department with the approval of the applicable board, except a person registered or applying for registration pursuant to s. 458.345 or s. 459.021.

~~(j) "Hospital or other institutional affiliations" means each hospital or other institution for which the health care practitioner or applicant has provided medical services. Submission of such information under this section must include, for each hospital or other institution, the name and address of the hospital or institution, the staff status of the health care practitioner or applicant at that hospital or institution, and the dates of affiliation with that hospital or institution.~~

~~(j)(k)~~ "National accrediting organization" means an organization that awards accreditation or certification to hospitals, managed care organizations, credentials verification organizations, or other health care organizations, including, but not limited to, the Joint Commission

on Accreditation of Healthcare Organizations, the American Accreditation HealthCare Commission/URAC, and the National Committee for Quality Assurance.

(k) "Primary source verification" means verification of professional qualifications based on evidence obtained directly from the issuing source of the applicable qualification or from any other source deemed as a primary source for such verification by the department or an accrediting body approved by the department.

(l) "Professional training" means any internship, residency, or fellowship relating to the profession for which the health care practitioner is licensed or seeking licensure.

(m) "Specialty board certification" means certification in a specialty issued by a specialty board recognized by the board in this state that regulates the profession for which the health care practitioner is licensed or seeking licensure.

**(3) STANDARDIZED CREDENTIALS VERIFICATION PROGRAM.—**

(a) Every health care practitioner shall:

1. Report all core credentials data to the department which is not already on file with the department, either by designating a credentials verification organization to submit the data or by submitting the data directly.

2. Notify the department within 45 days of any corrections, updates, or modifications to the core credentials data either through his or her designated credentials verification organization or by submitting the data directly. Corrections, updates, and modifications to the core credentials data provided the department under this section shall comply with the updating requirements of s. 456.039(3) or s. 456.0391(3) related to profiling.

(b) The department shall:

1. Maintain a complete, current file of applicable core credentials data on each health care practitioner, which shall include data provided in accordance with subparagraph (a)1. and all updates provided in accordance with subparagraph (a)2.

2. Release the core credentials data that is otherwise confidential or exempt from the provisions of chapter 119 and s. 24(a), Art. I of the State Constitution and any corrections, updates, and modifications thereto, if authorized by the health care practitioner.

3. Charge a fee to access the core credentials data, which may not exceed the actual cost, including prorated setup and operating costs, pursuant to the requirements of chapter 119.

4. Develop standardized forms to be used by the health care practitioner or designated credentials verification organization for the initial reporting of core credentials data, for the health care practitioner to authorize the release of core credentials data, and for the subsequent reporting of corrections, updates, and modifications thereto.

(c) A registered credentials verification organization may be designated by a health care practitioner to assist the health care practitioner to comply with the requirements of subparagraph (a)2. A designated credentials verification organization shall:

1. Timely comply with the requirements of subparagraph (a)2., pursuant to rules adopted by the department.

2. Not provide the health care practitioner's core credentials data, including all corrections, updates, and modifications, without the authorization of the practitioner.

(d) This section shall not be construed to restrict in any way the authority of the health care entity to credential and to approve or deny an application for hospital staff membership, clinical privileges, or managed care network participation.

**(4) DUPLICATION OF DATA PROHIBITED.—**

(a) A health care entity or credentials verification organization is prohibited from collecting or attempting to collect duplicate core credentials data from any health care practitioner if the information is available from the department. This section shall not be construed to restrict the right of any health care entity or credentials verification organization to collect additional information from the health care practitioner which is not included in the core credentials data file. This section shall not be construed to prohibit a health care entity or credentials verification organization from obtaining all necessary attestation and release form signatures and dates.

(b) Effective July 1, 2002, a state agency in this state which credentials health care practitioners may not collect or attempt to collect duplicate core credentials data from any individual health care practitioner if the information is already available from the department. This section shall not be construed to restrict the right of any such state agency to request additional information not included in the core credentials data file, but which is deemed necessary for the agency's specific credentialing purposes.

(5) **STANDARDS AND REGISTRATION.**—Any credentials verification organization that does business in this state must be fully accredited or certified as a credentials verification organization by a national accrediting organization as specified in paragraph (2)(a) and must register with the department. The department may charge a reasonable registration fee, not to exceed an amount sufficient to cover its actual expenses in providing and enforcing such registration. The department shall establish by rule for biennial renewal of such registration. Failure by a registered credentials verification organization to maintain full accreditation or certification, to provide data as authorized by the health care practitioner, to report to the department changes, updates, and modifications to a health care practitioner's records within the time period specified in subparagraph (3)(a)2., or to comply with the prohibition against collection of duplicate core credentials data from a practitioner may result in denial of an application for renewal of registration or in revocation or suspension of a registration.

(6) **PRIMARY SOURCE VERIFIED DATA.**—*Health care entities and credentials verification organizations may rely upon any data that has been primary source verified by the department or its designee to meet primary source verification requirements of national accrediting organizations.*

(7)(6) **LIABILITY.**—No civil, criminal, or administrative action may be instituted, and there shall be no liability, against any registered credentials verification organization or health care entity on account of its reliance on any data obtained directly from the department.

(8)(7) **LIABILITY INSURANCE REQUIREMENTS.**—Each credentials verification organization doing business in this state shall maintain liability insurance appropriate to meet the certification or accreditation requirements established in this section.

(9)(8) **RULES.**—The department shall adopt rules necessary to develop and implement the standardized core credentials data collection program established by this section.

Section 35. Section 232.61, Florida Statutes, is amended to read:

232.61 Governing organization for athletics; adoption of bylaws.—

(1) The organization shall adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools. The bylaws governing residence and transfer shall allow the student to be eligible in the school in which he or she first enrolls each school year, or makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in any member school. The student shall be eligible in that school so long as he or she remains enrolled in that school. Subsequent eligibility shall be determined and enforced through the organization's bylaws.

(2) The organization shall ~~also~~ adopt bylaws that specifically prohibit the recruiting of students for athletic purposes. The bylaws

shall prescribe penalties and an appeals process for athletic recruiting violations.

(3) *The organization shall adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year prior to participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team. Such medical evaluation can only be administered by a physician licensed under the provisions of chapter 458, chapter 459, or chapter 460, and in good standing with the physician's regulatory board. The bylaws shall establish requirements for eliciting a student's medical history and performing the medical evaluation required under this subsection, which shall include minimum standards for the physical capabilities necessary for participation in interscholastic athletic competition as contained in a uniform preparticipation physical evaluation form. The evaluation form shall provide place for the signature of the physician performing the evaluation with an attestation that each examination procedure listed on the form was performed by the physician or by someone under the direct supervision of the physician. The form shall also contain a place for the physician to indicate if a referral to another physician was made in lieu of completion of a certain examination procedure. The form shall provide a place for the physician to whom the student was referred to complete the remaining sections and attest to that portion of the examination. Physicians administering medical evaluations pursuant to this section must know the minimum standards established by the organization and certify that the student meets the standards. If the physician determines that there are any abnormal findings in the cardiovascular system, the student may not participate unless a subsequent EKG or other cardiovascular assessment indicates that the abnormality will not place the student at risk during such participation. Results of such medical evaluation must be provided to the school. No student shall be eligible to participate in any interscholastic athletic competition or engage in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team until the results of the medical evaluation verifying that the student has satisfactorily passed the evaluation have been received and approved by the school.*

(4) *Notwithstanding the provisions of subsection (3), a student may participate in interscholastic athletic competition or be a candidate for an interscholastic athletic team if the parent or guardian of the student objects in writing to the student undergoing a medical evaluation because such evaluation is contrary to his or her religious tenets or practices, provided that no person shall be held liable for any injury or other damages suffered by such student resulting from his or her participation in interscholastic athletic competition or in any practice, tryout, workout, or other physical activity associated with his or her candidacy for an interscholastic athletic team.*

Section 36. Section 240.4075, Florida Statutes, is amended to read:

240.4075 Nursing Student Loan Forgiveness Program.—

(1) To encourage qualified personnel to seek employment in areas of this state in which critical nursing shortages exist, there is established the Nursing Student Loan Forgiveness Program. The primary function of the program is to increase employment and retention of registered nurses and licensed practical nurses in nursing homes and hospitals in the state and in state-operated medical and health care facilities, *public schools, birth centers, and federally sponsored community health centers and teaching hospitals* by making repayments toward loans received by students from federal or state programs or commercial lending institutions for the support of postsecondary study in accredited or approved nursing programs.

(2) To be eligible, a candidate must have graduated from an accredited or approved nursing program and have received a Florida license as a licensed practical nurse or a registered nurse or a Florida certificate as an advanced registered nurse practitioner.

(3) Only loans to pay the costs of tuition, books, and living expenses shall be covered, at an amount not to exceed \$4,000 for each year of education towards the degree obtained.

(4) Receipt of funds pursuant to this program shall be contingent upon continued proof of employment in the designated facilities in this state. Loan principal payments shall be made by the Department of ~~Health Education~~ directly to the federal or state programs or commercial lending institutions holding the loan as follows:

(a) Twenty-five percent of the loan principal and accrued interest shall be retired after the first year of nursing;

(b) Fifty percent of the loan principal and accrued interest shall be retired after the second year of nursing;

(c) Seventy-five percent of the loan principal and accrued interest shall be retired after the third year of nursing; and

(d) The remaining loan principal and accrued interest shall be retired after the fourth year of nursing.

In no case may payment for any nurse exceed \$4,000 in any 12-month period.

(5) There is created the Nursing Student Loan Forgiveness Trust Fund to be administered by the Department of ~~Health Education~~ pursuant to this section and s. 240.4076 and department rules. The Comptroller shall authorize expenditures from the trust fund upon receipt of vouchers approved by the Department of ~~Health Education~~. All moneys collected from the private health care industry and other private sources for the purposes of this section shall be deposited into the Nursing Student Loan Forgiveness Trust Fund. Any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section and s. 240.4076.

(6) In addition to licensing fees imposed under part I of chapter 464, there is hereby levied and imposed an additional fee of \$5, which fee shall be paid upon licensure or renewal of nursing licensure. Revenues collected from the fee imposed in this subsection shall be deposited in the Nursing Student Loan Forgiveness Trust Fund of the Department of ~~Health Education~~ and will be used solely for the purpose of carrying out the provisions of this section and s. 240.4076. Up to 50 percent of the revenues appropriated to implement this subsection may be used for the nursing scholarship program established pursuant to s. 240.4076.

(7)(a) Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, *public schools*, county health departments, federally sponsored community health centers, ~~or teaching hospitals as defined in s. 408.07, family practice teaching hospitals as defined in s. 395.805, or specialty hospitals for children as used in s. 409.9119.~~ *If in any given fiscal quarter there are insufficient funds in the trust fund to grant all eligible applicant requests, awards shall be based on the following priority of employer: county health departments; federally sponsored community health centers; state-operated medical and health care facilities; public schools; teaching hospitals as defined in s. 408.07; family practice teaching hospitals as defined in s. 395.805; specialty hospitals for children as used in s. 409.9119; and other hospitals, birth centers, and nursing homes.*

(b) All Nursing Student Loan Forgiveness Trust Fund moneys shall be invested pursuant to s. 18.125. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for loan forgiveness and scholarships. Pledged contributions shall not be eligible for matching prior to the actual collection of the total private contribution for the year.

(8) The Department of ~~Health Education~~ may solicit technical assistance relating to the conduct of this program from the Department of ~~Education Health~~.

(9) The Department of ~~Health Education~~ is authorized to recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the Nursing Student Loan Forgiveness Program.

(10) The Department of ~~Health Education~~ may adopt rules necessary to administer this program.

(11) This section shall be implemented only as specifically funded.

Section 37. Section 240.4076, Florida Statutes, is amended to read:

240.4076 Nursing scholarship program.—

(1) There is established within the Department of ~~Health Education~~ a scholarship program for the purpose of attracting capable and promising students to the nursing profession.

(2) A scholarship applicant shall be enrolled as a full-time or part-time student in the upper division of an approved nursing program leading to the award of a baccalaureate *degree or graduate degree to qualify for a nursing faculty position or as an* ~~or any~~ advanced registered nurse practitioner ~~degree~~ or be enrolled as a full-time or part-time student in an approved program leading to the award of an associate degree in nursing ~~or a diploma in nursing~~.

(3) A scholarship may be awarded for no more than 2 years, in an amount not to exceed \$8,000 per year. However, registered nurses pursuing a *graduate degree for a faculty position or to practice as an advanced registered nurse practitioner degree* may receive up to \$12,000 per year. Beginning July 1, 1998, these amounts shall be adjusted by the amount of increase or decrease in the consumer price index for urban consumers published by the United States Department of Commerce.

(4) Credit for repayment of a scholarship shall be as follows:

(a) For each full year of scholarship assistance, the recipient agrees to work for 12 months *in a faculty position in a college of nursing or community college nursing program in this state or at a health care facility in a medically underserved area as approved by the Department of ~~Health Education~~*. Scholarship recipients who attend school on a part-time basis shall have their employment service obligation prorated in proportion to the amount of scholarship payments received.

(b) Eligible health care facilities include *nursing homes and hospitals in this state, state-operated medical or health care facilities, public schools, county health departments, federally sponsored community health centers, colleges of nursing in universities in this state, and community college nursing programs in this state* ~~or teaching hospitals as defined in s. 408.07~~. The recipient shall be encouraged to complete the service obligation at a single employment site. If continuous employment at the same site is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.

(c) Any recipient who does not complete an appropriate program of studies or who does not become licensed shall repay to the Department of ~~Health Education~~, on a schedule to be determined by the department, the entire amount of the scholarship plus 18 percent interest accruing from the date of the scholarship payment. Moneys repaid shall be deposited into the Nursing Student Loan Forgiveness Trust Fund established in s. 240.4075. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

(d) Any recipient who does not accept employment as a nurse at an approved health care facility or who does not complete 12 months of approved employment for each year of scholarship assistance received shall repay to the Department of ~~Health Education~~ an amount equal to two times the entire amount of the scholarship plus interest accruing from the date of the scholarship payment at the maximum allowable interest rate permitted by law. Repayment shall be made within 1 year of notice that the recipient is considered to be in default. However, the department may provide additional time for repayment if the department finds that circumstances beyond the control of the recipient caused or contributed to the default.

(5) Scholarship payments shall be transmitted to the recipient upon receipt of documentation that the recipient is enrolled in an approved

nursing program. The Department of ~~Health Education~~ shall develop a formula to prorate payments to scholarship recipients so as not to exceed the maximum amount per academic year.

(6) The Department of ~~Health Education~~ shall adopt rules, including rules to address extraordinary circumstances that may cause a recipient to default on either the school enrollment or employment contractual agreement, to implement this section and may solicit technical assistance relating to the conduct of this program from the Department of Health.

(7) The Department of ~~Health Education~~ is authorized to recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the nursing scholarship program.

Section 38. *All powers, duties, and functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Education relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Health.*

Section 39. Effective July 1, 2003, section 464.005, Florida Statutes, is amended to read:

464.005 Board headquarters.—The board shall maintain its official headquarters in ~~Tallahassee the city in which it has been domiciled for the past 5 years.~~

Section 40. Subsections (1) and (2) of section 464.008, Florida Statutes, are amended to read:

464.008 Licensure by examination.—

(1) Any person desiring to be licensed as a registered nurse or licensed practical nurse shall apply to the department to take the licensure examination. The department shall examine each applicant who:

(a) Has completed the application form and remitted a fee set by the board not to exceed \$150 and has remitted an examination fee set by the board not to exceed \$75 plus the actual per applicant cost to the department for purchase of the examination from the National Council of State Boards of Nursing or a similar national organization.

(b) Has provided sufficient information on or after October 1, 1989, which must be submitted by the department for a statewide criminal records correspondence check through the Department of Law Enforcement.

(c) Is in good mental and physical health, is a recipient of a high school diploma or the equivalent, and has completed the requirements for graduation from an approved program, *or its equivalent as determined by the board*, for the preparation of registered nurses or licensed practical nurses, whichever is applicable. Courses successfully completed in a professional nursing program which are at least equivalent to a practical nursing program may be used to satisfy the education requirements for licensure as a licensed practical nurse.

(d) Has the ability to communicate in the English language, which may be determined by an examination given by the department.

(2) Each applicant who passes the examination and provides proof of *meeting the educational requirements specified in subsection (1) graduation from an approved nursing program* shall, unless denied pursuant to s. 464.018, be entitled to licensure as a registered professional nurse or a licensed practical nurse, whichever is applicable.

Section 41. Section 464.009, Florida Statutes, is amended to read:

464.009 Licensure by endorsement.—

(1) The department shall issue the appropriate license by endorsement to practice professional or practical nursing to an applicant who, upon applying to the department and remitting a fee set by the board not to exceed \$100, demonstrates to the board that he or she:

(a) Holds a valid license to practice professional or practical nursing in another state of the United States, provided that, when the applicant secured his or her original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in Florida at that time; or

(b) Meets the qualifications for licensure in s. 464.008 and has successfully completed a state, regional, or national examination which is substantially equivalent to or more stringent than the examination given by the department.

(2) Such examinations and requirements from other states shall be presumed to be substantially equivalent to or more stringent than those in this state. Such presumption shall not arise until January 1, 1980. However, the board may, by rule, specify states the examinations and requirements of which shall not be presumed to be substantially equivalent to those of this state.

(3) *The applicant must submit to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant. The Department of Health shall submit the fingerprints provided by the applicant to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant. The Department of Health shall review the results of the criminal history check, issue a license to an applicant who has met all of the other requirements for licensure and has no criminal history, and shall refer all applicants with criminal histories back to the board for determination as to whether a license should be issued and under what conditions.*

(4)(3) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for an act which would constitute a violation of this part *or chapter 456* until such time as the investigation is complete, at which time the provisions of s. 464.018 shall apply.

(5) *The department shall develop an electronic applicant notification process and provide electronic notification when the application has been received and when background screenings have been completed, and shall issue a license within 30 days after completion of all required data collection and verification. This 30-day period to issue a license shall be tolled if the applicant must appear before the board due to information provided on the application or obtained through screening and data collection and verification procedures.*

Section 42. Section 464.0195, Florida Statutes, is created to read:

464.0195 *Florida Center for Nursing; goals.—There is established the Florida Center for Nursing to address issues of supply and demand for nursing, including issues of recruitment, retention, and utilization of nurse workforce resources. The Legislature finds that the center will repay the state's investment by providing an ongoing strategy for the allocation of the state's resources directed towards nursing. The primary goals for the center shall be to:*

(1) *Develop a strategic statewide plan for nursing manpower in this state by:*

(a) *Establishing and maintaining a database on nursing supply and demand in the state, to include current supply and demand, and future projections; and*

(b) *Selecting from the plan priorities to be addressed.*

(2) *Convene various groups representative of nurses, other health care providers, business and industry, consumers, legislators, and educators to:*

(a) *Review and comment on data analysis prepared for the center;*

(b) *Recommend systemic changes, including strategies for implementation of recommended changes; and*

(c) Evaluate and report the results of these efforts to the Legislature and others.

(3) Enhance and promote recognition, reward, and renewal activities for nurses in the state by:

(a) Promoting nursing excellence programs such as magnet recognition by the American Nurses Credentialing Center;

(b) Proposing and creating additional reward, recognition, and renewal activities for nurses; and

(c) Promoting media and positive image-building efforts for nursing.

Section 43. Section 464.0196, Florida Statutes, is created to read:

464.0196 Florida Center for Nursing; board of directors.—

(1) The Florida Center for Nursing shall be governed by a policy-setting board of directors. The board shall consist of 16 members, with a simple majority of the board being nurses representative of various practice areas. Other members shall include representatives of other health care professions, business and industry, health care providers, and consumers. The members of the board shall be appointed by the Governor as follows:

(a) Four members recommended by the President of the Senate, at least one of whom shall be a registered nurse recommended by the Florida Organization of Nurse Executives and at least one other representative of the hospital industry recommended by the Florida Hospital Association;

(b) Four members recommended by the Speaker of the House of Representatives, at least one of whom shall be a registered nurse recommended by the Florida Nurses Association and at least one other representative of the long-term care industry;

(c) Four members recommended by the Governor, two of whom shall be registered nurses; and

(d) Four nurse educators recommended by the State Board of Education, one of whom shall be a dean of a College of Nursing at a state university, one other shall be a director of a nursing program in a state community college.

(2) The initial terms of the members shall be as follows:

(a) Of the members appointed pursuant to paragraph (1)(a), two shall be appointed for terms expiring June 30, 2005, one for a term expiring June 30, 2004, and one for a term expiring June 30, 2003.

(b) Of the members appointed pursuant to paragraph (1)(b), one shall be appointed for a term expiring June 30, 2005, two for terms expiring June 30, 2004, and one for a term expiring June 20, 2003.

(c) Of the members appointed pursuant to paragraph (1)(c), one shall be appointed for a term expiring June 30, 2005, one for a term expiring June 30, 2004, and two for terms expiring June 30, 2003.

(d) Of the members appointed pursuant to paragraph (1)(d), the terms of two members recommended by the State Board of Education shall expire June 30, 2005; the term of the member who is a dean of a College of Nursing at a state university shall expire June 30, 2004; and the term of the member who is a director of a state community college nursing program shall expire June 30, 2003.

After the initial appointments expire, the terms of all the members shall be for 3 years, with no member serving more than two consecutive terms.

(3) The board shall have the following powers and duties:

(a) To employ an executive director.

(b) To determine operational policy.

(c) To elect a chair and officers, to serve 2-year terms. The chair and officers may not succeed themselves.

(d) To establish committees of the board as needed.

(e) To appoint a multidisciplinary advisory council for input and advice on policy matters.

(f) To implement the major functions of the center as established in the goals set out in s. 464.0195.

(g) To seek and accept nonstate funds for sustaining the center and carrying out center policy.

(4) The members of the board are entitled to receive per diem and allowances prescribed by law for state boards and commissions.

Section 44. Section 464.0197, Florida Statutes, is created to read:

464.0197 Florida Center for Nursing; state budget support.—The Legislature finds that it is imperative that the state protect its investment and progress made in nursing efforts to date. The Legislature finds that the Florida Center for Nursing is the appropriate means to do so. The center shall have state budget support for its operations so that it may have adequate resources for the tasks the Legislature has set out in s. 464.0195.

Section 45. The Board of Nursing within the Department of Health shall hold in abeyance until July 1, 2002, the development of any rule pursuant to s. 464.019(2), Florida Statutes, which relates to the establishment of faculty/student clinical ratios. The Board of Nursing and the Department of Education shall submit to the President of the Senate and the Speaker of the House of Representatives by December 31, 2001, an implementation plan that details both the impact and the cost of any such proposed rule change.

Section 46. Subsection (1) of section 464.0205, Florida Statutes, is amended to read:

464.0205 Retired volunteer nurse certificate.—

(1) Any retired practical or registered nurse desiring to serve indigent, underserved, or critical need populations in this state may apply to the department for a retired volunteer nurse certificate by providing:

(a) A complete application.

~~(b) An application and processing fee of \$25.~~

~~(b)(e)~~ Verification that the applicant had been licensed to practice nursing in any jurisdiction in the United States for at least 10 years, had retired or plans to retire, intends to practice nursing only pursuant to the limitations provided by the retired volunteer nurse certificate, and has not committed any act that would constitute a violation under s. 464.018(1).

~~(c)(d)~~ Proof that the applicant meets the requirements for licensure under s. 464.008 or s. 464.009.

Section 47. The Florida Legislature's Office of Program Policy Analysis and Government Accountability shall study the feasibility of maintaining the entire Medical Quality Assurance function, including enforcement, within one department, as recommended by the Auditor General in Operational Report Number 01-063. The study shall be completed and a report issued to the Legislature on or before November 30, 2001.

Section 48. Effective October 1, 2001, section 456.0375, Florida Statutes, is created to read:

456.0375 Registration of certain clinics; requirements; discipline; exemptions.—

(1)(a) As used in this section, the term "clinic" means a business operating in a single structure or facility or group of adjacent structures or facilities operating under the same business name or management at which health care services are provided to individuals and which tenders charges for reimbursement for such services.

(b) For purposes of this section, the term "clinic" does not include and the registration requirements in this section do not apply to:

1. *Entities licensed or registered by the state pursuant to chapter 390, chapter 394, chapter 395, chapter 397, chapter 400, chapter 463, chapter 465, chapter 466, chapter 478, chapter 480, or chapter 484.*

2. *Entities exempt from federal taxation under 26 U.S.C. s. 501(c)(3).*

3. *Sole proprietorships, group practices, partnerships, or corporations which provide health care services by licensed health care practitioners pursuant to chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 484, chapter 486, chapter 490, or chapter 491; part I, part III, part X, part XIII, or part XIV of chapter 468; or s. 464.012, which are wholly owned by licensed health care practitioners or wholly owned by licensed health care practitioners and the spouse, parent, or child of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the services performed therein and is legally responsible for the entity's compliance with all federal and state laws. However, no health care practitioner may supervise services beyond the scope of the practitioner's license.*

(2)(a) *Every clinic, as defined in paragraph (1)(a), must register, and at all times maintain a valid registration, with the department. Each clinic location must be registered separately even though operated under the same business name or management, and each clinic must appoint a medical director or clinic director.*

(b) *The department shall adopt rules necessary to administer the registration program, including rules establishing the specific registration procedures, forms, and fees. Registration may be conducted electronically. Registration fees must be calculated to reasonably cover the cost of registration and must be of such amount that the total fees collected do not exceed the cost of administering and enforcing compliance with this section. The registration program must require:*

1. *The clinic to file the registration form with the department within 60 days after the effective date of this section or prior to the inception of operation. The registration expires automatically 2 years after its date of issuance and must be renewed biennially thereafter.*

2. *The registration form to contain the name, residence, and business address, phone number, and license number of the medical director or clinic director for the clinic.*

3. *The clinic to display the registration certificate in a conspicuous location within the clinic which is readily visible to all patients.*

(3)(a) *Each clinic must employ or contract with a physician maintaining a full and unencumbered physician license in accordance with chapter 458, chapter 459, chapter 460, or chapter 461 to serve as the medical director. However, if the clinic is limited to providing health care services pursuant to chapter 457, chapter 484, chapter 486, chapter 490, or chapter 491 or part I, part III, part X, part XIII, or part XIV of chapter 468, the clinic may appoint a health care practitioner licensed under that chapter to serve as the clinic director who is responsible for the clinic's activities. A health care practitioner may not serve as the clinic director if the services provided at the clinic are beyond the scope of that practitioner's license.*

(b) *The medical director or clinic director must agree in writing to accept responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:*

1. *Have signs identifying the medical director or clinic director posted in a conspicuous location within the clinic which is readily visible to all patients.*

2. *Ensure that all practitioners providing health care services or supplies to patients maintain a current, active, and unencumbered Florida license.*

3. *Review any patient-referral contracts or agreements executed by the clinic.*

4. *Ensure that all health care practitioners at the clinic have active appropriate certification or licensure for the level of care being provided.*

5. *Serve as the clinic records owner as defined in s. 456.057.*

6. *Ensure compliance with the recordkeeping, office surgery, and adverse incident reporting requirements of chapter 456, the respective practice acts, and the rules adopted thereunder.*

7. *Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director or clinic director must take immediate corrective action.*

(c) *Any contract to serve as a medical director or clinic director entered into or renewed by a physician or licensed health care practitioner in violation of this section is void as contrary to public policy. This section applies to contracts entered into or renewed on or after the effective date of this section.*

(d) *The department, in consultation with the boards, shall adopt rules specifying limitations on the number of registered clinics and licensees for which a medical director or clinic director may assume responsibility for purposes of this section. In determining the quality of supervision a medical director or clinic director can provide, the department shall consider the number of clinic employees, the clinic location, and the services provided by the clinic.*

(4)(a) *All charges or reimbursement claims made by or on behalf of a clinic that is required to be registered under this section but that is not so registered are unlawful charges and therefore are noncompensable and unenforceable.*

(b) *Any person establishing, operating, or managing an unregistered clinic otherwise required to be registered under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(c) *Any licensed health care practitioner who violates this section is subject to discipline in accordance with this chapter and the respective practice act.*

(d) *The department shall revoke the registration of any clinic registered under this section for operating in violation of the requirements of this section or the rules adopted pursuant to this section.*

(e) *The department shall investigate allegations of noncompliance with this section and the rules adopted pursuant to this section.*

Section 49. *The sum of \$100,000 is appropriated from the registration fees collected from clinics pursuant to s. 456.0375, Florida Statutes, and one-half of one full-time equivalent position is authorized, to the Department of Health for the purposes of regulating medical clinics pursuant to s. 456.0375, Florida Statutes. The appropriated funds shall be deposited into the Medical Quality Assurance Trust Fund.*

Section 50. Subsection (3) of section 456.031, Florida Statutes, is amended to read:

456.031 Requirement for instruction on domestic violence.—

(3)(a) *In lieu of completing a course as required in subsection (1), a licensee or certificateholder may complete a course in end-of-life care and palliative health care, if the licensee or certificateholder has completed an approved domestic violence course in the immediately preceding biennium.*

(b) *In lieu of completing a course as required by subsection (1), a person licensed under chapter 466 who has completed an approved domestic-violence education course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.*

Section 51. Subsection (9) of section 456.033, Florida Statutes, is amended to read:

456.033 Requirement for instruction for certain licensees on human immunodeficiency virus and acquired immune deficiency syndrome.—

(9)(a) *In lieu of completing a course as required in subsection (1), the licensee may complete a course in end-of-life care and palliative health*

care, so long as the licensee completed an approved AIDS/HIV course in the immediately preceding biennium.

(b) *In lieu of completing a course as required by subsection (1), a person licensed under chapter 466 who has completed an approved AIDS/HIV course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.*

Section 52. (1) Subsection (9) is added to section 627.419, Florida Statutes, to read:

627.419 Construction of policies.—

(9) *With respect to any group or individual insurer covering dental services, each claimant, or dentist acting for a claimant, who has had a claim denied as not medically or dentally necessary or who has had a claim payment based on an alternate dental service in accordance with accepted dental standards for adequate and appropriate care must be provided an opportunity for an appeal to the insurer's licensed dentist who is responsible for the medical necessity reviews under the plan or is a member of the plan's peer review group. The appeal may be by telephone, and the insurer's dentist must respond within a reasonable time, not to exceed 15 business days.*

(2) This section shall apply to policies issued or renewed on or after July 1, 2001.

Section 53. Paragraph (c) of subsection (6) of section 468.302, Florida Statutes, is amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(6) Requirement for certification does not apply to:

(c) *A person who is trained and skilled in invasive cardiovascular cardiopulmonary technology, including the radiologic technology duties associated with these procedures, and who provides invasive cardiovascular cardiopulmonary technology services at the direction, and under the direct supervision, of a licensed practitioner who is trained and skilled in performing invasive cardiovascular procedures. Such persons must have successfully completed a didactic and clinical training program in the following areas before performing radiologic technology duties:*

1. *Principles of X-ray production and equipment operation.*
2. *Biological effects of radiation.*
3. *Radiation exposure and monitoring.*
4. *Radiation safety and protection.*
5. *Evaluation of radiographic equipment and accessories.*
6. *Radiographic exposure and technique factors.*
7. *Film processing.*
8. *Image quality assurance.*
9. *Patient positioning.*
10. *Administration and complications of contrast media.*
11. *Specific fluoroscopic and digital X-ray imaging procedures related to invasive cardiovascular technology.*

Section 54. Subsections (8) and (9) of section 468.352, Florida Statutes, are amended to read:

468.352 Definitions.—As used in this part, unless the context otherwise requires, the term:

(8) *“Registered respiratory therapist” means any person licensed pursuant to this part who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, and in accordance with protocols established by a hospital, other health care provider, or the board, and who functions in*

situations of unsupervised patient contact requiring individual judgment.

(9) *“Certified respiratory therapist” or “respiratory care practitioner” means any person licensed pursuant to this part who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, and in accordance with protocols established by a hospital, other health care provider, or the board.*

Section 55. Subsections (1) and (2) of section 468.355, Florida Statutes, are amended to read:

468.355 Eligibility for licensure; temporary licensure.—

(1) To be eligible for licensure by the board as a *certified respiratory therapist* ~~respiratory care practitioner~~, an applicant must:

- (a) Be at least 18 years old.
- (b) Possess a high school diploma or a graduate equivalency diploma.
- (c) Meet at least one of the following criteria:

1. The applicant has successfully completed a training program for respiratory therapy technicians or respiratory therapists approved by the Commission on Accreditation of Allied Health Education Programs, or the equivalent thereof, as accepted by the board.

2. The applicant is currently a “Certified Respiratory Therapist ~~Technician~~” certified by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

3. The applicant is currently a “Registered Respiratory Therapist” registered by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

The criteria set forth in subparagraphs 2. and 3. notwithstanding, the board shall periodically review the examinations and standards of the National Board for Respiratory Care and may reject those examinations and standards if they are deemed inappropriate.

(2) To be eligible for licensure by the board as a *registered respiratory therapist*, an applicant must:

- (a) Be at least 18 years old.
- (b) Possess a high school diploma or a graduate equivalency diploma.
- (c) Meet at least one of the following criteria:

1. The applicant has successfully completed a training program for *registered* respiratory therapists approved by the Commission on Accreditation of Allied Health Education Programs, or the equivalent thereof, as accepted by the board.

2. The applicant is currently a “Registered Respiratory Therapist” registered by the National Board for Respiratory Care, or the equivalent thereof, as accepted by the board.

The criteria set forth in subparagraphs 1. and 2. notwithstanding, the board shall periodically review the examinations and standards of the National Board for Respiratory Care and may reject those examinations and standards if they are deemed inappropriate.

Section 56. Section 468.357, Florida Statutes, is amended to read:

468.357 Licensure by examination.—

(1) A person who desires to be licensed as a *certified respiratory therapist* ~~respiratory care practitioner~~ may submit an application to take the examination, in accordance with board rule.

(a) Each applicant may take the examination who is determined by the board to have:

1. Completed the application form and remitted the applicable fee set by the board;

2. Submitted required documentation as required in s. 468.355; and
3. Remitted an examination fee set by the examination provider.

(b) Examinations for licensure of *certified respiratory therapist* ~~respiratory care practitioners~~ must be conducted no less than two times a year in such geographical locations or by such methods as are deemed advantageous to the majority of the applicants.

(c) The examination given for *certified respiratory therapist* ~~respiratory care practitioners~~ shall be the same as that given by the National Board for Respiratory Care for entry-level certification of *respiratory therapists* ~~therapy technicians~~. However, an equivalent examination may be accepted by the board in lieu of that examination.

(2) Each applicant who passes the examination shall be entitled to licensure as a *certified respiratory therapist* ~~respiratory care practitioner~~, and the department shall issue a license pursuant to this part to any applicant who successfully completes the examination in accordance with this section. However, the department shall not issue a license to any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this part. Upon completion of such an investigation, if the applicant is found guilty of such an offense, the applicable provisions of s. 468.365 will apply.

Section 57. Subsections (1) and (2) of section 468.358, Florida Statutes, are amended to read:

468.358 Licensure by endorsement.—

(1) Licensure as a *certified respiratory therapist* ~~respiratory care practitioner~~ shall be granted by endorsement to an individual who holds the “Certified Respiratory Therapist ~~Therapy Technician~~” credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. Licensure by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

(2) Licensure as a *registered* respiratory therapist shall be granted by endorsement to an individual who holds the “Registered Respiratory Therapist” credential issued by the National Board for Respiratory Care or an equivalent credential acceptable to the board. Licensure by this mechanism requires verification by oath and submission of evidence satisfactory to the board that such credential is held.

Section 58. Section 468.359, Florida Statutes, is amended to read:

468.359 Assumption of title and use of abbreviations.—

(1) Only persons who are licensed pursuant to this part as respiratory care practitioners have the right to use the title “Respiratory Care Practitioner” and the abbreviation “RCP.”

(2) Only persons who are licensed pursuant to this part as *registered* respiratory therapists have the right to use the title “Registered Respiratory Therapist” and the abbreviation “RRT;” *when delivering services pursuant to this part provided such persons have passed the Registry Examination for Respiratory Therapists given by the National Board for Respiratory Care.*

(3) Only persons who are *licensed pursuant to this part as certified respiratory therapists have the right to use the title “Certified Respiratory Therapist” and the abbreviation “CRT” when delivering services pursuant to this part. graduates of board approved programs for respiratory care practitioners may use the term “Graduate Respiratory Therapy Technician” and the abbreviation “GRTT.”*

(4) ~~Only persons who are graduates of board approved programs for respiratory therapists may use the term “Graduate Respiratory Therapist” and the abbreviation “GRT.”~~

(4)(5) No person in this state shall deliver respiratory care services; advertise as, or assume the title of, respiratory care practitioner, *certified respiratory therapist*, or *registered* respiratory therapist; or use the abbreviation “RCP,” “CRT,” or “RRT” that would lead the public to believe that such person is licensed pursuant to this part unless such person is so licensed; or take any other action that would lead the public

to believe that such person is licensed pursuant to this part unless such person is so licensed.

Section 59. Subsections (2), (3), and (4) of section 468.1155, Florida Statutes, are amended to read:

468.1155 Provisional license; requirements.—

(2) The department shall issue a provisional license to practice speech-language pathology to each applicant who the board certifies has:

(a) Completed the application form and remitted the required fees, including a nonrefundable application fee.

(b) Received a master’s degree or *is currently enrolled in a* doctoral degree program with a major emphasis in speech-language pathology from an institution of higher learning which *is, or at the time the applicant was enrolled and graduated, was, accredited by an accrediting agency recognized by the Council for Higher Education Commission on Recognition of Postsecondary Accreditation or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada.* An applicant who graduated from *or is currently enrolled in a* program at a university or college outside the United States or Canada must present documentation of the determination of equivalency to standards established by the *Council for Higher Education Commission on Recognition of Postsecondary Accreditation* in order to qualify. The applicant must have completed 60 semester hours that include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language; information about training in management of speech, hearing, and language disorders; and information supplementary to these fields.

2. Six semester hours in audiology.

3. Thirty of the required 60 semester hours in courses acceptable toward a graduate degree by the college or university in which these courses were taken, of which 24 semester hours must be in speech-language pathology.

(c) Completed 300 supervised clinical clock hours with 200 clock hours in the area of speech-language pathology *or completed the number of clock hours required by an accredited institution meeting national certification standards.* The supervised clinical clock hours shall be completed within the training institution or one of its cooperating programs.

(3) The department shall issue a provisional license to practice audiology to each applicant who the board certifies has:

(a) Completed the application form and remitted the required fees, including a nonrefundable application fee.

(b) Received a master’s degree or *is currently enrolled in a* doctoral degree program with a major emphasis in audiology from an institution of higher learning which *is, or at the time the applicant was enrolled and graduated was, accredited by an accrediting agency recognized by the Council for Higher Education Commission on Recognition of Postsecondary Accreditation or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada.* An applicant who graduated from *or is currently enrolled in a* program at a university or college outside the United States or Canada must present documentation of the determination of equivalency to standards established by the *Council for Higher Education Commission on Recognition of Postsecondary Accreditation* in order to qualify. The applicant must have completed 60 semester hours that include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language; information about training in management of speech, hearing, and language disorders; and information supplementary to these fields.

2. Six semester hours in speech-language pathology.



3. Thirty of the required 60 semester hours in courses acceptable toward a graduate degree by the college or university in which these courses were taken, of which 24 semester hours must be in audiology.

(c) Completed 300 supervised clinical clock hours with 200 clock hours in the area of audiology or completed the number of clock hours required by an accredited institution meeting national certification standards. The supervised clinical clock hours shall be completed within the training institution or one of its cooperating programs.

(4) An applicant for a provisional license who has received a master's degree or is currently enrolled in a doctoral degree program with a major emphasis in speech-language pathology as provided in subsection (2), or audiology as provided in subsection (3), and who seeks licensure in the area in which the applicant is not currently licensed, must have completed 30 semester hours in courses acceptable toward a graduate degree and 200 supervised clinical clock hours in the second discipline from an accredited institution.

Section 60. Paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of section 468.1215, Florida Statutes, are amended to read:

468.1215 Speech-language pathology assistant and audiology assistant; certification.—

(1) The department shall issue a certificate as a speech-language pathology assistant to each applicant who the board certifies has:

(b) Earned a bachelor's degree from a college or university accredited by a regional association of colleges and schools recognized by the Department of Education which includes at least 24 semester hours of coursework as approved by the board at an institution accredited by an accrediting agency recognized by the *Council for Higher Education Commission on Recognition of Postsecondary Accreditation*.

(2) The department shall issue a certificate as an audiology assistant to each applicant who the board certifies has:

(b) Completed at least 24 semester hours of coursework as approved by the board at an institution accredited by an accrediting agency recognized by the *Council for Higher Education Commission on Recognition of Postsecondary Accreditation*.

Section 61. Subsection (3) of section 480.033, Florida Statutes, is amended to read:

480.033 Definitions.—As used in this act:

(3) "Massage" means the manipulation of the soft superficial tissues of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.

Section 62. Subsection (3) of section 484.002, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

484.002 Definitions.—As used in this part:

(3) "Opticianry" means the preparation and dispensing of lenses, spectacles, eyeglasses, contact lenses, and other optical devices to the intended user or agent thereof, upon the written prescription of a licensed *allopathic or osteopathic physician medical doctor* or optometrist who is duly licensed to practice or upon presentation of a duplicate prescription. The selection of frame designs, the actual sales transaction, and the transfer of physical possession of lenses, spectacles, eyeglasses, contact lenses, and other optical devices subsequent to performance of all services of the optician shall not be considered the practice of opticianry; however, such physical possession shall not be transferred until the optician has completed the fitting of the optical device upon the customer. The practice of opticianry also includes the duplication of lenses accurately as to power, without prescription. A board-certified optician qualified and operating under rules established by the board may fill, fit, adapt, or dispense any soft contact lens prescription. Such optician may fill, fit, adapt, or dispense any extended

wear or hard contact lens prescription to the extent authorized to do so by the prescribing *allopathic or osteopathic physician medical doctor* or optometrist.

(8) "Contact lenses" means a prescribed medical device intended to be worn directly against the cornea of the eye to correct vision conditions, act as a therapeutic device, or provide a cosmetic effect.

(9) "Optical Dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer, duplicating lenses, accurately as to power without a prescription and duplicating nonprescription eyewear and parts of eyewear. "Optical Dispensing" does not include selecting frames, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

Section 63. Subsection (2) of section 484.006, Florida Statutes, is amended to read:

484.006 Certain rules prohibited.—

(2) No rule or policy of the board shall prohibit any optician from practicing jointly with optometrists or *allopathic or osteopathic physicians medical doctors* licensed in this state.

Section 64. Subsections (1) and (2) of section 484.012, Florida Statutes, are amended to read:

484.012 Prescriptions; filing; duplication of prescriptions; duplication of lenses.—

(1) Any prescription written by a duly licensed *allopathic or osteopathic physician medical doctor* or optometrist for any lenses, spectacles, eyeglasses, contact lenses, or other optical devices shall be kept on file for a period of 2 years with the optical establishment that fills such prescription. However, the licensed optician may maintain a copy of the prescription.

(2) Upon request by the intended user of the prescribed lenses, spectacles, eyeglasses, contact lenses, or other optical devices, or by an agent of the intended user, the optician who fills the original prescription shall duplicate, on a form prescribed by rule of the board, the original prescription. However, for medical reasons only, the prescribing *allopathic or osteopathic physician medical doctor* or optometrist may, upon the original prescription, prohibit its duplication. Any duplication shall be considered a valid prescription to be filled for a period of 5 years from the date of the original prescription, except that a contact lens prescription shall be considered a valid prescription to be filled for a period of 2 years from the date of the original prescription.

Section 65. Section 484.013, Florida Statutes, is amended to read:

484.013 Violations and penalties.—

(1) It is unlawful for any person:

(a) To intentionally make a false or fraudulent statement, either for herself or himself or for another person, in any application, affidavit, or statement presented to the board or in any proceeding before the board.

(b) To prepare or dispense lenses, spectacles, eyeglasses, contact lenses, or other optical devices when such person is not licensed as an optician in this state.

(c) To prepare or dispense lenses, spectacles, eyeglasses, contact lenses, or other optical devices without first being furnished with a prescription as provided for in s. 484.012.

(2) It is unlawful for any person other than an optician licensed under this part to use the title "optician" or otherwise lead the public to believe that she or he is engaged in the practice of opticianry.

(3) It is unlawful for any optician to engage in the diagnosis of the human eyes, attempt to determine the refractive powers of the human

eyes, or, in any manner, attempt to prescribe for or treat diseases or ailments of human beings.	Florida Statute	Felony Degree	Description
(4) It is unlawful for any person to open or operate, either alone or with any other person or persons, an optical establishment which does not have the permit required by this part.	468.366	3rd	Delivering respiratory care services without a license.
(5) A <del>any</del> person who knowingly violates any a provision of this section commits a felony <del>misdemeanor</del> of the <del>third</del> <del>second</del> degree, punishable as provided in s. 775.082, <del>or</del> s. 775.083, or s. 775.084.	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
	483.901(9)	3rd	Practicing medical physics without a license.
Section 66. Section 484.015, Florida Statutes, is amended to read:	484.013	3rd	Practicing opticianry without a license.
484.015 Authority to inspect.—Duly authorized agents and employees of the department shall have the power to inspect in a lawful manner at all reasonable hours <del>an any</del> establishment of any kind in the state in which lenses, spectacles, eyeglasses, contact lenses, and any other optical devices are prepared <del>or and</del> dispensed, for the purposes of:	484.053	3rd	Dispensing hearing aids without a license.
(1) Determining if any provision of this part, or any rule promulgated under its authority, is being violated;	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
(2) Securing samples or specimens of any lenses, spectacles, eyeglasses, contact lenses, or other optical devices, after paying or offering to pay for such sample or specimen; or	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
(3) Securing such other evidence as may be needed for prosecution under this part.	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
Section 67. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
921.0022 Criminal Punishment Code; offense severity ranking chart.—	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
(3) OFFENSE SEVERITY RANKING CHART	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
Florida Statute	Felony Degree	Description	
		(g) LEVEL 7	
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.	782.071 2nd Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.	782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.	784.045(1)(a)1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.
409.920(2)	3rd	Medicaid provider fraud.	784.045(1)(a)2. 2nd Aggravated battery; using deadly weapon.
456.065(2)	3rd	Practicing a health care profession without a license.	784.045(1)(b) 2nd Aggravated battery; perpetrator aware victim pregnant.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.	784.048(4) 3rd Aggravated stalking; violation of injunction or court order.
458.327(1)	3rd	Practicing medicine without a license.	784.07(2)(d) 1st Aggravated battery on law enforcement officer.
459.013(1)	3rd	Practicing osteopathic medicine without a license.	784.08(2)(a) 1st Aggravated battery on a person 65 years of age or older.
460.411(1)	3rd	Practicing chiropractic medicine without a license.	784.081(1) 1st Aggravated battery on specified official or employee.
461.012(1)	3rd	Practicing podiatric medicine without a license.	784.082(1) 1st Aggravated battery by detained person on visitor or other detainee.
462.17	3rd	Practicing naturopathy without a license.	784.083(1) 1st Aggravated battery on code inspector.
463.015(1)	3rd	Practicing optometry without a license.	790.07(4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
464.016(1)	3rd	Practicing nursing without a license.	790.16(1) 1st Discharge of a machine gun under specified circumstances.
465.015(2)	3rd	Practicing pharmacy without a license.	790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.	
467.201	3rd	Practicing midwifery without a license.	

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
796.03	2nd	Procuring any person under 16 years for prostitution.	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.	893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.	893.135 (1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.	893.135 (1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
812.131(2)(a)	2nd	Robbery by sudden snatching.	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.			
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.			
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.			
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.			
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.			
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.			
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.			
872.06	2nd	Abuse of a dead human body.			
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.			
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.			
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).			
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.			
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.			

Section 68. Subsection (1) of section 484.0445, Florida Statutes, is amended to read:

484.0445 Training program.—

(1) The board shall establish by rule a training program *for a minimum not to exceed 6 months in length, which may include a board-approved home study course. Upon submitting to the department the registration fee, the applicant may register and enter the training program. Upon completion of the training program, the trainee shall take the first available written and practical examinations offered by the department. The department shall administer the written and practical examinations as prescribed by board rule. If the trainee fails either the written or the practical examination, she or he may repeat the training program one time and retake the failed examination, provided she or he takes the next available examination. No person may remain in trainee status or further perform any services authorized for a trainee if she or he fails either the written or the practical examination twice; but, a trainee may continue to function as a trainee until she or he has received the results of the examinations. Any applicant who has failed an examination twice and is no longer functioning as a trainee shall be eligible for reexamination as provided in s. 484.045(2).*

Section 69. Section 484.045, Florida Statutes, is amended to read:

484.045 Licensure by examination.—

(1) Any person desiring to be licensed as a hearing aid specialist shall apply to the department *on a form approved by the department to take the licensure examination, which shall include a clinical practical component.*

(2) The department shall *license examine* each applicant who the board certifies:

(a) Has completed the application form and remitted the *required fees applicable fee to the board and has paid the examination fee;*

- (b) Is of good moral character;
- (c) Is 18 years of age or older;
- (d) Is a graduate of an accredited high school or its equivalent; ~~and~~
- (e)1. Has met the requirements *of the training program set forth in s. 484.0445*; or

2.a. Has a valid, current license as a hearing aid specialist or its equivalent from another state and has been actively practicing in such capacity for at least 12 months; or

b. Is currently certified by the National Board for Certification in Hearing Instrument Sciences and has been actively practicing for at least 12 months. ~~Persons qualifying under this sub-subparagraph need not take the written or practical examination, but must take and pass a test on Florida laws and rules relating to the fitting and dispensing of hearing aids.~~

(f) *Has passed an examination, as prescribed by board rule; and*

(g) *Has demonstrated, in a manner designated by rule of the board, knowledge of state laws and rules relating to the fitting and dispensing of hearing aids.*

(3) *A person who fails the examination may make application for reexamination to the appropriate examining entity, as prescribed by board rule.*

~~(2) On or after October 1, 1990, every applicant who is qualified to take the examination shall be allowed to take the examination three times. If, after October 1, 1990, an applicant fails the examination three times, the applicant shall no longer be eligible to take the examination.~~

~~(3) The department shall issue a license to practice dispensing hearing aids to any applicant who successfully completes the examination in accordance with this section.~~

Section 70. Effective January 1, 2002, subsection (1) of section 490.012, Florida Statutes, is amended to read:

490.012 Violations; penalties; injunction.—

(1)(a) *No person shall hold herself or himself out by any professional title, name, or description incorporating the word "psychologist" unless such person holds a valid, active license as a psychologist under this chapter.*

(b) *No person shall hold herself or himself out by any professional title, name, or description incorporating the words "school psychologist" unless such person holds a valid, active license as a school psychologist under this chapter or is certified as a school psychologist by the Department of Education.*

~~(c)(1)(a)~~ (a) *No person shall hold herself or himself out by any title or description incorporating the words, or permutations of them, "psychologist," "psychology," "psychological," "psychodiagnostic," or "school psychologist," or describe any test or report as psychological, unless such person holds a valid, active license under this chapter or is exempt from the provisions of this chapter.*

~~(d)(b)~~ (b) *No person shall hold herself or himself out by any title or description incorporating the word, or a permutation of the word, "psychotherapy" unless such person holds a valid, active license under chapter 458, chapter 459, chapter 490, or chapter 491, or such person is certified as an advanced registered nurse practitioner, pursuant to s. 464.012, who has been determined by the Board of Nursing as a specialist in psychiatric mental health.*

~~(e)(e)~~ (e) *No person licensed or provisionally licensed pursuant to this chapter shall hold herself or himself out by any title or description which indicates licensure other than that which has been granted to her or him.*

Section 71. Effective January 1, 2002, Florida Statutes, is amended to read:

490.014 Exemptions.—

(1)(a) No provision of this chapter shall be construed to limit the practice of physicians licensed pursuant to chapter 458 or chapter 459 so long as they do not hold themselves out to the public as psychologists or use a professional title protected by this chapter.

(b) No provision of this chapter shall be construed to limit the practice of nursing, clinical social work, marriage and family therapy, mental health counseling, or other recognized businesses or professions, or to prevent qualified members of other professions from doing work of a nature consistent with their training, so long as they do not hold themselves out to the public as psychologists or use a title or description protected by this chapter. Nothing in this subsection shall be construed to exempt any person from the provisions of s. 490.012.

(2) No person shall be required to be licensed or provisionally licensed under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 39; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution, *so long as the employee is not held out to the public as a psychologist pursuant to s. 490.012(1)(a)* .

(b) Is a salaried employee of a private, nonprofit organization providing counseling services to children, youth, and families, if such services are provided for no charge, if such employee is performing duties for which he or she was trained and hired, *so long as the employee is not held out to the public as a psychologist pursuant to s. 490.012(1)(a)*.

(c) Is a student who is pursuing a course of study which leads to a degree in medicine or a profession regulated by this chapter who is providing services in a training setting, provided such activities or services constitute part of a supervised course of study, or is a graduate accumulating the experience required for any licensure under this chapter, provided such graduate or student is designated by a title such as "intern" or "trainee" which clearly indicates the in-training status of the student.

(d) Is certified in school psychology by the Department of Education and is performing psychological services as an employee of a public or private educational institution. Such exemption shall not be construed to authorize any unlicensed practice which is not performed as a direct employee of an educational institution.

(e) Is not a resident of the state but offers services in this state, provided:

1. Such services are performed for no more than 5 days in any month and no more than 15 days in any calendar year; and

2. Such nonresident is licensed or certified by a state or territory of the United States, or by a foreign country or province, the standards of which were, at the date of his or her licensure or certification, equivalent to or higher than the requirements of this chapter in the opinion of the department or, in the case of psychologists, in the opinion of the board.

(f) Is a rabbi, priest, minister, or member of the clergy of any religious denomination or sect when engaging in activities which are within the scope of the performance of his or her regular or specialized ministerial duties and for which no separate charge is made, or when such activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

(3) No provision of this chapter shall be construed to limit the practice of any individual who solely engages in behavior analysis so long as he or she does not hold himself or herself out to the public as possessing a license issued pursuant to this chapter or use a title or description protected by this chapter.

(4) Nothing in this section shall exempt any person from the provisions ~~provision~~ of s. 490.012(1)(a)-(d) ~~(a)-(b)~~.

(5) Except as stipulated by the board, the exemptions contained in this section do not apply to any person licensed under this chapter whose license has been suspended or revoked by the board or another jurisdiction.

Section 72. Effective January 1, 2002, paragraphs (i), (j), and (k) of subsection (1) of section 491.012, Florida Statutes, are amended to read:

491.012 Violations; penalty; injunction.—

(1) It is unlawful and a violation of this chapter for any person to:

(i) Practice clinical social work in this state, ~~as the practice is defined in s. 491.003(7)~~, for compensation, unless the person holds a valid, active license to practice clinical social work issued pursuant to this chapter ~~or is an intern registered pursuant to s. 491.0045~~.

(j) Practice marriage and family therapy in this state, ~~as the practice is defined in s. 491.003(8)~~, for compensation, unless the person holds a valid, active license to practice marriage and family therapy issued pursuant to this chapter ~~or is an intern registered pursuant to s. 491.0045~~.

(k) Practice mental health counseling in this state, ~~as the practice is defined in s. 491.003(9)~~, for compensation, unless the person holds a valid, active license to practice mental health counseling issued pursuant to this chapter ~~or is an intern registered pursuant to s. 491.0045~~.

Section 73. Effective January 1, 2002, paragraphs (a) and (b) of subsection (4) of section 491.014, Florida Statutes, are amended to read:

491.014 Exemptions.—

(4) No person shall be required to be licensed, provisionally licensed, registered, or certified under this chapter who:

(a) Is a salaried employee of a government agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 39; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution, *so long as the employee is not held out to the public as a clinical social worker, mental health counselor, or marriage and family therapist.*

(b) Is a salaried employee of a private, nonprofit organization providing counseling services to children, youth, and families, if such services are provided for no charge, if such employee is performing duties for which he or she was trained and hired, *so long as the employee is not held out to the public as a clinical social worker, mental health counselor, or marriage and family therapist.*

Section 74. Subsection (4) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(4) Notwithstanding the provisions of s. 456.033, a physician may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in AIDS/HIV, if that physician has completed the AIDS/HIV continuing education in the immediately preceding biennium.

Section 75. Subsection (5) of section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of licenses and certificates.—

(5) Notwithstanding the provisions of s. 456.033, an osteopathic physician may complete continuing education on end-of-life and palliative health care in lieu of continuing education in AIDS/HIV, if that physician has completed the AIDS/HIV continuing education in the immediately preceding biennium.

Section 76. Subsection (4) of section 765.101, Florida Statutes, is amended to read:

765.101 Definitions.—As used in this chapter:

(4) “End-stage condition” means *an irreversible* a condition that is caused by injury, disease, or illness which has resulted in progressively severe and permanent deterioration, ~~indicated by incapacity and complete physical dependency~~ and for which, to a reasonable degree of medical ~~probability~~ *certainty*, treatment of the ~~irreversible~~ condition would be ~~medically~~ ineffective.

Section 77. Subsection (4) of section 765.102, Florida Statutes, is amended to read:

765.102 Legislative findings and intent.—

(4) The Legislature recognizes the need for all health care professionals to rapidly increase their understanding of end-of-life and palliative health care. Therefore, the Legislature encourages the professional regulatory boards to adopt appropriate standards and guidelines regarding end-of-life care and pain management and encourages educational institutions established to train health care professionals and allied health professionals to implement curricula to train such professionals to provide end-of-life care, including pain management and palliative care.

Section 78. Section 765.1025, Florida Statutes, is created to read:

765.1025 Palliative care.—*For purposes of this chapter:*

(1) *Palliative care is the comprehensive management of the physical, psychological, social, spiritual, and existential needs of patients. Palliative care is especially suited to the care of persons who have incurable, progressive illness.*

(2) *Palliative care must include:*

(a) *An opportunity to discuss and plan for end-of-life care.*

(b) *Assurance that physical and mental suffering will be carefully attended to.*

(c) *Assurance that preferences for withholding and withdrawing life-sustaining interventions will be honored.*

(d) *Assurance that the personal goals of the dying person will be addressed.*

(e) *Assurance that the dignity of the dying person will be a priority.*

(f) *Assurance that health care providers will not abandon the dying person.*

(g) *Assurance that the burden to family and others will be addressed.*

(h) *Assurance that advance directives for care will be respected regardless of the location of care.*

(i) *Assurance that organizational mechanisms are in place to evaluate the availability and quality of end-of-life and palliative care services, including the removal of administrative and regulatory barriers.*

(j) *Assurance that necessary health care services will be provided and that relevant reimbursement policies are available.*

(k) *Assurance that the goals expressed in paragraphs (a)-(j) will be accomplished in a culturally appropriate manner.*

Section 79. Subsection (2) of section 765.1103, Florida Statutes, is amended to read:

765.1103 Pain management and palliative care.—

(2) *Health care providers and practitioners regulated under chapter 458, chapter 459, or chapter 464 must, as appropriate, comply with a request for pain management or palliative care from a patient under their care or, for an incapacitated patient under their care, from a surrogate, proxy, guardian, or other representative permitted to make health care decisions for the incapacitated patient. Facilities regulated under chapter 400 or chapter 395 must comply with the pain management or palliative care measures ordered by the patient's physician. When the patient is receiving care as an admitted patient of a facility or a provider or is a subscriber of a health care facility, health care provider, or health care practitioner regulated under chapter 395, chapter 400, chapter 458, chapter 459, chapter 464, or chapter 641, such facility, provider, or practitioner must, when appropriate, comply with a request for pain management or palliative care from a capacitated patient or an incapacitated patient's health care surrogate or proxy, court-appointed guardian as provided in chapter 744, or attorney in fact as provided in chapter 709. The court-appointed guardian or attorney in fact must have been delegated authority to make health care decisions on behalf of the patient.*

Section 80. Paragraph (b) of subsection (1) of section 765.205, Florida Statutes, is amended to read:

765.205 Responsibility of the surrogate.—

(1) The surrogate, in accordance with the principal's instructions, unless such authority has been expressly limited by the principal, shall:

(b) Consult expeditiously with appropriate health care providers to provide informed consent, and make only health care decisions for the principal which he or she believes the principal would have made under the circumstances if the principal were capable of making such decisions. *This substituted-judgment standard is the preferred standard of decisionmaking to be used by health care surrogates, persons who have durable powers of attorney for health care, and proxy decisionmakers. However, if there is no indication of what the principal would have chosen, the surrogate may consider the patient's best interest in deciding that proposed treatments are to be withheld or that treatments currently in effect are to be withdrawn.*

Section 81. Subsections (2) and (3) of section 765.401, Florida Statutes, are amended to read:

765.401 The proxy.—

(2) Any health care decision made under this part must be based on the proxy's informed consent and on the decision the proxy reasonably believes the patient would have made under the circumstances. *This substituted-judgment standard is the preferred standard of decisionmaking to be used by a proxy. However, if there is no indication of what the patient would have chosen, the proxy may consider the patient's best interest in deciding that proposed treatments are to be withheld or that treatments currently in effect are to be withdrawn.*

(3) Before exercising the incapacitated patient's rights to select or decline health care, the proxy must comply with the provisions of ss. 765.205 and 765.305, except that a proxy's decision to withhold or withdraw life-prolonging procedures must be supported by clear and convincing evidence that the decision would have been the one the patient would have chosen had the patient been competent or, if there is no indication of what the patient would have chosen, that the decision is in the patient's best interest.

Section 82. *The Legislature finds that the area of physician specialty training is of great importance to the citizens of this state and that specialty training and certification creates a higher level of proficiency for the physician and improves the delivery of health care to Floridians. Because much confusion exists among the patient population and physicians as to the requirements for board certification, the Legislature directs the Department of Health to conduct an interim study of the area*

*of specialty certification for the Board of Medicine and the Board of Osteopathic Medicine. The study should review current Florida Statutes and board rules to determine if any barriers exist in board recognition of certifying and physician-certifying organizations and if restrictions placed on a licensee's speech both target an identifiable harm and mitigate against such harm in a direct and effective manner. A final report shall be provided no later than January 1, 2002, to the President of the Senate and the Speaker of the House of Representatives for distribution to the chairs of the health-care-related committees.*

Section 83. Paragraph (d) of subsection (2) of section 499.012, Florida Statutes, is amended to read:

499.012 Wholesale distribution; definitions; permits; general requirements.—

(2) The following types of wholesaler permits are established:

(d) A retail pharmacy wholesaler's permit. A retail pharmacy wholesaler is a retail pharmacy engaged in wholesale distribution of prescription drugs within this state under the following conditions:

1. The pharmacy must obtain a retail pharmacy wholesaler's permit pursuant to ss. 499.001-499.081 and the rules adopted under those sections.

2. The wholesale distribution activity does not exceed 30 percent of the total annual purchases of prescription drugs. If the wholesale distribution activity exceeds the 30-percent maximum, the pharmacy must obtain a prescription drug wholesaler's permit.

3. The transfer of prescription drugs that appear in any schedule contained in chapter 893 is subject to chapter 893 and the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

4. The transfer is between a retail pharmacy and another retail pharmacy, a *Modified Class II institutional pharmacy*, or a health care practitioner licensed in this state and authorized by law to dispense or prescribe prescription drugs.

5. All records of sales of prescription drugs subject to this section must be maintained separate and distinct from other records and comply with the recordkeeping requirements of ss. 499.001-499.081.

Section 84. Section 627.613, Florida Statutes, is amended to read:

627.613 Time of payment of claims.—

(1) The contract shall include the following provision:

"Time of Payment of Claims: After receiving written proof of loss, the insurer will pay monthly all benefits then due for . . . (type of benefit). . . Benefits for any other loss covered by this policy will be paid as soon as the insurer receives proper written proof."

(2)(a) *As used in this section, the term "clean claim" for a noninstitutional provider means a claim submitted on a HCFA 1500 form which has no defect or impropriety, including lack of required substantiating documentation for noncontracted providers and suppliers, or particular circumstances requiring special treatment which prevent timely payment from being made on the claim. A claim may not be considered not clean solely because a health insurer refers the claim to a medical specialist within the insurer for examination. If additional substantiating documentation, such as the medical record or encounter data, is required from a source outside the insurer, the claim is considered not clean. This definition of "clean claim" is repealed on the effective date of rules adopted by the department which define the term "clean claim."*

(b) *Absent a written definition that is agreed upon through contract, the term "clean claim" for an institutional claim is a properly and accurately completed paper or electronic billing instrument that consists of the UB-92 data set or its successor with entries stated as mandatory by the National Uniform Billing Committee.*

(3)(a) *A health insurer shall pay any clean claim or any portion of a clean claim made by a contract provider for services or goods provided*

under a contract with the health insurer, or a clean claim made by a noncontracted provider which the insurer does not contest or deny, within 45 days after receipt of the claim by the health insurer which is mailed or electronically transferred by the provider.

(b) A health insurer that denies or contests a provider's claim or any portion of a claim must notify the provider, in writing, within 45 days after the health insurer receives the claim that the claim is contested or denied. The notice that the claim is denied or contested must identify the contested portion of the claim and the specific reason for contesting or denying the claim, and, if contested, must include a request for additional medical information. If the provider submits additional information, the provider must, within 30 days after receipt of the request, mail or electronically transfer the information to the health insurer. The health insurer shall pay or deny the claim or portion of the claim within 45 days after receipt of the information.

(4) Payment of a claim is considered made on the date the payment was received, electronically transferred, or otherwise delivered. An overdue payment of a claim bears simple interest at the rate of 10 percent per year. Interest on an overdue payment for a clean claim, or for any uncontested portion of a clean claim, begins to accrue on the 46th day after the date the claim is received. The interest is payable with the payment of the claim.

(5) A health insurer must pay or deny a claim not later than 120 days after receiving the claim. Failure to do so creates an uncontestable obligation for the health insurer to pay the claim to the provider.

(6) If the claim has been electronically transmitted to the health insurer, a provider's claim for payment shall be considered received by the health insurer on the date receipt is verified electronically or, if the claim is mailed to the address provided by the insurer, on the date indicated on the return receipt. A provider may not submit a duplicate claim until 45 days following submission of the original claim.

(7) A provider, or the provider's designee, who bills electronically must be provided with an electronic acknowledgment of the receipt of a claim within 72 hours.

(8) A health insurer may not retroactively deny a claim because of an insured's ineligibility more than 1 year after the date of payment of a clean claim.

(9) The department shall adopt rules to establish claim-filing standards that are consistent with federal claim-filing standards required by the United States Secretary of Health and Human Services. The department shall adopt rules to require the code sets that are consistent with those adopted by the United States Secretary of Health and Human Services. These code sets shall apply to both electronic and paper claims. A code set, as defined by the Secretary, includes both the codes and the descriptors of the codes.

(10) Contracted and noncontracted health care providers who have a claims dispute that is not resolved by the health insurer and provider may submit the claims dispute to statewide provider and managed care organization claim dispute resolution program created by s. 408.7057 to have the claims dispute reviewed and considered by the resolution organization.

~~(2) Health insurers shall reimburse all claims or any portion of any claim from an insured or an insured's assignees, for payment under a health insurance policy, within 45 days after receipt of the claim by the health insurer. If a claim or a portion of a claim is contested by the health insurer, the insured or the insured's assignees shall be notified, in writing, that the claim is contested or denied, within 45 days after receipt of the claim by the health insurer. The notice that a claim is contested shall identify the contested portion of the claim and the reasons for contesting the claim.~~

~~(3) A health insurer, upon receipt of the additional information requested from the insured or the insured's assignees shall pay or deny the contested claim or portion of the contested claim, within 60 days.~~

~~(4) An insurer shall pay or deny any claim no later than 120 days after receiving the claim.~~

~~(5) Payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope or, if not so posted, on the date of delivery.~~

~~(6) All overdue payments shall bear simple interest at the rate of 10 percent per year.~~

~~(11)(7) Upon written notification by an insured, an insurer shall investigate any claim of improper billing by a physician, hospital, or other health care provider. The insurer shall determine if the insured was properly billed for only those procedures and services that the insured actually received. If the insurer determines that the insured has been improperly billed, the insurer shall notify the insured and the provider of its findings and shall reduce the amount of payment to the provider by the amount determined to be improperly billed. If a reduction is made due to such notification by the insured, the insurer shall pay to the insured 20 percent of the amount of the reduction up to \$500.~~

Section 85. Except as otherwise provided herein, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, lines 2 through 10,  
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to health care regulation; amending s. 483.245, F.S.; prohibiting rebate or split-fee arrangements with dialysis facilities for patient referrals to clinical laboratories; providing penalties; amending s. 232.435, F.S.; providing training requirements for a first responder and teacher athletic trainer; amending s. 381.6021, F.S.; prohibiting rules that establish standards and guidelines for organ and tissue procurement from allowing the pooling of human cells or tissue; amending s. 383.14, F.S.; amending screening requirements for postnatal screening; amending s. 395.0197, F.S.; revising provisions relating to hospital and ambulatory surgical center internal risk management programs; modifying requirements for risk management and prevention education and training; restricting participation of unlicensed persons in surgical procedures; requiring ongoing evaluation of surgical procedures and protocols; eliminating an annual report summarizing facility incident reports and disciplinary actions; requiring the Agency for Health Care Administration to publish website summaries of adverse incident reports; requiring facility reporting of allegations of sexual misconduct by health care practitioners; providing certain civil liability for licensed risk managers; prohibiting intimidation of a risk manager; providing a penalty; amending s. 395.10972, F.S.; increasing membership on the Health Care Risk Management Advisory Council; amending s. 395.701, F.S.; limiting the financial information the agency may require to determine the amount of hospital annual assessments; amending s. 409.905, F.S.; providing that the Agency for Health Care Administration may restrict the provision of mandatory services by mobile providers; amending s. 409.906, F.S.; providing that the agency may restrict or prohibit the provision of services by mobile providers; providing that Medicaid will not provide reimbursement for dental services provided in mobile dental units, except for certain units; amending s. 456.013, F.S.; providing a professional continuing education requirement relating to prevention of medical errors; amending s. 456.057, F.S.; providing for appointment of a records custodian under certain circumstances; amending s. 456.063, F.S.; requiring licensed health care practitioners to report to the Department of Health any allegations of sexual misconduct; amending s. 456.072, F.S.; providing additional grounds for disciplinary actions; clarifying a penalty involving restriction of professional practice or license; providing additional penalties; requiring assessment of costs related to investigation and prosecution; amending s. 456.073, F.S.; requiring the Department of Health to notify the patient or legal representative of the status of a disciplinary case; requiring the department to provide certain information to the complainant; providing time limitations on the filing of administrative complaints against licensees of the department; amending s. 456.074, F.S.; providing for an emergency order suspending the license of any practitioner for fraud; amending s. 456.077, F.S.; specifying violations

for which the Department of Health or a regulatory board may issue citations; amending s. 456.081, F.S.; requiring the Department of Health and regulatory boards to maintain a website containing specified information; creating s. 458.3147, F.S.; providing automatic eligibility for admission to any medical school in the State University System for military academy students or graduates who qualify for the Medical Corps of the United States military; providing for waiver or refund of application fees; amending ss. 458.331 and 459.015, F.S.; conforming language and cross references to changes made by the act; amending s. 641.51, F.S.; revising adverse determination provisions; amending ss. 465.019 and 465.0196, F.S.; requiring institutional pharmacies and special pharmacy permittees that use pharmacy technicians to have a written policy and procedures manual; directing the Department of Health and the Agency for Health Care Administration to review health care practitioner and facility reporting requirements; requiring a report to the Legislature; amending s. 468.1755, F.S.; providing an additional ground for disciplinary action against a nursing home administrator; reenacting ss. 468.1695(3) and 468.1735, F.S., to incorporate said amendment in references; reenacting s. 484.056(1)(a), F.S., relating to disciplinary action against hearing aid specialists, to incorporate the amendment to s. 456.072(1), in a reference; amending s. 766.101, F.S.; providing that a continuous quality improvement committee of a licensed pharmacy is a medical review committee for purposes of immunity from liability, and reenacting ss. 440.105(1)(a) and 626.989(6), F.S., to incorporate said amendment in references; creating s. 627.6474, F.S.; prohibiting health insurers from requiring certain contracted health care practitioners to accept the terms of other health care contracts as a condition of continuation or renewal; providing exceptions; amending s. 627.662, F.S.; applying this prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying this prohibition to health maintenance organizations; amending s. 766.1115, F.S.; conforming language and cross references to changes made by the act; amending s. 456.047, F.S.; providing intent; revising and providing definitions; revising duties of the Department of Health relating to file maintenance; providing that primary source data verified by the department or its designee may be relied upon to meet accreditation purposes; amending s. 232.61, F.S.; requiring the Florida High School Activities Association to adopt bylaws which require students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation prior to participating in interscholastic athletic competition or engaging in practice with an interscholastic athletic team; providing requirements with respect to such evaluation; amending s. 240.4075, F.S.; transferring the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health; including public schools, family practice teaching hospitals, and specialty hospitals for children as eligible facilities under the program; exempting such facilities from the fund-matching requirements of the program; amending s. 240.4076, F.S.; transferring the nursing scholarship program from the Department of Education to the Department of Health; providing requirements under the program for students seeking to qualify for a nursing faculty position and receive credit for work in such a position; including nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program; transferring powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 464.008, F.S.; revising education requirements for licensure by examination; amending s. 464.009, F.S.; revising requirements for licensure by endorsement; requiring submission of fingerprints for a criminal history check and a fee to cover the costs of such check; providing for an electronic applicant notification process; creating s. 464.0195, F.S.; creating the Florida Center for Nursing and providing its goals; creating s. 464.0196, F.S.; providing for a board of directors; providing for appointment of board members; providing for staggered terms; providing powers and duties; authorizing per diem and travel expenses; creating s. 464.0197, F.S.; declaring state budget support for the center; prohibiting the Board of Nursing from

developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the Legislature an implementation plan detailing the impact and cost of any such proposed rule change; amending s. 464.0205, F.S.; deleting the application and processing fee for applicants for a retired volunteer nurse certificate; requiring study by Office of Program Policy Analysis and Government Accountability of the feasibility of maintaining all of Medical Quality Assurance in one state agency; creating s. 456.0375, F.S.; requiring registration of certain clinics; providing requirements, including fees; providing rulemaking authority; requiring medical directors or clinic directors for such clinics and providing their duties and responsibilities; providing an appropriation; amending s. 456.031, F.S.; providing an alternative by which licensees under ch. 466, F.S., relating to dentistry, may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which such licensees may comply with a general requirement that they take AIDS/HIV education courses; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations relating to dental service claims; providing applicability; amending s. 468.302, F.S.; revising a provision relating to exemption from certification to use radiation on human beings; amending ss. 468.352, 468.355, 468.357, 468.358, and 468.359, F.S.; revising definitions and provisions relating to licensure and use of titles and abbreviations to correct and conform terminology with respect to respiratory therapists and respiratory care practitioners; amending ss. 468.1155 and 468.1215, F.S.; revising requirements for licensure to practice speech-language pathology or audiology and for certification of speech-language pathology or audiology assistants; amending s. 480.033, F.S.; correcting terminology in the definition of "massage"; amending s. 484.002, F.S.; amending and creating definitions; amending ss. 484.002, 484.006, 484.012, F.S.; replacing references to the term "medical doctor" with the term "allopathic or osteopathic physician"; amending s. 484.013, F.S.; revising provisions prescribing violations and penalties applicable to the practice of opticianry; amending s. 484.015, F.S.; revising inspection authority; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; providing an offense severity ranking for the offense of practicing opticianry without a license; amending s. 484.0445, F.S.; removing certain provisions relating to the training program for hearing aid specialists; amending s. 484.045, F.S.; revising requirements for licensure as a hearing aid specialist by examination; amending s. 490.012, F.S.; prohibiting the use of certain titles or descriptions relating to the practice of psychology or school psychology unless properly licensed; providing penalties; amending s. 490.014, F.S.; revising exemptions from regulation under ch. 490, F.S., relating to psychology; correcting a cross reference; amending s. 491.012, F.S.; revising prohibitions against unlicensed practice of clinical social work, marriage and family therapy, and mental health counseling to provide that practice by registered interns is lawful; amending s. 491.014, F.S.; revising exemptions from licensure under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, to prohibit the use by certain employees of titles, names, or descriptions protected by the chapter; amending ss. 458.319, 459.008, and 765.102, F.S.; conforming terminology relating to palliative care; amending s. 765.101, F.S.; redefining the term "end-stage condition" with respect to health care advance directives; creating s. 765.1025, F.S.; prescribing the content and suitability of palliative care; amending s. 765.1103, F.S.; revising provisions relating to compliance with requests for pain management and palliative care; amending s. 765.205, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by health care surrogates, persons who have durable powers of attorney for health care, and proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by proxy decisionmakers; requiring the Department of Health to conduct an interim study on specialty certification and provide a report to the Legislature; amending s. 499.012, F.S.; authorizing transfer of prescription drugs between a retail pharmacy and a Modified Class II institutional pharmacy under a retail pharmacy wholesaler's permit; amending s. 627.613, F.S.; amending time of payment of claims; providing effective dates.

Rep. Farkas moved the adoption of the amendment.



Representative(s) Fasano offered the following:

(Amendment Bar Code: 565181)

**Amendment 1 to Amendment 1 (with title amendment)**—On page 1, between lines 16 & 17,

insert: Subsections (6) is added to section 456.003, Florida Statutes, to read:

456.003 Legislative intent; requirements.—

(6) *Unless expressly and specifically granted in statute, the duties conferred on the boards do not include the assessment of the lawful scope of practice of the profession regulated by the boards.*

And the title is amended as follows:

On page 129, line 16, of the amendment after the semicolon

insert: amending s. 456.003, F.S.; providing a limitation on the duties of certain boards;

Rep. Fasano moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Farkas offered the following:

(Amendment Bar Code: 732863)

**Amendment 2 to Amendment 1 (with title amendment)**—On page 3, line 13 through page 4, line 16, remove from the amendment: all of said lines

And the title is amended as follows:

On page 129, line 23 through line 27, of the amendment remove: all of said lines

and insert in lieu thereof: trainer; amending s. 383.14, F.S.; amending

Rep. Farkas moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Farkas offered the following:

(Amendment Bar Code: 105561)

**Amendment 3 to Amendment 1**—On page 67, line 22, through page 69, line 1,

remove from the amendment: all of said lines

and insert in lieu thereof: *evaluation can only be administered by a practitioner licensed under the provisions of chapter 458, chapter 459, chapter 460, or s. 464.012, and in good standing with the practitioner's regulatory board. The bylaws shall establish requirements for eliciting a student's medical history and performing the medical evaluation required under this subsection, which shall include minimum standards for the physical capabilities necessary for participation in interscholastic athletic competition as contained in a uniform preparticipation physical evaluation form. The evaluation form shall provide place for the signature of the practitioner performing the evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form shall also contain a place for the practitioner to indicate if a referral to another practitioner was made in lieu of completion of a certain examination procedure. The form shall provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination. Practitioners administering medical evaluations pursuant to this section must know the minimum standards established by the organization and certify that the student meets the standards. If the practitioner determines that there are any abnormal findings in the cardiovascular system, the student may not participate unless a subsequent EKG or other cardiovascular assessment indicates that the abnormality will not place the student at risk during such participation. Results of such medical evaluation must be provided to the school. No student shall be eligible to participate in any interscholastic athletic*

*competition or engage in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team until the results of the medical evaluation verifying that the student has satisfactorily passed the evaluation have been received and approved by the school.*

(4) *Notwithstanding the provisions of subsection (3), a student may participate in interscholastic athletic competition or be a candidate for an interscholastic athletic team if the parent or guardian of the student objects in writing to the student undergoing a medical evaluation because such evaluation is contrary to his or her religious tenets or practices, provided that no person or entity shall be held liable for*

Rep. Farkas moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Harrell, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Harrell offered the following:

(Amendment Bar Code: 602795)

**Amendment 4 to Amendment 1**—On page 116, line 29, remove from the amendment: (a)-(d)

and insert in lieu thereof: (a)-(b)

Rep. Harrell moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Farkas, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Farkas offered the following:

(Amendment Bar Code: 433747)

**Amendment 5 to Amendment 1**—On page 120, lines 27-30, remove from the amendment: all of said lines

and insert in lieu thereof:

(i) *Assurance that organizational mechanisms are in place to evaluate the availability and quality of end-of-life, palliative, and hospice care services, including the evaluation of administrative and regulatory barriers.*

Rep. Farkas moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Farkas, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Farkas offered the following:

(Amendment Bar Code: 135895)

**Amendment 6 to Amendment 1**—On page 122, line 11 through line 19,

remove from the amendment: all of said lines

and insert in lieu thereof:

*principal were capable of making such decisions. If there is no indication of what the principal would have chosen, the surrogate may consider the patient's best interest in deciding that proposed treatments are to be withheld or that treatments currently in effect are to be withdrawn.*

Rep. Farkas moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Farkas, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Farkas offered the following:

(Amendment Bar Code: 631511)

**Amendment 7 to Amendment 1**—On page 122, lines 26 through page 123, line 1,  
remove from the amendment: all of said lines  
and insert in lieu thereof:

under the circumstances. *If there is no indication of what the patient would have chosen, the proxy may consider the patient's best interest in deciding that proposed treatments are to be withheld or that treatments currently in effect are to be withdrawn.*

Rep. Farkas moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Farkas offered the following:

(Amendment Bar Code: 521621)

**Amendment 8 to Amendment 1 (with title amendment)**—On page 124, line 31, through page 129, line 5,  
remove from the amendment: all of said lines

And the title is amended as follows:

On page 138, line 28 through line 30, of the amendment  
remove: all of said lines

and insert in lieu thereof: pharmacy wholesaler's permit; providing effective dates.

Rep. Benson moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Justice, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Justice offered the following:

(Amendment Bar Code: 442231)

**Amendment 9 to Amendment 1 (with title amendment)**—On page 129, between lines 5 and 6, of the amendment  
insert:

Section 85. *The Legislature finds that personal identifying information, name, age, diagnosis, address, bank account numbers, and debit and credit card numbers contained in the records relating to an individual's personal health or eligibility for health-related services made or received by the individual's physician and public or private health facility should be held confidential. Furthermore, the Legislature finds that every person has an expectation of and a right to privacy in all matters concerning her or his personal health when medical services are provided. Matters of personal health are traditionally private and confidential concerns between the patient and the health care provider. The private and confidential nature of personal health matters pervades both the public and private sectors. For these reasons, it is the express intent of the Legislature to protect confidential information and the individual's expectations of the right to privacy in all matters regarding her or his personal health and not to have such information exploited for purposes of solicitation or marketing the sale of goods and services.*

Section 86. Subsection (5) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished.—

(5)(a) Except as otherwise provided in this section and in s. 440.13(4)(c), such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care practitioners and providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization under the following circumstances:

1.(a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent.

2.(b) When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff.

3.(c) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.

4.(d) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.

(b) *Absent a specific written release or authorization permitting utilization of patient information for solicitation or marketing the sale of goods or services, any use of that information for those purposes is prohibited.*

(14) Licensees in violation of the provisions of this section shall be disciplined by the appropriate licensing authority.

(15) The Attorney General is authorized to enforce the provisions of this section for records owners not otherwise licensed by the state, through injunctive relief and fines not to exceed \$5,000 per violation.

Section 87. Subsection (7) of section 395.3025, Florida Statutes is amended to read:

395.3025 Patient and personnel records; copies; examination.—

(7)(a) If the content of any record of patient treatment is provided under this section, the recipient, if other than the patient or the patient's representative, may use such information only for the purpose provided and may not further disclose any information to any other person or entity, unless expressly permitted by the written consent of the patient. A general authorization for the release of medical information is not sufficient for this purpose. The content of such patient treatment record is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) *Absent a specific written release or authorization permitting utilization of patient information for solicitation or marketing the sale of goods or services, any use of that information for those purposes is prohibited.*

Section 88. Subsection (1) of section 400.1415, Florida Statutes, is amended to read:

400.1415 Patient records; penalties for alteration.—

(1) Any person who fraudulently alters, defaces, or falsifies any medical record or releases medical records for the purposes of solicitation or marketing the sale of goods or services absent a specific written release or authorization permitting utilization of patient information, or other nursing home record, or causes or procures any of these offenses to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 89. Section 626.9651, Florida Statutes, is created to read:

626.9651 *Privacy.—The department shall adopt rules consistent with other provisions of the Florida Insurance Code to govern the use of a consumer's nonpublic personal financial and health information. These rules must be based on, consistent with, and not more restrictive than the Privacy of Consumer Financial and Health Information Regulation, adopted September 26, 2000, by the National Association of Insurance Commissioners; however, the rules must permit the use and disclosure of nonpublic personal health information for scientific, medical, or public policy research, in accordance with federal law. In addition, these rules must be consistent with, and not more restrictive than, the standards contained in Title V of the Gramm-Leach-Bliley Act of 1999, Pub. L. No. 106-102. If the department determines that a health*

*insurer or health maintenance organization is in compliance with, or is actively undertaking compliance with, the consumer privacy protection rules adopted by the United States Department of Health and Human Services, in conformance with the Health Insurance Portability and Affordability Act, that health insurer or health maintenance organization is in compliance with this section.*

And the title is amended as follows:

On page 138, line 30, of the amendment

after the semicolon insert: providing legislative intent; amending ss. 395.3025, 400.1415, and 456.057, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing absent a specific written release or authorization; providing penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules;

Rep. Justice moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Harrell, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Harrell offered the following:

(Amendment Bar Code: 791197)

**Amendment 10 to Amendment 1 (with title amendment)**—On page 1, between lines 16 & 17, of the amendment

insert:

Section 1. (1)(a) *The Agency for Health Care Administration shall create an Organ Transplant Task Force within the Agency for Health Care Administration, which task force must be funded by existing agency funds.*

(b) *Task force participants shall be responsible for only the expenses that they generate individually through participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.*

(2) *The task force shall consist of up to 15 members. The task force chairperson shall be selected by majority vote of a quorum present. Eight members shall constitute a quorum. The membership shall include, but not be limited to, a balance of members representing the Agency for Health Care Administration, health care facilities that have existing organ transplantation programs, individual organ transplant health care practitioners, pediatric organ transplantation programs, organ procurement agencies, and organ transplant recipients or family members.*

(3) *The task force shall meet for the purpose of studying and making recommendations regarding current and future supply of organs in relation to the number of existing organ transplantation programs and the future necessity of the issuance of a certificate of need for proposed organ transplantation programs. At a minimum, the task force shall submit a report to the Legislature which includes a summary of the method of allocation and distribution of organs; a list of facilities performing multiple organ transplants and the number being performed; the number of Medicaid and charity care patients who have received organ transplants by existing organ transplant programs; suggested mechanisms for funding organ transplants, which shall include, but need not be limited to, an organ transplant trust fund for the treatment of Medicaid and charity patients; the impact of trends in health care delivery and financing on organ transplantation; and the number of certificates of need applications reviewed by the Agency for Health Care Administration in the last 5 years, including the number approved or denied and the number litigated.*

(4) *The task force shall meet at the call of the chairperson. The task force shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2002. The task force is abolished effective December 31, 2002.*

And the title is amended as follows:

On page 129, line 16, of the amendment

after the semicolon insert: providing for the Agency for Health Care Administration to create the Organ Transplant Task Force to study organ transplantation programs; requiring the task force to study and make recommendations on the necessity of the issuance of certificates of need for such programs and funding for organ transplantation; providing a date for the task force to report to the Governor and the Legislature;

Rep. Harrell moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Representative(s) Argenziano offered the following:

(Amendment Bar Code: 771863)

**Amendment 2 (with title amendment)**—On page 3, between lines 13 & 14,

insert:

Section 4. Section 409.9205, Florida Statutes, is amended to read:

409.9205 Medicaid Fraud Control Unit; ~~law enforcement officers.~~—

(1) *Except as provided in s. 110.205, all positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs are hereby transferred to the Career Service System.*

(2) *All investigators employed by the Medicaid Fraud Control Unit who have been certified under s. 943.1395 are law enforcement officers of the state. Such investigators have the authority to conduct criminal investigations, bear arms, make arrests, and apply for, serve, and execute search warrants, arrest warrants, capias, and other process throughout the state pertaining to Medicaid fraud as described in this chapter. The Attorney General shall provide reasonable notice of criminal investigations conducted by the Medicaid Fraud Control Unit to, and coordinate those investigations with, the sheriffs of the respective counties. ~~Investigators employed by the Medicaid Fraud Control Unit are not eligible for membership in the Special Risk Class of the Florida Retirement System under s. 121.0515.~~*

And the title is amended as follows:

On page 1, line 10, after the semicolon

insert: amending 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Service;

Rep. Argenziano moved the adoption of the amendment.

On motion by Rep. Farkas, further consideration of **SB 782**, with pending amendment, was temporarily postponed under Rule 11.10.

**HB 1867**—A bill to be entitled An act relating to health care practitioner regulation; providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; capping indirect costs allowable under contracts the department has with private entity vendors or other state agencies; exempting the Medical Quality Assurance Trust Fund from the general revenue service charge for a specified period; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing

education tracking system; amending s. 456.065, F.S.; requiring the unlicensed activity fee to be in addition to all other fees collected from each licensee; amending ss. 456.015, 457.105, 457.107, 457.108, 458.311, 458.313, 458.3135, 458.314, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345, 458.347, 459.009, 459.0092, 459.021, 459.022, 460.406, 460.407, 460.4165, 460.4166, 461.006, 461.007, 461.008, 462.08, 462.16, 462.19, 463.0057, 463.006, 463.007, 463.008, 464.008, 464.009, 464.012, 464.014, 464.019, 464.0205, 465.007, 465.008, 465.012, 465.0125, 465.0126, 465.0156, 465.022, 465.0276, 466.004, 466.006, 466.007, 466.008, 466.009, 466.013, 466.015, 466.017, 466.032, 467.0125, 467.0135, 468.1145, 468.1695, 468.1705, 468.1725, 468.1735, 468.209, 468.211, 468.221, 468.357, 468.361, 468.364, 468.508, 468.509, 468.513, 468.705, 468.709, 468.803, 468.805, 468.806, 478.45, 478.47, 478.50, 478.51, 478.55, 480.043, 480.044, 483.807, 483.819, 483.901, 484.002, 484.007, 484.008, 484.009, 484.0447, 486.041, 486.061, 486.081, 486.085, 486.103, 486.106, 486.107, 486.108, 490.005, 490.0051, 490.007, 491.0045, 491.0046, 491.005, 491.007, 491.008, and 491.0145, F.S.; conforming provisions relating to fees; repealing s. 458.31151, F.S., relating to development of the examination for foreign-trained physicians and the fees therefor; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations and the removal of state-administered examinations as a barrier to licensure; providing for electronic access to and posting of examination scores under certain conditions; providing for the sharing of examinations or examination item banks with certain entities; providing for review of questions by legal counsel under certain circumstances; providing for electronic administration of all laws and rules examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee's current mailing address and place of practice; amending s. 456.036, F.S.; conforming fee provisions; amending s. 456.037, F.S.; including optical establishments and optometry branch offices among provisions relating to active status requirements of business establishments; amending s. 456.073, F.S.; authorizing a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for the posting of newsletters on the department's website; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising and providing disciplinary actions; amending s. 456.079, F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 459.0085, 459.015, 460.413, 461.013, 462.14, 463.016, 464.018, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, and 491.009, F.S.; conforming provisions relating to disciplinary actions; repealing s. 483.827, F.S., relating to administrative penalties applicable to clinical laboratory personnel; amending s. 456.074, F.S.; providing for immediate suspension of license for violations relating to fraudulent practices; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; providing effective dates.

—was read the second time by title.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 183531)

**Amendment 1 (with title amendment)—**

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *It is the intent of the Legislature that the Medical Quality Assurance Trust Fund should be administered in a fiscally responsible manner. It is also the intent of the Legislature that the Department of Health reduce expenses wherever possible to ensure that the cost of*

*regulation is reasonable and fair and does not serve as a barrier to licensure in this state. The Legislature adopts findings 1, 2, 4, 5, and 8 and the recommendations of the Auditor General's Medical Quality Assurance Operational Audit Report Number 01-063. In addition, the Legislature adopts recommendations 1, 2, 4, 5, and 7 of the Florida Senate Committee on Fiscal Policy Interim Project Report 2001-016.*

Section 2. *The Auditor General shall conduct a followup audit to the Medical Quality Assurance Operational Audit Report Number 01-063 to determine if the Department of Health has implemented the recommendations of that report. The Auditor General shall complete the followup audit and issue a report to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2002.*

Section 3. *The Office of Program Policy Analysis and Government Accountability shall study the feasibility of maintaining the entire Medical Quality Assurance function, including enforcement, within a single department. The study shall be completed and a report issued to the President of the Senate and the Speaker of the House of Representatives no later than November 30, 2001.*

Section 4. Subsection (1) of section 456.004, Florida Statutes, is amended, and subsection (10) is added to that section, to read:

456.004 Department; powers and duties.—The department, for the professions under its jurisdiction, shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; however, the department may issue up to a 4-year license to selected licensees notwithstanding any other provisions of law to the contrary. *The rules shall specify the expiration dates of licenses and the process for tracking compliance with continuing education requirements, financial responsibility requirements, and any other conditions of renewal set forth in statute or rule.* Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(10) *Set an examination fee that includes all costs to develop, purchase, validate, administer, and defend the examination and is an amount certain to cover all administrative costs plus the actual per-applicant cost of the examination.*

Section 5. Section 456.025, Florida Statutes, is amended to read:

456.025 Fees; receipts; disposition.—

(1) *It is the intent of the Legislature that all costs of regulating health care professions and practitioners shall be borne solely by licensees and licensure applicants. It is also the intent of the Legislature that fees should be reasonable and not serve as a barrier to licensure. Moreover, it is the intent of the Legislature that the department operate as efficiently as possible and regularly report to the Legislature additional methods to streamline operational costs. Therefore, the boards in consultation with the department, or the department if there is no board, shall, by rule, set renewal fees which:*

(a) *Shall be based on revenue projections prepared using generally accepted accounting procedures;*

(b) *Shall be adequate to cover all expenses relating to that board identified in the department's long-range policy plan, as required by s. 456.005;*

(c) *Shall be reasonable, fair, and not serve as a barrier to licensure;*

(d) *Shall be based on potential earnings from working under the scope of the license;*

(e) *Shall be similar to fees imposed on similar licensure types;*

(f) *Shall not be more than 10% greater than the fee imposed for the previous biennium;*

(g) *Shall not be more than 10% greater than the actual cost to regulate that profession for the previous biennium; and*

(h) *Shall be subject to challenge pursuant to chapter 120.*

(2) *The chairpersons of the boards and councils listed in s. 20.43(3)(g), shall meet annually at division headquarters to review the long-range policy plan required by s. 456.005 and current and proposed fee schedules. The chairpersons shall make recommendations for any necessary statutory changes relating to fees and fee caps. Such recommendations shall be compiled by the Department of Health and be included in the annual report to the Legislature required by s. 456.026 as well as be included in the long-range policy plan required by s. 456.005.*

(2)(4) Each board within the jurisdiction of the department, or the department when there is no board, shall determine by rule the amount of license fees for the profession it regulates, based upon long-range estimates prepared by the department of the revenue required to implement laws relating to the regulation of professions by the department and the board. Each board, or the department if there is no board, shall ensure that license fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance, as determined by rule of the agency, with advice of the applicable board. If sufficient action is not taken by a board within 1 year after notification by the department that license fees are projected to be inadequate, the department shall set license fees on behalf of the applicable board to cover anticipated costs and to maintain the required cash balance. The department shall include recommended fee cap increases in its annual report to the Legislature. Further, it is the legislative intent that no regulated profession operate with a negative cash balance. The department may provide by rule for advancing sufficient funds to any profession operating with a negative cash balance. The advancement may be for a period not to exceed 2 consecutive years, and the regulated profession must pay interest. Interest shall be calculated at the current rate earned on investments of a trust fund used by the department to implement this chapter. Interest earned shall be allocated to the various funds in accordance with the allocation of investment earnings during the period of the advance.

(3)(2) Each board, or the department if there is no board, may charge a fee not to exceed \$25, as determined by rule, for the issuance of a wall certificate pursuant to s. 456.013(2) requested by a licensee who was licensed prior to July 1, 1998, or for the issuance of a duplicate wall certificate requested by any licensee.

(4)(3) Each board, or the department if there is no board, may, by rule, assess and collect a one-time fee from each active status licensee and each inactive status licensee in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of the professions as required in this section. Not more than one such assessment may be made in any 4-year period without specific legislative authorization.

(5) *If the cash balance of the trust fund at the end of any fiscal year exceeds the total appropriation provided for the regulation of the health care professions in the prior fiscal year, the boards, in consultation with the department, may lower the license renewal fees.*

(6)(4) ~~Each board authorized to approve continuing education providers, or the department if there is no board, shall may establish, by rule, a fee not to exceed \$250 for anyone seeking approval to provide continuing education courses or programs and shall may establish by rule a biennial renewal fee not to exceed \$250 for the renewal of providership of such courses. The fees collected from continuing education providers shall be used for the purposes of reviewing course provider applications, monitoring the integrity of the courses provided, covering legal expenses incurred as a result of not granting or renewing a providership, and developing and maintaining an electronic continuing education tracking system. The department shall implement an electronic continuing education tracking system for each new biennial renewal cycle for which electronic renewals are implemented after the effective date of this act and shall integrate such system into the licensure and renewal system. All approved continuing education providers shall provide information on course attendance to the department necessary to implement the electronic tracking system. The department shall, by rule, specify the form and procedures by which the information is to be submitted. This subsection does not apply to continuing education courses or providers approved by the board under chapter 465.~~

(7)(5) All moneys collected by the department from fees or fines or from costs awarded to the agency by a court shall be paid into a trust fund used by the department to implement this chapter. The Legislature shall appropriate funds from this trust fund sufficient to carry out this chapter and the provisions of law with respect to professions regulated by the Division of Medical Quality Assurance within the department and the boards. The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The department shall maintain separate accounts in the trust fund used by the department to implement this chapter for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this subsection, direct charge expenses include, but are not limited to, costs for investigations, examinations, and legal services. For expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. The regulation by the department of professions, as defined in this chapter, shall be financed solely from revenue collected by it from fees and other charges and deposited in the Medical Quality Assurance Trust Fund, and all such revenue is hereby appropriated to the department. However, it is legislative intent that each profession shall operate within its anticipated fees. The department may not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession, except that the Board of Nursing must pay for any costs incurred in the regulation of certified nursing assistants. The department shall maintain adequate records to support its allocation of agency expenses. The department shall provide any board with reasonable access to these records upon request. *On or before October 1 of each year, the department shall provide each board an annual report of revenue and direct and allocated expenses related to the operation of that profession. The board shall use these reports and the department's adopted long-range plan to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared under s. 456.026.*

(8)(6) The department shall provide a condensed management report of budgets, finances, performance statistics, and recommendations to each board at least once a quarter. The department shall identify and include in such presentations any changes, or projected changes, made to the board's budget since the last presentation.

(9)(7) If a duplicate license is required or requested by the licensee, the board or, if there is no board, the department may charge a fee as determined by rule not to exceed \$25 before issuance of the duplicate license.

(10)(8) The department or the appropriate board shall charge a fee not to exceed \$25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplicating a public record as provided in s. 119.07(1)(a) and (b).

Section 6. Subsections (1) of section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of licenses; continuing education.—

(1) The department shall renew a license upon receipt of the renewal application and the *required* fee set by the board by rule, not to exceed \$500.

Section 7. *Section 458.31151, Florida Statutes, is repealed.*

Section 8. Subsection (1) of section 483.807, Florida Statutes, is amended to read:

483.807 Fees; establishment; disposition.—

(1) The board, by rule, shall establish fees to be paid for application, examination, reexamination, licensing and renewal, *registration, laboratory training program application, reinstatement, and*

recordmaking and recordkeeping. The board may also establish, by rule, a delinquency fee. The board shall establish fees that are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department in carrying out its licensure and other related responsibilities under this part. Fees shall be based on departmental estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of clinical laboratory personnel.

Section 9. Subsections (1), (3), and (4) of section 456.011, Florida Statutes, are amended to read:

456.011 Boards; organization; meetings; compensation and travel expenses.—

(1) Each board within the department shall comply with the provisions of this *chapter section*.

(3) The board shall meet at least once annually and may meet as often as is necessary. *Meetings shall be conducted through teleconferencing or other technological means, unless disciplinary hearings involving standard of care, sexual misconduct, fraud, impairment, or felony convictions; licensure denial hearings; or controversial rule hearings are being conducted; or unless otherwise approved in advance of the meeting by the director of the Division of Medical Quality Assurance.* The chairperson or a quorum of the board shall have the authority to call ~~other~~ meetings, *except as provided above relating to in-person meetings.* A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. The membership of committees of the board, except as otherwise authorized pursuant to this chapter or the applicable practice act, shall be composed of currently appointed members of the board. The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

(4) Unless otherwise provided by law, a board member or former board member serving on a probable cause panel shall be compensated \$50 for each day in attendance at an official meeting of the board and for each day of participation in any other business involving the board. Each board shall adopt rules defining the phrase "other business involving the board," but the phrase may not routinely be defined to include telephone conference calls *that last less than 4 hours.* A board member also shall be entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state shall require the prior approval of the secretary.

Section 10. Subsection (2) of section 456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.—

(2) Before the issuance of any license, the department ~~shall~~ *may* charge an initial license fee as determined by ~~rule of~~ the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. The license shall consist of a wallet-size identification card and a wall card measuring 6½ inches by 5 inches. In addition to the two-part license, the department, at the time of initial licensure, shall issue a wall certificate suitable for conspicuous display, which shall be no smaller than 8½ inches by 14 inches. The licensee shall surrender to the department the wallet-size identification card, the wall card, and the wall certificate, if one has been issued by the department, if the licensee's license is revoked.

Section 11. Section 456.017, Florida Statutes, is amended to read:

456.017 Department of Health; examinations.—

(1)(a) The department shall provide, contract, or approve services for the development, preparation, administration, scoring, score reporting, and evaluation of all examinations, in consultation with the appropriate board. The department shall certify that examinations developed and approved by the department adequately and reliably measure an applicant's ability to practice the profession regulated by the department. After an examination developed or approved by the department has been administered, the board, or the department when there is no board, may reject any question which does not reliably measure the general areas of competency specified in the rules of the board. The department may contract for the preparation, administration, scoring, score reporting, and evaluation of examinations, when such services are available and approved by the board.

(b) For each examination developed by the department or contracted vendor, to the extent not otherwise specified by statute, the board, or the department when there is no board, shall by rule specify the general areas of competency to be covered by each examination, the relative weight to be assigned in grading each area tested, and the score necessary to achieve a passing grade. *The department shall assess, and fees, where applicable, to cover the actual cost for any purchase, development, validation, and administration, and defense of required examinations.* This subsection does not apply to national examinations approved and administered pursuant to paragraph (c). If a practical examination is deemed to be necessary, the rules shall specify the criteria by which examiners are to be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. When a mandatory standardization exercise for a practical examination is required by law, the board, or the department when there is no board, may conduct such exercise. Therefore, board members, or employees of the department when there is no board, may serve as examiners at a practical examination with the consent of the board or department, as appropriate.

(c)1. The board, or the department when there is no board, ~~shall~~ *may* approve by rule the use of *one or more any* national examinations ~~examination~~ which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules. Providers of examinations seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.

2. *The board, or the department when there is no board, shall approve and begin administering a national examination no later than December 31, 2001. Neither the board nor the department may administer a state-developed written examination after December 31, 2001, notwithstanding any other provision of law. The examination may be administered electronically if adequate security measures are used, as determined by rule of the department.*

3. *The board, or the department when there is no board, may administer a state-developed practical or clinical examination, as required by the applicable practice act, if all costs of development, purchase, validation, administration, review, and defense are paid by the examination candidate prior to the administration of the examination. If a national practical or clinical examination is available and certified by the department pursuant to this section, the board, or the department when there is no board, may administer the national examination.*

4. *It is the intent of the Legislature to reduce the costs associated with state examinations and to encourage the use of national examinations whenever possible.*

(d) Each board, or the department when there is no board, shall adopt rules regarding the security and monitoring of examinations. The department shall implement those rules adopted by the respective boards. In order to maintain the security of examinations, the department may employ the procedures set forth in s. 456.065 to seek fines and injunctive relief against an examinee who violates the provisions of s. 456.018 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules. *The scores of candidates who have taken state-developed examinations shall be provided to the candidates electronically using a candidate identification number, and the department shall post the aggregate scores on the department's website without identifying the names of the candidates.*

(e) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority or a national testing entity an examination or examination item bank developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this chapter.

(f) The department may adopt rules necessary to administer this subsection.

(2) For each examination developed by the department or a contracted vendor, the board, or the department when there is no board, shall adopt rules providing for reexamination of any applicants who failed an examination developed by the department or a contracted vendor. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which the applicant failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, or the department when there is no board, of passing the other portion. Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of the applicant's examination grades. *Notwithstanding any other provisions, only candidates who fail an examination by less than ten percent shall be entitled to challenge the validity of the examination at hearing.*

(3) For each examination developed or administered by the department or a contracted vendor, an accurate record of each applicant's examination questions, answers, papers, grades, and grading key shall be kept for a period of not less than 2 years immediately following the examination, and such record shall thereafter be maintained or destroyed as provided in chapters 119 and 257. This subsection does not apply to national examinations approved and administered pursuant to this section.

(4) Meetings of any member of the department or of any board within the department held for the exclusive purpose of creating or reviewing licensure examination questions or proposed examination questions are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. Any public records, such as tape recordings, minutes, or notes, generated during or as a result of such meetings are

confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, these exemptions shall not affect the right of any person to review an examination as provided in subsection (2).

(5) For examinations developed by the department or a contracted vendor, each board, or the department when there is no board, may provide licensure examinations in an applicant's native language. *Notwithstanding any other provision of law*, applicants for examination or reexamination pursuant to this subsection shall bear the full cost for the department's development, preparation, *validation*, administration, grading, and evaluation of any examination in a language other than English *prior to the examination being administered*. Requests for translated examinations must be on file in the board office at least 6 months prior to the scheduled examination. When determining whether it is in the public interest to allow the examination to be translated into a language other than English, the board shall consider the percentage of the population who speak the applicant's native language. Applicants must apply for translation to the applicable board at least 6 months prior to the scheduled examination.

(6) In addition to meeting any other requirements for licensure by examination or by endorsement, *and notwithstanding the provisions in paragraph (1)(c)*, an applicant may be required by a board, or the department when there is no board, to certify competency in state laws and rules relating to the applicable practice act. *Beginning October 1, 2001, all laws and rules examinations shall be administered electronically unless the laws and rules examination is administered concurrently with another written examination for that profession.*

Section 12. Subsection (1) of section 456.035, Florida Statutes, is amended to read:

456.035 Address of record.—

(1) Each licensee of the department is solely responsible for notifying the department in writing of the licensee's current mailing address and place of practice, as defined by rule of the board or the department if there is no board. *Electronic notification shall be allowed by the department; however, it shall be the responsibility of the licensee to ensure that the electronic notification was received by the department.* A licensee's failure to notify the department of a change of address constitutes a violation of this section, and the licensee may be disciplined by the board or the department if there is no board.

Section 13. Subsections (2), (4), and (10) of section 456.073, Florida Statutes, are amended to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(2) The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the department complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the department, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause. *The department shall not recommend a letter of guidance in lieu of finding probable cause if the subject has already been issued a letter of guidance for a related offense.* At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence

to support the prosecution of allegations contained therein. The department shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, is willing to serve, and is authorized to do so by the board chair. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his or her privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. In lieu of a finding of probable cause, the probable cause panel, or the department if there is no board, may issue a letter of guidance to the subject. If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the department must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit. If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause has been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year after the filing of a complaint. The department, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. Annually, the department, *in consultation with the applicable probable cause panel, if there is no board, or each board* must establish a plan to expedite ~~reduce~~ or otherwise close any investigation or disciplinary proceeding that is not before the Division of

Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from a trust fund used by the department to implement this chapter. All proceedings of the probable cause panel are exempt from s. 120.525.

(10) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his or her privilege of confidentiality, whichever occurs first. Upon completion of the investigation *and a recommendation by the department to find probable cause*, and pursuant to a written request by the subject *or the subject's attorney*, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 456.057, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 456.057. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days *of mailing by the department*, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

Section 14. Section 456.081, Florida Statutes, is amended to read:

456.081 Publication of information.—The department and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter *on the department's website*, about information that the department or the board determines is of interest to the industry. Unless otherwise prohibited by law, the department and the boards shall publish a summary of final orders resulting in ~~disciplinary action fines, suspensions, or revocations~~, and any other information the department or the board determines is of interest to the public.

Section 15. Subsections (1), (2), and (4) of section 456.072, Florida Statutes, are amended to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.

(b) Intentionally violating any rule adopted by the board or the department, as appropriate.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

(d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices.

(e) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.

(f) Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order,



or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.

(h) Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(i) Except as provided in s. 465.016, failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board.

(j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.

(k) Failing to perform any statutory or legal obligation placed upon a licensee.

(l) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

(n) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.

(o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

(p) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.

(q) ~~Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.~~

(r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(s) Failing to comply with the educational course requirements for domestic violence.

(t) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(u) Engaging or attempting to engage in sexual misconduct as defined and prohibited in s. 456.063(1).

(v) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

(w) Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. Convictions, findings,

adjudications, and pleas entered into prior to the enactment of this paragraph must be reported in writing to the board, or department if there is no board, on or before October 1, 1999.

(x) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents pursuant to s. 316.066, or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of commercial or any other solicitation whatsoever of the people involved in such accidents.

(y) Being unable to practice with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of his or her profession with reasonable skill and safety to patients.

(z) Testing positive for any drug, as defined in s. 112.0455, on any confirmed preemployment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug.

*(aa) Violating any provision of this chapter, the applicable practice act, or any rules adopted pursuant thereto.*

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, or to certify with restrictions, an application for a license.

(b) Suspension or permanent revocation of a license.

(c) Restriction of practice or license, *including, but not limited to, restricting the licensee from practicing in certain settings, restricting the licensee to work only under designated conditions or in certain settings, restricting the licensee from performing or providing designated clinical and administrative services, restricting the licensee from practicing more than a designated number of hours, or any other restriction found to be necessary for the protection of the public health, safety, and welfare.*

(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense. *If the violation is for fraud or making a false or fraudulent representation, the board, or department if there is no board, shall impose a fine of \$10,000 per count or offense.*

(e) Issuance of a reprimand or letter of concern.

(f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.

(g) Corrective action.

(h) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.

(i) *Refund of fees billed and collected from the patient or a third party on behalf of the patient.*

(j) *Requirement that the practitioner undergo remedial education.*

In determining what action is appropriate, the board, or department when there is no board, must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the practitioner. All costs associated with compliance with orders issued under this subsection are the obligation of the practitioner.

(4) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, ~~shall~~ *may* assess costs related to the investigation and prosecution of the case. In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

Section 16. Subsection (3) of section 456.079, Florida Statutes, is amended to read:

456.079 Disciplinary guidelines.—

(3) A specific finding *in the final order* of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines. If applicable, the board, or the department if there is no board, shall adopt by rule disciplinary guidelines to designate possible mitigating and aggravating circumstances and the variation and range of penalties permitted for such circumstances.

Section 17. Subsections (1) and (2) of section 457.109, Florida Statutes, are amended to read:

457.109 Disciplinary actions; grounds; action by the board.—

(1) The following acts ~~shall~~ constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:*

(a) Attempting to obtain, obtaining, or renewing a license to practice acupuncture by bribery, by fraudulent misrepresentations, or through an error of the department.

(b) Having a license to practice acupuncture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of acupuncture or to the ability to practice acupuncture. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising or advertising which claims that acupuncture is useful in curing any disease.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

(g) Aiding, assisting, procuring, employing, or advising any unlicensed person to practice acupuncture contrary to this chapter or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a licensed acupuncturist.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed acupuncturist.

(j) Exercising influence within a patient-acupuncturist relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her acupuncturist.

(k) Making deceptive, untrue, or fraudulent representations in the practice of acupuncture or employing a trick or scheme in the practice of acupuncture when such scheme or trick fails to conform to the generally prevailing standards of treatment in the community.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m) Failing to keep written medical records justifying the course of treatment of the patient.

(n) Exercising influence on the patient to exploit the patient for the financial gain of the licensee or of a third party.

(o) Being unable to practice acupuncture with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to serve as an acupuncturist due to the reasons stated in this paragraph, the department shall have the authority to issue an order to compel the licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or serves as an acupuncturist. The licensee against whom the petition is filed shall not be named or identified by initials in any public court record or document, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. An acupuncturist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of acupuncture with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the department shall be used against an acupuncturist in any other proceeding.

(p) Gross or repeated malpractice or the failure to practice acupuncture with that level of care, skill, and treatment which is recognized by a reasonably prudent similar acupuncturist as being acceptable under similar conditions and circumstances.

(q) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(r) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(s) ~~Violating any provision of this chapter, a rule of the department, or a lawful order of the board department~~ previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(t) Conspiring with another to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(u) Fraud or deceit or gross negligence, incompetence, or misconduct in the operation of a course of study.

(v) Failing to comply with state, county, or municipal regulations or reporting requirements relating to public health and the control of contagious and infectious diseases.

(w) Failing to comply with any rule of the board relating to health and safety, including, but not limited to, the sterilization of needles and equipment and the disposal of potentially infectious materials.

(x) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the acts set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placement of the acupuncturist on probation for a period of time and subject to such conditions as the board may specify.~~

Section 18. Subsection (6) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(6) Any deceptive, untrue, or fraudulent representation by the licensee with respect to any provision of this section shall result in permanent disqualification from any exemption to mandated financial responsibility as provided in this section and shall constitute grounds for disciplinary action *under as specified in s. 458.331.*

Section 19. Subsections (1) and (2) of section 458.331, Florida Statutes, are amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts ~~shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:~~

(a) Attempting to obtain, obtaining, or renewing a license to practice medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

(d) False, deceptive, or misleading advertising.

(e) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or

the board. A treatment provider approved pursuant to s. 456.076 shall provide the department or consultant with information in accordance with the requirements of s. 456.076(3), (4), (5), and (6).

(f) Aiding, assisting, procuring, or advising any unlicensed person to practice medicine contrary to this chapter or to a rule of the department or the board.

(g) Failing to perform any statutory or legal obligation placed upon a licensed physician.

(h) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed physician.

(i) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a physician from receiving a fee for professional consultation services.

(j) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.

(k) Making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m) Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs.

(o) Promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(p) Performing professional services which have not been duly authorized by the patient or client, or his or her legal representative, except as provided in s. 743.064, s. 766.103, or s. 768.13.

(q) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his or her intent.

(r) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the physician to

himself or herself, except one prescribed, dispensed, or administered to the physician by another practitioner authorized to prescribe, dispense, or administer medicinal drugs.

(s) Being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice medicine because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed may not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of medicine with reasonable skill and safety to patients.

(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$25,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the physician. As used in this paragraph, "gross malpractice" or "the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances," shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, would constitute experimentation on a human subject, without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(x) ~~Violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.~~

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(z) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(aa) Presigning blank prescription forms.

(bb) Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the physician for office use.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesia; behavioral syndrome characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(dd) Failing to supervise adequately the activities of those physician assistants, paramedics, emergency medical technicians, or advanced registered nurse practitioners acting under the supervision of the physician.

(ee) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ff) Prescribing, ordering, dispensing, administering, supplying, selling, or giving amygdalin (laetrile) to any person.

(gg) Misrepresenting or concealing a material fact at any time during any phase of a licensing or disciplinary process or procedure.

(hh) Improperly interfering with an investigation or with any disciplinary proceeding.

(ii) Failing to report to the department any licensee under this chapter or under chapter 459 who the physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the physician or physician assistant also provides services.

(jj) Being found by any court in this state to have provided corroborating written medical expert opinion attached to any statutorily required notice of claim or intent or to any statutorily required response rejecting a claim, without reasonable investigation.

(kk) Failing to report to the board, in writing, within 30 days if action as defined in paragraph (b) has been taken against one's license to practice medicine in another state, territory, or country.

(ll) Advertising or holding oneself out as a board-certified specialist, if not qualified under s. 458.3312, in violation of this chapter.

(mm) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(nn) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s.*

~~456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), including conduct that would constitute a substantial violation of subsection (1) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:~~

- ~~(a) Refusal to certify, or certification with restrictions, to the department an application for licensure, certification, or registration.~~
- ~~(b) Revocation or suspension of a license.~~
- ~~(c) Restriction of practice.~~
- ~~(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.~~
- ~~(e) Issuance of a reprimand.~~
- ~~(f) Placement of the physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another physician.~~
- ~~(g) Issuance of a letter of concern.~~
- ~~(h) Corrective action.~~
- ~~(i) Refund of fees billed to and collected from the patient.~~
- ~~(j) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.~~

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 20. Subsection (2) of section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty.—

(2) The board shall not certify to the department for registration any applicant who is under investigation in any state or jurisdiction for an act which would constitute *grounds* the basis for imposing a disciplinary action under penalty specified in s. 458.331(2)(b) until such time as the investigation is completed, at which time the provisions of s. 458.331 shall apply.

Section 21. Subsection (7) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(g) The Board of Medicine may impose any of the penalties authorized under specified in ss. 456.072 and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 456.

Section 22. Subsection (6) of section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.—

(6) Any deceptive, untrue, or fraudulent representation by the licensee with respect to any provision of this section shall result in permanent disqualification from any exemption to mandated financial responsibility as provided in this section and shall constitute grounds for disciplinary action under as specified in s. 459.015.

Section 23. Subsections (1) and (2) of section 459.015, Florida Statutes, are amended to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:*

(a) Attempting to obtain, obtaining, or renewing a license to practice osteopathic medicine or a certificate issued under this chapter by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement offered in response to or in anticipation of the filing of administrative charges against the physician shall be construed as action against the physician's license.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of osteopathic medicine or to the ability to practice osteopathic medicine. A plea of *nolo contendere* shall create a rebuttable presumption of guilt to the underlying criminal charges.

(d) False, deceptive, or misleading advertising.

(e) Failing to report to the department or the department's impaired professional consultant any person who the licensee or certificateholder knows is in violation of this chapter or of the rules of the department or the board. A treatment provider, approved pursuant to s. 456.076, shall provide the department or consultant with information in accordance with the requirements of s. 456.076(3), (4), (5), and (6).

(f) Aiding, assisting, procuring, or advising any unlicensed person to practice osteopathic medicine contrary to this chapter or to a rule of the department or the board.

(g) Failing to perform any statutory or legal obligation placed upon a licensed osteopathic physician.

(h) Giving false testimony in the course of any legal or administrative proceedings relating to the practice of medicine or the delivery of health care services.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed osteopathic physician.

(j) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, person, partnership, firm, corporation, or other business entity, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent an osteopathic physician from receiving a fee for professional consultation services.

(k) Refusing to provide health care based on a patient's participation in pending or past litigation or participation in any disciplinary action conducted pursuant to this chapter, unless such litigation or disciplinary action directly involves the osteopathic physician requested to provide services.

(l) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of osteopathic medicine or employing a trick or scheme in the practice of osteopathic medicine.

- (n) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or forms of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.
- (o) Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed osteopathic physician or the osteopathic physician extender and supervising osteopathic physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.
- (p) Fraudulently altering or destroying records relating to patient care or treatment, including, but not limited to, patient histories, examination results, and test results.
- (q) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs.
- (r) Promoting or advertising on any prescription form of a community pharmacy, unless the form shall also state "This prescription may be filled at any pharmacy of your choice."
- (s) Performing professional services which have not been duly authorized by the patient or client or his or her legal representative except as provided in s. 743.064, s. 766.103, or s. 768.13.
- (t) Prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the osteopathic physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the osteopathic physician's professional practice, without regard to his or her intent.
- (u) Prescribing or dispensing any medicinal drug appearing on any schedule set forth in chapter 893 by the osteopathic physician for himself or herself or administering any such drug by the osteopathic physician to himself or herself unless such drug is prescribed for the osteopathic physician by another practitioner authorized to prescribe medicinal drugs.
- (v) Prescribing, ordering, dispensing, administering, supplying, selling, or giving amygdalin (laetrile) to any person.
- (w) Being unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice medicine because of the reasons stated in this paragraph, have the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of medicine with reasonable skill and safety to patients.
- (x) Gross or repeated malpractice or the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$25,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the osteopathic physician. As used in this paragraph, "gross malpractice" or "the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that an osteopathic physician be incompetent to practice osteopathic medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances," or any combination thereof, and any publication by the board shall so specify.
- (y) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.
- (z) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.
- (aa) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.
- (bb) ~~Violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.~~
- (cc) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.
- (dd) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.
- (ee) Presigning blank prescription forms.
- (ff) Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the osteopathic physician for office use.
- (gg) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:
1. The treatment of narcolepsy; hyperkinesia; behavioral syndrome characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(hh) Failing to supervise adequately the activities of those physician assistants, paramedics, emergency medical technicians, advanced registered nurse practitioners, or other persons acting under the supervision of the osteopathic physician.

(ii) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(jj) Misrepresenting or concealing a material fact at any time during any phase of a licensing or disciplinary process or procedure.

(kk) Improperly interfering with an investigation or with any disciplinary proceeding.

(ll) Failing to report to the department any licensee under chapter 458 or under this chapter who the osteopathic physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the osteopathic physician or physician assistant also provides services.

(mm) Being found by any court in this state to have provided corroborating written medical expert opinion attached to any statutorily required notice of claim or intent or to any statutorily required response rejecting a claim, without reasonable investigation.

(nn) Advertising or holding oneself out as a board-certified specialist in violation of this chapter.

(oo) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(pp) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

~~(a) Refusal to certify, or certify with restrictions, to the department an application for certification, licensure, renewal, or reactivation.~~

~~(b) Revocation or suspension of a license or certificate.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Issuance of a letter of concern.~~

~~(g) Placement of the osteopathic physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the osteopathic physician to submit to treatment, attend continuing education courses, submit to~~

~~reevaluation, or work under the supervision of another osteopathic physician.~~

~~(h) Corrective action.~~

~~(i) Refund of fees billed to and collected from the patient.~~

~~(j) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.~~

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 24. Paragraph (f) of subsection (7) of section 459.022, Florida Statutes, is amended to read:

459.022 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(f) The Board of Osteopathic Medicine may impose any of the penalties *authorized under specified in* ss. 456.072 and 459.015(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 456.

Section 25. Subsections (1) and (2) of section 460.413, Florida Statutes, are amended to read:

460.413 Grounds for disciplinary action; action by board or department.—

(1) The following acts ~~shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:~~

(a) Attempting to obtain, obtaining, or renewing a license to practice chiropractic medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice chiropractic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of chiropractic medicine or to the ability to practice chiropractic medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Causing to be advertised, by any means whatsoever, any advertisement which does not contain an assertion or statement which would identify herself or himself as a chiropractic physician or identify such chiropractic clinic or related institution in which she or he practices or in which she or he is owner, in whole or in part, as a chiropractic institution.

(f) Advertising, practicing, or attempting to practice under a name other than one's own.

(g) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.

(h) Aiding, assisting, procuring, or advising any unlicensed person to practice chiropractic medicine contrary to this chapter or to a rule of the department or the board.

(i) Failing to perform any statutory or legal obligation placed upon a licensed chiropractic physician.

(j) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity of a licensed chiropractic physician.

(k) Making misleading, deceptive, untrue, or fraudulent representations in the practice of chiropractic medicine or employing a trick or scheme in the practice of chiropractic medicine when such trick or scheme fails to conform to the generally prevailing standards of treatment in the chiropractic medical community.

(l) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.

(m) Failing to keep legibly written chiropractic medical records that identify clearly by name and credentials the licensed chiropractic physician rendering, ordering, supervising, or billing for each examination or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, X rays, and diagnosis of a disease, condition, or injury. X rays need not be retained for more than 4 years.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods or appliances, or drugs.

(o) Performing professional services which have not been duly authorized by the patient or client or her or his legal representative except as provided in ss. 743.064, 766.103, and 768.13.

(p) Prescribing, dispensing, or administering any medicinal drug except as authorized by s. 460.403(9)(c)2., performing any surgery, or practicing obstetrics.

(q) Being unable to practice chiropractic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding by the secretary of the department, or his or her designee, or the probable cause panel of the board that probable cause exists to believe that the licensee is unable to practice the profession because of reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. The record of proceedings to obtain a compelled mental or physical examination shall not be used against a licensee in any other proceedings. A chiropractic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of chiropractic medicine with reasonable skill and safety to patients.

(r) Gross or repeated malpractice or the failure to practice chiropractic medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent chiropractic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 766.102 in interpreting this provision. A recommended order by an administrative law judge, or a final order of the board finding a violation under this section shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice chiropractic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances" or any combination thereof, and any publication by the board shall so specify.

(s) Performing any procedure or prescribing any therapy which, by the prevailing standards of chiropractic medical practice in the

community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(t) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(u) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(v) Violating ~~any provision of this chapter, any rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.~~

(w) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(x) Submitting to any third-party payor a claim for a service or treatment which was not actually provided to a patient.

(y) Failing to preserve identity of funds and property of a patient. As provided by rule of the board, money or other property entrusted to a chiropractic physician for a specific purpose, including advances for costs and expenses of examination or treatment, is to be held in trust and must be applied only to that purpose. Money and other property of patients coming into the hands of a chiropractic physician are not subject to counterclaim or setoff for chiropractic physician's fees, and a refusal to account for and deliver over such money and property upon demand shall be deemed a conversion. This is not to preclude the retention of money or other property upon which the chiropractic physician has a valid lien for services or to preclude the payment of agreed fees from the proceeds of transactions for examinations or treatments. Controversies as to the amount of the fees are not grounds for disciplinary proceedings unless the amount demanded is clearly excessive or extortionate, or the demand is fraudulent. All funds of patients paid to a chiropractic physician, other than advances for costs and expenses, shall be deposited in one or more identifiable bank accounts maintained in the state in which the chiropractic physician's office is situated, and no funds belonging to the chiropractic physician shall be deposited therein except as follows:

1. Funds reasonably sufficient to pay bank charges may be deposited therein.

2. Funds belonging in part to a patient and in part presently or potentially to the physician must be deposited therein, but the portion belonging to the physician may be withdrawn when due unless the right of the physician to receive it is disputed by the patient, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

Every chiropractic physician shall maintain complete records of all funds, securities, and other properties of a patient coming into the possession of the physician and render appropriate accounts to the patient regarding them. In addition, every chiropractic physician shall promptly pay or deliver to the patient, as requested by the patient, the funds, securities, or other properties in the possession of the physician which the patient is entitled to receive.

(z) Offering to accept or accepting payment for services rendered by assignment from any third-party payor after offering to accept or accepting whatever the third-party payor covers as payment in full, if the effect of the offering or acceptance is to eliminate or give the impression of eliminating the need for payment by an insured of any required deductions applicable in the policy of the insured.

(aa) Failing to provide, upon request of the insured, a copy of a claim submitted to any third-party payor for service or treatment of the insured.



(bb) Advertising a fee or charge for a service or treatment which is different from the fee or charge the licensee submits to third-party payors for that service or treatment.

(cc) Advertising any reduced or discounted fees for services or treatments, or advertising any free services or treatments, without prominently stating in the advertisement the usual fee of the licensee for the service or treatment which is the subject of the discount, rebate, or free offering.

(dd) Using acupuncture without being certified pursuant to s. 460.403(9)(f).

(ee) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the chiropractic physician or chiropractic physician's assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the chiropractic physician or chiropractic physician's assistant also provides services.

(ff) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

- ~~(a) Refusal to certify to the department an application for licensure.~~
- ~~(b) Revocation or suspension of a license.~~
- ~~(c) Restriction of practice.~~
- ~~(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.~~
- ~~(e) Issuance of a reprimand.~~
- ~~(f) Placement of the chiropractic physician on probation for a period of time and subject to such conditions as the board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician.~~
- ~~(g) Imposition of costs of the investigation and prosecution.~~
- ~~(h) Requirement that the chiropractic physician undergo remedial education.~~
- ~~(i) Issuance of a letter of concern.~~
- ~~(j) Corrective action.~~
- ~~(k) Refund of fees billed to and collected from the patient or a third party.~~

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the chiropractic physician. All costs associated with compliance with orders issued under this subsection are the obligation of the chiropractic physician.

Section 26. Subsections (1) and (2) of section 461.013, Florida Statutes, are amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

(1) The following acts shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing a license to practice podiatric medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice podiatric medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of podiatric medicine or to the ability to practice podiatric medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board.

(g) Aiding, assisting, procuring, permitting, or advising any unlicensed person to practice podiatric medicine contrary to this chapter or to rule of the department or the board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed podiatric physician.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such report or records shall include only those which are signed in the capacity of a licensed podiatric physician.

(j) Making misleading, deceptive, untrue, or fraudulent representations in the practice of podiatric medicine or employing a trick or scheme in the practice of podiatric medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the podiatric community.

(k) Soliciting patients either personally or through an agent, unless such solicitation falls into a category of solicitations approved by rule of the board.

(l) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

(m) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which shall include, but not be limited to, the promotion or sale of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(n) Performing professional services which have not been duly authorized by the patient or client or her or his legal representative except as provided in ss. 743.064, 766.103, and 768.13.

(o) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the podiatric physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the podiatric physician's professional practice, without regard to her or his intent.

(p) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the podiatric physician to herself or himself except those prescribed, dispensed, or

administered to the podiatric physician by another practitioner authorized to prescribe, dispense, or administer them.

(q) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II controlled substance pursuant to chapter 893.

(r) Being unable to practice podiatric medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph the department shall, upon probable cause, have authority to compel a podiatric physician to submit to a mental or physical examination by physicians designated by the department. Failure of a podiatric physician to submit to such examination when directed shall constitute an admission of the allegations against her or him, unless the failure was due to circumstances beyond her or his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A podiatric physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of podiatric medicine with reasonable skill and safety to patients.

(s) Gross or repeated malpractice or the failure to practice podiatric medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent podiatric physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 766.102 in interpreting this section. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$10,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the podiatric physicians. As used in this paragraph, "gross malpractice" or "the failure to practice podiatric medicine with the level of care, skill, and treatment which is recognized by a reasonably prudent podiatric physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act.

(t) Performing any procedure or prescribing any therapy which, by the prevailing standards of podiatric medical practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent.

(u) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(v) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(w) ~~Violating any provision of this chapter or chapter 456, any rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.~~

(x) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(y) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for any of the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(z) Fraud, deceit, or misconduct in the practice of podiatric medicine.

(aa) Failing to report to the department any licensee under chapter 458 or chapter 459 who the podiatric physician knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the podiatric physician also provides services.

(bb) Failing to comply with the requirements of ss. 381.026 and 381.0261 to provide patients with information about their patient rights and how to file a patient complaint.

(cc) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

~~(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placing the podiatric physician on probation for a period of time and subject to such conditions as the board may specify, including requiring the podiatric physician to submit to treatment, to attend continuing education courses, to submit to reexamination, and to work under the supervision of another podiatric physician.~~

~~(g) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.~~

Section 27. Subsections (1) and (2) of section 462.14, Florida Statutes, are amended to read:

462.14 Grounds for disciplinary action; action by the department.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~which the disciplinary actions specified in subsection (2) may be taken:~~

(a) Attempting to obtain, obtaining, or renewing a license to practice naturopathic medicine by bribery, by fraudulent misrepresentation, or through an error of the department.

(b) Having a license to practice naturopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of naturopathic medicine or to the ability to practice naturopathic medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice naturopathic medicine contrary to this chapter or to a rule of the department.

(h) Failing to perform any statutory or legal obligation placed upon a licensed naturopathic physician.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed naturopathic physician.

(j) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a naturopathic physician from receiving a fee for professional consultation services.

(k) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with her or his physician.

(l) Making deceptive, untrue, or fraudulent representations in the practice of naturopathic medicine or employing a trick or scheme in the practice of naturopathic medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community.

(m) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A "solicitation" is any communication which directly or implicitly requests an immediate oral response from the recipient.

(n) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, X rays, and records of the prescribing, dispensing and administering of drugs.

(o) Exercising influence on the patient or client in such a manner as to exploit the patient or client for the financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form also states "This prescription may be filled at any pharmacy of your choice."

(p) Performing professional services which have not been duly authorized by the patient or client, or her or his legal representative, except as provided in s. 743.064, s. 766.103, or s. 768.13.

(q) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the naturopathic physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the naturopathic physician's professional practice, without regard to her or his intent.

(r) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the naturopathic physician to herself or himself, except one prescribed, dispensed, or administered to the naturopathic physician by another practitioner authorized to prescribe, dispense, or administer medicinal drugs.

(s) Being unable to practice naturopathic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon probable cause, authority to compel a

naturopathic physician to submit to a mental or physical examination by physicians designated by the department. The failure of a naturopathic physician to submit to such an examination when so directed shall constitute an admission of the allegations against her or him upon which a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the naturopathic physician's control. A naturopathic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of naturopathic medicine with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the department may be used against a naturopathic physician in any other proceeding.

(t) Gross or repeated malpractice or the failure to practice naturopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The department shall give great weight to the provisions of s. 766.102 when enforcing this paragraph.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, constitutes experimentation on a human subject, without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.

(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

(x) ~~Violating any provision of this chapter, any rule of the department, or a lawful order of the department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.~~

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(z) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(aa) Presigning blank prescription forms.

(bb) Prescribing by the naturopathic physician for office use any medicinal drug appearing on Schedule II in chapter 893.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is an amphetamine or sympathomimetic amine drug, or a compound designated pursuant to chapter 893 as a Schedule II controlled substance to or for any person except for:

1. The treatment of narcolepsy; hyperkinesia; behavioral syndrome in children characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction.

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities.

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the department before such investigation is begun.

(dd) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ee) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

~~(2) The department may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the department finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

- ~~(a) Refusal to certify to the department an application for licensure.~~
- ~~(b) Revocation or suspension of a license.~~
- ~~(c) Restriction of practice.~~
- ~~(d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~
- ~~(e) Issuance of a reprimand.~~
- ~~(f) Placement of the naturopathic physician on probation for a period of time and subject to such conditions as the department may specify, including, but not limited to, requiring the naturopathic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another naturopathic physician.~~

Section 28. Subsections (1) and (2) of section 463.016, Florida Statutes, are amended to read:

463.016 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~which the disciplinary actions specified in subsection (2) may be taken:~~

- (a) Procuring or attempting to procure a license to practice optometry by bribery, by fraudulent misrepresentations, or through an error of the department or board.
- (b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.
- (c) Having a license to practice optometry revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction.
- (d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of optometry or to the ability to practice optometry. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter.
- (e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which are signed by the licensee in her or his capacity as a licensed practitioner.
- (f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.
- (g) Fraud or deceit, negligence or incompetency, or misconduct in the practice of optometry.
- (h) A violation or repeated violations of provisions of this chapter, or of chapter 456, and any rules promulgated pursuant thereto.

(i) Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(j) Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(k) Failing to keep written optometric records about the examinations, treatments, and prescriptions for patients.

(l) Willfully failing to report any person who the licensee knows is in violation of this chapter or of rules of the department or the board.

(m) Gross or repeated malpractice.

(n) Practicing with a revoked, suspended, inactive, or delinquent license.

(o) Being unable to practice optometry with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. A licensed practitioner affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of optometry with reasonable skill and safety to patients.

(p) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida laws or rules regulating optometry.

(q) Violating any provision of s. 463.014 or s. 463.015.

(r) Violating any lawful order of the board or department, previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(s) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensed practitioner knows or has reason to know she or he is not competent to perform.

*(t) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

~~(2) The department may enter an order imposing any of the penalties in s. 456.072(2) against any licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

- ~~(a) Refusal to certify to the department an application for licensure.~~
- ~~(b) Revocation or suspension of a license.~~
- ~~(c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.~~
- ~~(d) Issuance of a reprimand.~~
- ~~(e) Placement of the licensed practitioner on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensed practitioner to submit to treatment, to attend continuing education courses, or to work under the supervision of another licensed practitioner.~~

Section 29. Subsections (1) and (2) of section 464.018, Florida Statutes, are amended to read:

464.018 Disciplinary actions.—

(1) The following acts constitute ~~shall be~~ grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~disciplinary action set forth in this section:~~

- (a) Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or the board.

(b) Having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing.

(d) Being found guilty, regardless of adjudication, of any of the following offenses:

1. A forcible felony as defined in chapter 776.
2. A violation of chapter 812, relating to theft, robbery, and related crimes.
3. A violation of chapter 817, relating to fraudulent practices.
4. A violation of chapter 800, relating to lewdness and indecent exposure.
5. A violation of chapter 784, relating to assault, battery, and culpable negligence.
6. A violation of chapter 827, relating to child abuse.
7. A violation of chapter 415, relating to protection from abuse, neglect, and exploitation.
8. A violation of chapter 39, relating to child abuse, abandonment, and neglect.

(e) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.03 or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in s. 741.28.

(f) Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the nurse's capacity as a licensed nurse.

(g) False, misleading, or deceptive advertising.

(h) Unprofessional conduct, which shall include, but not be limited to, any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing nursing practice, in which case actual injury need not be established.

(i) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in chapter 893, for any other than legitimate purposes authorized by this part.

(j) Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or the secretary's designee that probable cause exists to believe that the licensee is unable to practice nursing because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A nurse affected by the provisions of this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of nursing with reasonable skill and safety to patients.

(k) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.

(l) Knowingly violating any provision of this part, a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.

(m) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the nurse knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the nurse also provides services.

(n) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

*(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

- ~~(a) Refusal to certify to the department an application for licensure.~~
- ~~(b) Revocation or suspension of a license with reinstatement subject to the provisions of subsection (3).~~
- ~~(c) Permanent revocation of a license.~~
- ~~(d) Restriction of practice.~~
- ~~(e) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~
- ~~(f) Issuance of a reprimand.~~
- ~~(g) Placement of the nurse on probation for a period of time and subject to such conditions as the board may specify, including requiring the nurse to submit to treatment, to attend continuing education courses, to take an examination, or to work under the supervision of another nurse.~~

Section 30. Subsection (3) of section 465.008, Florida Statutes, is amended to read:

465.008 Renewal of license.—

~~(3) Sixty days prior to the end of the biennium the department shall mail a notice of renewal to the last known address of the licensee.~~

Section 31. Subsections (1) and (2) of section 465.016, Florida Statutes, are amended to read:

465.016 Disciplinary actions.—

(1) The following acts *constitute* ~~shall be~~ grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2)* ~~disciplinary action set forth in this section:~~

- (a) Obtaining a license by misrepresentation or fraud or through an error of the department or the board.
- (b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.
- (c) Permitting any person not licensed as a pharmacist in this state or not registered as an intern in this state, or permitting a registered intern who is not acting under the direct and immediate personal supervision of a licensed pharmacist, to fill, compound, or dispense any prescriptions in a pharmacy owned and operated by such pharmacist or in a pharmacy where such pharmacist is employed or on duty.

- (d) Being unfit or incompetent to practice pharmacy by reason of:
1. Habitual intoxication.
  2. The misuse or abuse of any medicinal drug appearing in any schedule set forth in chapter 893.
  3. Any abnormal physical or mental condition which threatens the safety of persons to whom she or he might sell or dispense prescriptions, drugs, or medical supplies or for whom she or he might manufacture, prepare, or package, or supervise the manufacturing, preparation, or packaging of, prescriptions, drugs, or medical supplies.
- (e) ~~Violating any of the requirements of this chapter, or if licensed as a practitioner in this or any other state, violating any of the requirements of their respective practice act or violating chapter 499; 21 U.S.C. ss. 301-392, known as the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., known as the Comprehensive Drug Abuse Prevention and Control Act; or chapter 893.~~
- (f) Having been convicted or found guilty, regardless of adjudication, in a court of this state or other jurisdiction, of a crime which directly relates to the ability to practice pharmacy or to the practice of pharmacy. A plea of nolo contendere constitutes a conviction for purposes of this provision.
- (g) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in s. 465.019(6) or s. 465.025.
- (h) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of this chapter.
- (i) Compounding, dispensing, or distributing a legend drug, including any controlled substance, other than in the course of the professional practice of pharmacy. For purposes of this paragraph, it shall be legally presumed that the compounding, dispensing, or distributing of legend drugs in excessive or inappropriate quantities is not in the best interests of the patient and is not in the course of the professional practice of pharmacy.
- (j) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records include only those which the licensee is required to make or file in her or his capacity as a licensed pharmacist.
- (k) Failing to make prescription fee or price information readily available by failing to provide such information upon request and upon the presentation of a prescription for pricing or dispensing. Nothing in this section shall be construed to prohibit the quotation of price information on a prescription drug to a potential consumer by telephone.
- (l) Placing in the stock of any pharmacy any part of any prescription compounded or dispensed which is returned by a patient; however, in a hospital, nursing home, correctional facility, or extended care facility in which unit-dose medication is dispensed to inpatients, each dose being individually sealed and the individual unit dose or unit-dose system labeled with the name of the drug, dosage strength, manufacturer's control number, and expiration date, if any, the unused unit dose of medication may be returned to the pharmacy for redispensing. Each pharmacist shall maintain appropriate records for any unused or returned medicinal drugs.
- (m) Being unable to practice pharmacy with reasonable skill and safety by reason of illness, use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. A pharmacist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of pharmacy with reasonable skill and safety to her or his customers.
- (n) Violating a rule of the board or department or violating an order of the board or department previously entered in a disciplinary hearing.
- (o) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the pharmacist knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the pharmacist also provides services.
- (p) Failing to notify the Board of Pharmacy in writing within 20 days of the commencement or cessation of the practice of the profession of pharmacy in Florida when such commencement or cessation of the practice of the profession of pharmacy in Florida was a result of a pending or completed disciplinary action or investigation in another jurisdiction.
- (q) Using or releasing a patient's records except as authorized by this chapter and chapter 456.
- (r) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*
- (2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*
- ~~(a) Refusal to certify to the department an application for licensure.~~
  - ~~(b) Revocation or suspension of a license.~~
  - ~~(c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.~~
  - ~~(d) Issuance of a reprimand.~~
  - ~~(e) Placement of the pharmacist on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the pharmacist to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another pharmacist.~~
- Section 32. Subsections (1) and (2) of section 466.028, Florida Statutes, are amended to read:
- 466.028 Grounds for disciplinary action; action by the board.—
- (1) The following acts shall constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions specified in subsection (2) may be taken:*
- (a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery, fraudulent misrepresentations, or through an error of the department or the board.
  - (b) Having a license to practice dentistry or dental hygiene revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.
  - (c) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of dentistry or dental hygiene. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges.
  - (d) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content contrary to s. 466.019 or rules of the board adopted pursuant thereto.
  - (e) Advertising, practicing, or attempting to practice under a name other than one's own.
  - (f) Failing to report to the department any person who the licensee knows, or has reason to believe, is clearly in violation of this chapter or of the rules of the department or the board.

- (g) Aiding, assisting, procuring, or advising any unlicensed person to practice dentistry or dental hygiene contrary to this chapter or to a rule of the department or the board.
- (h) Being employed by any corporation, organization, group, or person other than a dentist or a professional corporation or limited liability company composed of dentists to practice dentistry.
- (i) Failing to perform any statutory or legal obligation placed upon a licensee.
- (j) Making or filing a report which the licensee knows to be false, failing to file a report or record required by state or federal law, knowingly impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensee.
- (k) Committing any act which would constitute sexual battery, as defined in chapter 794, upon a patient or intentionally touching the sexual organ of a patient.
- (l) Making deceptive, untrue, or fraudulent representations in or related to the practice of dentistry.
- (m) Failing to keep written dental records and medical history records justifying the course of treatment of the patient including, but not limited to, patient histories, examination results, test results, and X rays, if taken.
- (n) Failing to make available to a patient or client, or to her or his legal representative or to the department if authorized in writing by the patient, copies of documents in the possession or under control of the licensee which relate to the patient or client.
- (o) Performing professional services which have not been duly authorized by the patient or client, or her or his legal representative, except as provided in ss. 766.103 and 768.13.
- (p) Prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the professional practice of the dentist. For the purposes of this paragraph, it shall be legally presumed that prescribing, procuring, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the professional practice of the dentist, without regard to her or his intent.
- (q) Prescribing, procuring, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893, by a dentist to herself or himself, except those prescribed, dispensed, or administered to the dentist by another practitioner authorized to prescribe them.
- (r) Prescribing, procuring, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or a compound thereof, pursuant to chapter 893, to or for any person except for the clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, and reviewed and approved by, the board before such investigation is begun.
- (s) Being unable to practice her or his profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or her or his designee that probable cause exists to believe that the licensee is unable to practice dentistry or dental hygiene because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of her or his profession with reasonable skill and safety to patients.
- (t) Fraud, deceit, or misconduct in the practice of dentistry or dental hygiene.
- (u) Failure to provide and maintain reasonable sanitary facilities and conditions.
- (v) Failure to provide adequate radiation safeguards.
- (w) Performing any procedure or prescribing any therapy which, by the prevailing standards of dental practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.
- (x) Being guilty of incompetence or negligence by failing to meet the minimum standards of performance in diagnosis and treatment when measured against generally prevailing peer performance, including, but not limited to, the undertaking of diagnosis and treatment for which the dentist is not qualified by training or experience or being guilty of dental malpractice. For purposes of this paragraph, it shall be legally presumed that a dentist is not guilty of incompetence or negligence by declining to treat an individual if, in the dentist's professional judgment, the dentist or a member of her or his clinical staff is not qualified by training and experience, or the dentist's treatment facility is not clinically satisfactory or properly equipped to treat the unique characteristics and health status of the dental patient, provided the dentist refers the patient to a qualified dentist or facility for appropriate treatment. As used in this paragraph, "dental malpractice" includes, but is not limited to, three or more claims within the previous 5-year period which resulted in indemnity being paid, or any single indemnity paid in excess of \$5,000 in a judgment or settlement, as a result of negligent conduct on the part of the dentist.
- (y) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.
- (z) Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform them.
- (aa) ~~The violation or the repeated violation of this chapter, chapter 456, or any rule promulgated pursuant to chapter 456 or this chapter; the violation of a lawful order of the board or department previously entered in a disciplinary hearing; or failure to comply with a lawfully issued subpoena of the board or department.~~
- (bb) Conspiring with another licensee or with any person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.
- (cc) Being adjudged mentally incompetent in this or any other state, the discipline for which shall last only so long as the adjudication.
- (dd) Presigning blank prescription or laboratory work order forms.
- (ee) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.
- (ff) Operating or causing to be operated a dental office in such a manner as to result in dental treatment that is below minimum acceptable standards of performance for the community. This includes, but is not limited to, the use of substandard materials or equipment, the imposition of time limitations within which dental procedures are to be

performed, or the failure to maintain patient records as required by this chapter.

(gg) Administering anesthesia in a manner which violates rules of the board adopted pursuant to s. 466.017.

(hh) Failing to report to the department any licensee under chapter 458 or chapter 459 who the dentist knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the dentist also provides services.

(ii) Failing to report to the board, in writing, within 30 days if action has been taken against one's license to practice dentistry in another state, territory, or country.

(jj) Advertising specialty services in violation of this chapter.

(kk) Allowing any person other than another dentist or a professional corporation or limited liability company composed of dentists to direct, control, or interfere with a dentist's clinical judgment; however, this paragraph may not be construed to limit a patient's right of informed consent. To direct, control, or interfere with a dentist's clinical judgment may not be interpreted to mean dental services contractually excluded, the application of alternative benefits that may be appropriate given the dentist's prescribed course of treatment, or the application of contractual provisions and scope of coverage determinations in comparison with a dentist's prescribed treatment on behalf of a covered person by an insurer, health maintenance organization, or a prepaid limited health service organization.

*(ll) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

*(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any applicant or licensee guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

~~(a) Denial of an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$3,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or demonstrate competency through a written or practical examination or to work under the supervision of another licensee.~~

~~(f) Restricting the authorized scope of practice.~~

Section 33. Section 466.037, Florida Statutes, is amended to read:

466.037 Suspension and revocation; administrative fine.—The department may suspend or revoke the certificate of any dental laboratory registered under s. 466.032, for failing to comply with the provisions of this chapter or rules adopted by the department under this chapter. The department may impose an administrative fine not to exceed \$500 for each count or separate offense.

Section 34. Subsections (1) and (2) of section 467.203, Florida Statutes, are amended to read:

467.203 Disciplinary actions; penalties.—

(1) The following acts constitute ~~shall be~~ grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~disciplinary action as set forth in this section:~~

(a) Procuring, attempting to procure, or renewing a license to practice midwifery by bribery, by fraudulent misrepresentation, or through an error of the department.

(b) Having a license to practice midwifery revoked, suspended, or otherwise acted against, including being denied licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of midwifery or to the ability to practice midwifery. A plea of nolo contendere shall be considered a conviction for purposes of this provision.

(d) Making or filing a false report or record, which the licensee knows to be false; intentionally or negligently failing to file a report or record required by state or federal law; or willfully impeding or obstructing such filing or inducing another to do so. Such reports or records shall include only those which are signed in the midwife's capacity as a licensed midwife.

(e) Advertising falsely, misleadingly, or deceptively.

(f) Engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or the failure to conform to, the standards of practice of midwifery as established by the department, in which case actual injury need not be established.

(g) Being unable to practice midwifery with reasonable skill and safety to patients by reason of illness; drunkenness; or use of drugs, narcotics, chemicals, or other materials or as a result of any mental or physical condition. A midwife affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the competent practice of midwifery with reasonable skill and safety.

(h) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

~~(i) Willfully or repeatedly violating any provision of this chapter, any rule of the department, or any lawful order of the department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.~~

*(j) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

*(2) The department may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the department finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

~~(a) Refusal to approve an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the midwife on probation for such period of time and subject to such conditions as the department may specify, including requiring the midwife to submit to treatment; undertake further relevant education or training; take an examination; or work under the supervision of another licensed midwife, a physician, or a nurse midwife licensed under part I of chapter 464.~~

Section 35. Subsections (1) and (2) of section 468.1295, Florida Statutes, are amended to read:

468.1295 Disciplinary proceedings.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~both disciplinary actions~~



~~as set forth in subsection (2) and cease and desist or other related actions by the department as set forth in s. 456.065:~~

(a) Procuring or attempting to procure a license by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Being proven guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of speech-language pathology or audiology.

(g) Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action.

(k) Failing to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of such equipment as designated by the board and on the form approved by the board.

(l) Aiding, assisting, procuring, employing, or advising any licensee or business entity to practice speech-language pathology or audiology contrary to this part, chapter 456, or any rule adopted pursuant thereto.

~~(m) Violating any provision of this part or chapter 456 or any rule adopted pursuant thereto.~~

(m)(~~h~~) Misrepresenting the professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or using any other term or title which might connote the availability of professional services when such use is not accurate.

(n)(~~e~~) Representing, advertising, or implying that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(o)(~~h~~) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(p)(~~g~~) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(q)(~~h~~) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(r)(~~s~~) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual, when such is not the case.

(s)(~~t~~) Canvassing from house to house or by telephone, either in person or by an agent, for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(t)(~~h~~) Failing to notify the department in writing of a change in current mailing and place-of-practice address within 30 days after such change.

(u)(~~v~~) Failing to provide all information as described in ss. 468.1225(5)(b), 468.1245(1), and 468.1246.

(v)(~~w~~) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(w)(~~x~~) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee or certificateholder knows, or has reason to know, the licensee or certificateholder is not competent to perform.

(x)(~~y~~) Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.

(y)(~~z~~) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

(z)(~~aa~~) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 468.1296.

(aa)(~~bb~~) Being unable to practice the profession for which he or she is licensed or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness, drunkenness, or use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his or her designee, or the board that probable cause exists to believe that the licensee or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee or certificateholder to submit to a mental or physical examination by a physician, psychologist, clinical social worker, marriage and family therapist, or mental health counselor designated by the department or board. If the licensee or certificateholder refuses to comply with the department's order directing the examination, such order may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee or certificateholder resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed or certified with reasonable skill and safety to patients.

(bb) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the acts set forth in subsection (1), it may issue an order imposing one or more of the following penalties:*

(a) ~~Refusal to certify, or to certify with restrictions, an application for licensure.~~

- ~~(b) Suspension or permanent revocation of a license.~~
- ~~(c) Issuance of a reprimand.~~
- ~~(d) Restriction of the authorized scope of practice.~~
- ~~(e) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~
- ~~(f) Placement of the licensee or certificateholder on probation for a period of time and subject to such conditions as the board may specify. Those conditions may include, but are not limited to, requiring the licensee or certificateholder to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violation found.~~
- ~~(g) Corrective action.~~

Section 36. Subsections (1) and (2) of section 468.1755, Florida Statutes, are amended to read:

468.1755 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions in subsection (2) may be taken:*

- (a) Violation of any provision of s. 456.072(1) or s. 468.1745(1).
- (b) Attempting to procure a license to practice nursing home administration by bribery, by fraudulent misrepresentation, or through an error of the department or the board.
- (c) Having a license to practice nursing home administration revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.
- (d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which relates to the practice of nursing home administration or the ability to practice nursing home administration. Any plea of nolo contendere shall be considered a conviction for purposes of this part.
- (e) Making or filing a report or record which the licensee knows to be false, intentionally failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed nursing home administrator.
- (f) Authorizing the discharge or transfer of a resident for a reason other than those provided in ss. 400.022 and 400.0255.
- (g) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.
- (h) Fraud or deceit, negligence, incompetence, or misconduct in the practice of nursing home administration.
- ~~(i) A violation or repeated violations of this part, chapter 456, or any rules promulgated pursuant thereto.~~
- ~~(j) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.~~
- ~~(k) Practicing with a revoked, suspended, inactive, or delinquent license.~~
- ~~(l) Repeatedly acting in a manner inconsistent with the health, safety, or welfare of the patients of the facility in which he or she is the administrator.~~
- ~~(m) Being unable to practice nursing home administration with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition. In enforcing this~~

paragraph, upon a finding of the secretary or his or her designee that probable cause exists to believe that the licensee is unable to serve as a nursing home administrator due to the reasons stated in this paragraph, the department shall have the authority to issue an order to compel the licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or serves as a nursing home administrator. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall have the opportunity, at reasonable intervals, to demonstrate that he or she can resume the competent practice of nursing home administration with reasonable skill and safety to patients.

~~(m)~~ Willfully or repeatedly violating any of the provisions of the law, code, or rules of the licensing or supervising authority or agency of the state or political subdivision thereof having jurisdiction of the operation and licensing of nursing homes.

~~(n)~~ Paying, giving, causing to be paid or given, or offering to pay or to give to any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home usage.

~~(o)~~ Willfully permitting unauthorized disclosure of information relating to a patient or his or her records.

~~(p)~~ Discriminating with respect to patients, employees, or staff on account of race, religion, color, sex, or national origin.

~~(q) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any nursing home administrator guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

- ~~(a) Denial of an application for licensure.~~
- ~~(b) Revocation or suspension of a license.~~
- ~~(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~
- ~~(d) Issuance of a reprimand.~~
- ~~(e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee.~~
- ~~(f) Restriction of the authorized scope of practice.~~

Section 37. Section 468.217, Florida Statutes, is amended to read:

468.217 Denial of or refusal to renew license; suspension and revocation of license and other disciplinary measures.—

(1) *The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) The board may deny or refuse to renew a license, suspend or revoke a license, issue a reprimand, impose a fine, or impose probationary conditions upon a licensee, when the licensee or applicant for license has been guilty of unprofessional conduct which has endangered, or is likely to endanger, the health, welfare, or safety of the public. Such unprofessional conduct includes:*

- (a) Attempting to obtain, obtaining, or renewing a license to practice occupational therapy by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license to practice occupational therapy revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of occupational therapy or to the ability to practice occupational therapy. A plea of nolo contendere shall be considered a conviction for the purposes of this part.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own name.

(f) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or of the board.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice occupational therapy contrary to this part or to a rule of the department or the board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed occupational therapist or occupational therapy assistant.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those which are signed in the capacity as a licensed occupational therapist or occupational therapy assistant.

(j) Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent an occupational therapist or occupational therapy assistant from receiving a fee for professional consultation services.

(k) Exercising influence within a patient-therapist relationship for purposes of engaging a patient in sexual activity. A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's occupational therapist or occupational therapy assistant.

(l) Making deceptive, untrue, or fraudulent representations in the practice of occupational therapy or employing a trick or scheme in the practice of occupational therapy if such scheme or trick fails to conform to the generally prevailing standards of treatment in the occupational therapy community.

(m) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A "solicitation" is any communication which directly or implicitly requests an immediate oral response from the recipient.

(n) Failing to keep written records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

(o) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.

(p) Performing professional services which have not been duly authorized by the patient or client, or his or her legal representative, except as provided in s. 768.13.

(q) Gross or repeated malpractice or the failure to practice occupational therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent similar occupational therapist or

occupational therapy assistant as being acceptable under similar conditions and circumstances.

(r) Performing any procedure which, by the prevailing standards of occupational therapy practice in the community, would constitute experimentation on a human subject without first obtaining full, informed, and written consent.

(s) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(t) Being unable to practice occupational therapy with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon probable cause, authority to compel an occupational therapist or occupational therapy assistant to submit to a mental or physical examination by physicians designated by the department. The failure of an occupational therapist or occupational therapy assistant to submit to such examination when so directed constitutes an admission of the allegations against him or her, upon which a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond his or her control. An occupational therapist or occupational therapy assistant affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of occupational therapy with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against an occupational therapist or occupational therapy assistant in any other proceeding.

(u) Delegating professional responsibilities to a person when the licensee who is delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

~~(v) Violating any provision of this part, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.~~

(w) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

~~(x) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).~~

~~(3)(2) The board may not reinstate the license of an occupational therapist or occupational therapy assistant, or cause a license to be issued to a person it has deemed unqualified, until such time as the board is satisfied that such person has complied with all the terms and conditions set forth in the final order and is capable of safely engaging in the practice of occupational therapy.~~

Section 38. Subsections (1) and (2) of section 468.365, Florida Statutes, are amended to read:

468.365 Disciplinary grounds and actions.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions in subsection (2) may be taken:*

(a) Procuring, attempting to procure, or renewing a license as provided by this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

- (b) Having licensure, certification, registration, or other authority, by whatever name known, to deliver respiratory care services revoked, suspended, or otherwise acted against, including the denial of licensure, certification, registration, or other authority to deliver respiratory care services by the licensing authority of another state, territory, or country.
- (c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to respiratory care services or to the ability to deliver such services.
- (d) Willfully making or filing a false report or record, willfully failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those reports or records which require the signature of a respiratory care practitioner or respiratory therapist licensed pursuant to this part.
- (e) Circulating false, misleading, or deceptive advertising.
- (f) Unprofessional conduct, which includes, but is not limited to, any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services, as set forth by the board in rules adopted pursuant to this part.
- (g) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances, as set forth by law, for any purpose other than a legitimate purpose.
- (h) Willfully failing to report any violation of this part.
- (i) ~~Willfully or repeatedly~~ Violating a rule of the board or the department or a lawful order of the board or department previously entered in a disciplinary hearing.
- (j) ~~Violation of any rule adopted pursuant to this part or chapter 456.~~
- (j)(~~k~~) Engaging in the delivery of respiratory care services with a revoked, suspended, or inactive license.
- (k)(4) Permitting, aiding, assisting, procuring, or advising any person who is not licensed pursuant to this part, contrary to this part or to any rule of the department or the board.
- (l)(~~m~~) Failing to perform any statutory or legal obligation placed upon a respiratory care practitioner or respiratory therapist licensed pursuant to this part.
- (m)(~~n~~) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, she or he is not competent to perform.
- (n)(~~o~~) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them.
- (o)(~~p~~) Gross or repeated malpractice or the failure to deliver respiratory care services with that level of care, skill, and treatment which is recognized by a reasonably prudent respiratory care practitioner or respiratory therapist with similar professional training as being acceptable under similar conditions and circumstances.
- (p)(~~q~~) Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a person, organization, or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent the licensee from receiving a fee for professional consultation services.
- (q)(~~r~~) Exercising influence within a respiratory care relationship for the purpose of engaging a patient in sexual activity. A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's respiratory care practitioner or respiratory therapist.
- (r)(~~s~~) Making deceptive, untrue, or fraudulent representations in the delivery of respiratory care services or employing a trick or scheme in the delivery of respiratory care services if such a scheme or trick fails to conform to the generally prevailing standards of other licensees within the community.
- (s)(~~t~~) Soliciting patients, either personally or through an agent, through the use of fraud, deception, or otherwise misleading statements or through the exercise of intimidation or undue influence.
- (t)(~~u~~) Failing to keep written respiratory care records justifying the reason for the action taken by the licensee.
- (u)(~~v~~) Exercising influence on the patient in such a manner as to exploit the patient for the financial gain of the licensee or a third party, which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.
- (v)(~~w~~) Performing professional services which have not been duly ordered by a physician licensed pursuant to chapter 458 or chapter 459 and which are not in accordance with protocols established by the hospital, other health care provider, or the board, except as provided in ss. 743.064, 766.103, and 768.13.
- (w)(~~x~~) Being unable to deliver respiratory care services with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material as a result of any mental or physical condition. In enforcing this paragraph, the department shall, upon probable cause, have authority to compel a respiratory care practitioner or respiratory therapist to submit to a mental or physical examination by physicians designated by the department. The cost of examination shall be borne by the licensee being examined. The failure of a respiratory care practitioner or respiratory therapist to submit to such an examination when so directed constitutes an admission of the allegations against her or him, upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond her or his control. A respiratory care practitioner or respiratory therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent delivery of respiratory care services with reasonable skill and safety to her or his patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a respiratory care practitioner or respiratory therapist in any other proceeding.
- (x) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*
- (2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). If the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*
- (a) ~~Denial of an application for licensure.~~
- (b) ~~Revocation or suspension of licensure.~~
- (c) ~~Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~
- (d) ~~Placement of the respiratory care practitioner or respiratory therapist on probation for such period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the respiratory care practitioner or respiratory therapist to submit to treatment, to attend continuing education courses, or to work under the supervision of another respiratory care practitioner or respiratory therapist.~~
- (e) ~~Issuance of a reprimand.~~

Section 39. Subsections (1) and (2) of section 468.518, Florida Statutes, are amended to read:

## 468.518 Grounds for disciplinary action.—

(1) The following acts constitute grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions in subsection (2) may be taken:*

(a) Violating any provision of this part, any board or agency rule adopted pursuant thereto, or any lawful order of the board or agency previously entered in a disciplinary hearing held pursuant to this part, or failing to comply with a lawfully issued subpoena of the agency. The provisions of this paragraph also apply to any order or subpoena previously issued by the Department of Health during its period of regulatory control over this part.

(b) Being unable to engage in dietetics and nutrition practice or nutrition counseling with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

1. A licensee whose license is suspended or revoked pursuant to this paragraph shall, at reasonable intervals, be given an opportunity to demonstrate that he or she can resume the competent practice of dietetics and nutrition or nutrition counseling with reasonable skill and safety to patients.

2. Neither the record of the proceeding nor the orders entered by the board in any proceeding under this paragraph may be used against a licensee in any other proceeding.

(c) Attempting to procure or procuring a license to practice dietetics and nutrition or nutrition counseling by fraud or material misrepresentation of material fact.

(d) Having a license to practice dietetics and nutrition or nutrition counseling revoked, suspended, or otherwise acted against, including the denial of licensure by the licensing authority of another state, district, territory, or country.

(e) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of dietetics and nutrition or nutrition counseling or the ability to practice dietetics and nutrition or nutrition counseling.

(f) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only those that are signed in the capacity of a licensed dietitian/nutritionist or licensed nutrition counselor.

(g) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.

(h) Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct in the practice of dietetics and nutrition or nutrition counseling.

(i) Practicing with a revoked, suspended, inactive, or delinquent license.

(j) Treating or undertaking to treat human ailments by means other than by dietetics and nutrition practice or nutrition counseling.

(k) Failing to maintain acceptable standards of practice as set forth by the board and the council in rules adopted pursuant to this part.

(l) Engaging directly or indirectly in the dividing, transferring, assigning, rebating, or refunding of fees received for professional services, or profiting by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity, with any person referring a patient or with any relative or business associate of the referring person. Nothing in this part prohibits the members of any regularly and properly organized business entity that is composed of licensees under this part and recognized under the laws of this state from making any division of their total fees among themselves as they determine necessary.

(m) Advertising, by or on behalf of a licensee under this part, any method of assessment or treatment which is experimental or without generally accepted scientific validation.

(n) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any licensee guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:*

(a) ~~Denial of an application for licensure;~~

(b) ~~Revocation or suspension of a license;~~

(c) ~~Imposition of an administrative fine not to exceed \$1,000 for each violation;~~

(d) ~~Issuance of a reprimand or letter of guidance;~~

(e) ~~Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of a licensed dietitian/nutritionist or licensed nutrition counselor; or~~

(f) ~~Restriction of the authorized scope of practice of the licensee.~~

Section 40. Section 468.719, Florida Statutes, is amended to read:

## 468.719 Disciplinary actions.—

(1) The following acts *constitute shall be* grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2) disciplinary actions provided for in subsection (2):*

(a) ~~A violation of any law relating to the practice of athletic training, including, but not limited to, any violation of this part, s. 456.072, or any rule adopted pursuant thereto.~~

(a)(b) ~~Failing to include the athletic trainer's name and license number in any advertising, including, but not limited to, business cards and letterhead, related to the practice of athletic training. Advertising shall not include clothing or other novelty items.~~

(b)(e) ~~Committing incompetency or misconduct in the practice of athletic training.~~

(c)(d) ~~Committing fraud or deceit in the practice of athletic training.~~

(d)(e) ~~Committing negligence, gross negligence, or repeated negligence in the practice of athletic training.~~

(e)(f) ~~While practicing athletic training, being unable to practice athletic training with reasonable skill and safety to athletes by reason of illness or use of alcohol or drugs or as a result of any mental or physical condition.~~

(f) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the acts set forth in subsection (1), the board may enter an order imposing one or more of the penalties provided in s. 456.072.*

Section 41. Section 468.811, Florida Statutes, is amended to read:

## 468.811 Disciplinary proceedings.—

(1) The following acts *constitute are* grounds for *denial of a license or disciplinary action, as specified in s. 456.072(2): disciplinary action*

~~against a licensee and the issuance of cease and desist orders or other related action by the department, pursuant to s. 456.072, against any person who engages in or aids in a violation.~~

- (a) Attempting to procure a license by fraudulent misrepresentation.
- (b) Having a license to practice orthotics, prosthetics, or pedorthics revoked, suspended, or otherwise acted against, including the denial of licensure in another jurisdiction.
- (c) Being convicted or found guilty of or pleading nolo contendere to, regardless of adjudication, in any jurisdiction, a crime that directly relates to the practice of orthotics, prosthetics, or pedorthics, including violations of federal laws or regulations regarding orthotics, prosthetics, or pedorthics.
- (d) Filing a report or record that the licensee knows is false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only reports or records that are signed in a person's capacity as a licensee under this act.

(e) Advertising goods or services in a fraudulent, false, deceptive, or misleading manner.

~~(f) Violation of this act or chapter 456, or any rules adopted thereunder.~~

~~(f)(g)~~ Violation of an order of the board, agency, or department previously entered in a disciplinary hearing or failure to comply with a subpoena issued by the board, agency, or department.

~~(g)(h)~~ Practicing with a revoked, suspended, or inactive license.

~~(h)(i)~~ Gross or repeated malpractice or the failure to deliver orthotic, prosthetic, or pedorthic services with that level of care and skill which is recognized by a reasonably prudent licensed practitioner with similar professional training as being acceptable under similar conditions and circumstances.

~~(i)(j)~~ Failing to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to a patient.

~~(j) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). The board may enter an order imposing one or more of the penalties in s. 456.072(2) against any person who violates any provision of subsection (1).~~

Section 42. Subsections (1) and (2) of section 478.52, Florida Statutes, are amended to read:

478.52 Disciplinary proceedings.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions in subsection (2) may be taken:

- (a) Obtaining or attempting to obtain a license by bribery, fraud, or knowing misrepresentation.
- (b) Having a license or other authority to deliver electrolysis services revoked, suspended, or otherwise acted against, including denial of licensure, in another jurisdiction.
- (c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime, in any jurisdiction, which directly relates to the practice of electrology.
- (d) Willfully making or filing a false report or record, willfully failing to file a report or record required for electrologists, or willfully impeding or obstructing the filing of a report or record required by this act or inducing another person to do so.

(e) Circulating false, misleading, or deceptive advertising.

(f) Unprofessional conduct, including any departure from, or failure to conform to, acceptable standards related to the delivery of electrolysis services.

(g) Engaging or attempting to engage in the illegal possession, sale, or distribution of any illegal or controlled substance.

(h) Willfully failing to report any known violation of this chapter.

(i) Willfully or repeatedly violating a rule adopted under this chapter, or an order of the board or department previously entered in a disciplinary hearing.

(j) Engaging in the delivery of electrolysis services without an active license.

(k) Employing an unlicensed person to practice electrology.

(l) Failing to perform any statutory or legal obligation placed upon an electrologist.

(m) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, she or he is not competent to perform.

(n) Delegating professional responsibilities to a person the licensee knows, or has reason to know, is unqualified by training, experience, or licensure to perform.

(o) Gross or repeated malpractice or the inability to practice electrology with reasonable skill and safety.

(p) Judicially determined mental incompetency.

(q) Practicing or attempting to practice electrology under a name other than her or his own.

(r) Being unable to practice electrology with reasonable skill and safety because of a mental or physical condition or illness, or the use of alcohol, controlled substances, or any other substance which impairs one's ability to practice.

1. The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department. The cost of an examination shall be borne by the licensee, and her or his failure to submit to such an examination constitutes an admission of the allegations against her or him, consequent upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond her or his control.

2. A licensee who is disciplined under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that she or he can resume the practice of electrology with reasonable skill and safety.

3. In any proceeding under this paragraph, the record of proceedings or the orders entered by the board may not be used against a licensee in any other proceeding.

(s) Disclosing the identity of or information about a patient without written permission, except for information which does not identify a patient and which is used for training purposes in an approved electrolysis training program.

(t) Practicing or attempting to practice any permanent hair removal except as described in s. 478.42(5).

(u) Operating any electrolysis facility unless it has been duly licensed as provided in this chapter.

~~(v) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1)~~

~~of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), including conduct that would constitute a substantial violation of subsection (1) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:~~

- ~~(a) Deny the application for licensure.~~
- ~~(b) Revoke or suspend the license.~~
- ~~(c) Impose an administrative fine not to exceed \$5,000 for each count or separate offense.~~
- ~~(d) Place the licensee on probation for a specified time and subject the licensee to such conditions as the board determines necessary, including, but not limited to, requiring treatment, continuing education courses, reexamination, or working under the supervision of another licensee.~~
- ~~(e) Issue a reprimand to the licensee.~~
- ~~(f) Restriction of a licensee's practice.~~

Section 43. Subsections (1) and (2) of section 480.046, Florida Statutes, are amended to read:

480.046 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~which disciplinary actions specified in subsection (2) may be taken against a massage therapist or massage establishment licensed under this act:~~

- (a) Attempting to procure a license to practice massage by bribery or fraudulent misrepresentation.
- (b) Having a license to practice massage revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.
- (c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of massage or to the ability to practice massage. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.
- (d) False, deceptive, or misleading advertising.
- (e) Aiding, assisting, procuring, or advising any unlicensed person to practice massage contrary to the provisions of this chapter or to a rule of the department or the board.
- (f) Making deceptive, untrue, or fraudulent representations in the practice of massage.
- (g) Being unable to practice massage with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon probable cause, authority to compel a massage therapist to submit to a mental or physical examination by physicians designated by the department. Failure of a massage therapist to submit to such examination when so directed, unless the failure was due to circumstances beyond her or his control, shall constitute an admission of the allegations against her or him, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A massage therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of massage with reasonable skill and safety to clients.
- (h) Gross or repeated malpractice or the failure to practice massage with that level of care, skill, and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar conditions and circumstances.
- (i) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the

licensee knows or has reason to know that she or he is not competent to perform.

- (j) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform.
- (k) ~~Violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.~~

(l) Refusing to permit the department to inspect the business premises of the licensee during regular business hours.

(m) Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition.

(n) Practicing massage at a site, location, or place which is not duly licensed as a massage establishment, except that a massage therapist, as provided by rules adopted by the board, may provide massage services, excluding colonic irrigation, at the residence of a client, at the office of the client, at a sports event, at a convention, or at a trade show.

~~(o) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

- ~~(a) Refusal to license an applicant.~~
- ~~(b) Revocation or suspension of a license.~~
- ~~(c) Issuance of a reprimand or censure.~~
- ~~(d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

Section 44. Section 483.825, Florida Statutes, is amended to read:

483.825 Grounds for disciplinary action.—

~~(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which disciplinary actions specified in s. 483.827 may be taken against applicants, registrants, and licensees under this part:~~

- ~~(a)(1)~~ Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board.
- ~~(b)(2)~~ Engaging in or attempting to engage in, or representing herself or himself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to her or his license.
- ~~(c)(3)~~ Demonstrating incompetence or making consistent errors in the performance of clinical laboratory examinations or procedures or erroneous reporting.
- ~~(d)(4)~~ Performing a test and rendering a report thereon to a person not authorized by law to receive such services.
- ~~(e)(5)~~ Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the activities of clinical laboratory personnel or involves moral turpitude or fraudulent or dishonest dealing. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

- (f)(6) Having been adjudged mentally or physically incompetent.
- (g)(7) ~~Violating or~~ Aiding and abetting in the violation of any provision of this part or the rules adopted hereunder.
- (h)(8) Reporting a test result when no laboratory test was performed on a clinical specimen.
- (i)(9) Knowingly advertising false services or credentials.
- (j)(10) Having a license revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction. The licensing authority's acceptance of a relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the licensee, shall be construed as action against the licensee.
- (k)(11) Failing to report to the board, in writing, within 30 days that an action under subsection (5), subsection (6), or subsection (10) has been taken against the licensee or one's license to practice as clinical laboratory personnel in another state, territory, country, or other jurisdiction.
- (l)(12) Being unable to perform or report clinical laboratory examinations with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this subsection, the department shall have, upon a finding of the secretary or his or her designee that probable cause exists to believe that the licensee is unable to practice because of the reasons stated in this subsection, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this subsection shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume competent practice with reasonable skill and safety to patients.
- (m)(13) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them.
- (n)(14) Violating a previous order of the board entered in a disciplinary proceeding.
- (o)(15) Failing to report to the department a person or other licensee who the licensee knows is in violation of this chapter or the rules of the department or board adopted hereunder.
- (p)(16) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so, including, but not limited to, impeding an agent of the state from obtaining a report or record for investigative purposes. Such reports or records shall include only those generated in the capacity as a licensed clinical laboratory personnel.
- (q)(17) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly for patients referred to providers of health care goods and services including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this subsection shall not be construed to prevent a clinical laboratory professional from receiving a fee for professional consultation services.
- (r)(18) Exercising influence on a patient or client in such a manner as to exploit the patient or client for the financial gain of the licensee or other third party, which shall include, but not be limited to, the

promoting, selling, or withholding of services, goods, appliances, referrals, or drugs.

(s)(19) Practicing or offering to practice beyond the scope permitted by law or rule, or accepting or performing professional services or responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

(t)(20) Misrepresenting or concealing a material fact at any time during any phase of the licensing, investigative, or disciplinary process, procedure, or proceeding.

(u)(21) Improperly interfering with an investigation or any disciplinary proceeding.

(v)(22) Engaging in or attempting to engage in sexual misconduct, causing undue embarrassment or using disparaging language or language of a sexual nature towards a patient, exploiting superior/subordinate, professional/patient, instructor/student relationships for personal gain, sexual gratification, or advantage.

(w) *Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.*

(2) *The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).*

(3) *In determining the amount of the fine to be levied for a violation, as provided in subsection (1), the following factors shall be considered:*

(a) *The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of this part were violated.*

(b) *Actions taken by the licensee to correct the violation or to remedy complaints.*

(c) *Any previous violation by the licensee.*

(d) *The financial benefit to the licensee of committing or continuing the violation.*

Section 45. *Section 483.827, Florida Statutes, is repealed.*

Section 46. Subsection (6) of section 483.901, Florida Statutes, is amended to read:

483.901 Medical physicists; definitions; licensure.—

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(a) The department shall adopt rules to administer this section which specify license application and renewal fees, continuing education requirements, and standards for practicing medical physics. The council shall recommend to the department continuing education requirements that shall be a condition of license renewal. The department shall require a minimum of 24 hours per biennium of continuing education offered by an organization recommended by the council and approved by the department. The department, upon recommendation of the council, may adopt rules to specify continuing education requirements for persons who hold a license in more than one specialty.

(b) In order to apply for a medical physicist license in one or more specialties, a person must file an individual application for each specialty with the department. The application must be on a form prescribed by the department and must be accompanied by a nonrefundable application fee for each specialty.

(c) The department may issue a license to an eligible applicant if the applicant meets all license requirements. At any time before the



department issues a license, the applicant may request in writing that the application be withdrawn. To reapply, the applicant must submit a new application and an additional nonrefundable application fee and must meet all current licensure requirements.

(d) The department shall review each completed application for a license which the department receives.

(e) On receipt of an application and fee as specified in this section, the department may issue a license to practice medical physics in this state on or after October 1, 1997, to a person who is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the department.

(f) A licensee shall:

1. Display the license in a place accessible to the public; and
2. Report immediately any change in the licensee's address or name to the department.

(g) The following acts ~~constitute~~ are grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~which the disciplinary actions in paragraph (h) may be taken:~~

1. Obtaining or attempting to obtain a license by bribery, fraud, knowing misrepresentation, or concealment of material fact or through an error of the department.
2. Having a license denied, revoked, suspended, or otherwise acted against in another jurisdiction.
3. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, the profession of medical physics.
4. Willfully failing to file a report or record required for medical physics or willfully impeding or obstructing the filing of a report or record required by this section or inducing another person to do so.
5. Making misleading, deceptive, or fraudulent representations in or related to the practice of medical physics.
6. Willfully failing to report any known violation of this section or any rule adopted thereunder.
- ~~7. Willfully or repeatedly violating a rule adopted under this section or an order of the department.~~
- ~~7.8. Failing to perform any statutory or legal obligation placed upon a licensee.~~
- ~~8.9. Aiding, assisting, procuring, employing, or advising any unlicensed person to practice medical physics contrary to this section or any rule adopted thereunder.~~
- ~~9.10. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.~~
- ~~10.11. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.~~
- ~~11.12. Gross or repeated malpractice or the inability to practice medical physics with reasonable skill and safety.~~
- ~~12.13. Judicially determined mental incompetency.~~
- ~~13.14. Being unable to practice medical physics with reasonable skill and safety because of a mental or physical condition or illness or the use~~

of alcohol, controlled substances, or any other substance which impairs one's ability to practice.

a. The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department. The cost of an examination shall be borne by the licensee, and the licensee's failure to submit to such an examination constitutes an admission of the allegations against the licensee, consequent upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond the licensee's control.

b. A licensee who is disciplined under this subparagraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that the licensee can resume the practice of medical physics with reasonable skill and safety.

c. With respect to any proceeding under this subparagraph, the record of proceedings or the orders entered by the department may not be used against a licensee in any other proceeding.

~~14. Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(h) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the department finds any person guilty of any of the grounds set forth in paragraph (g), including conduct that would constitute a substantial violation of paragraph (g) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:~~

- ~~1. Deny the application for licensure.~~
- ~~2. Revoke or suspend the license.~~
- ~~3. Impose an administrative fine for each count or separate offense.~~
- ~~4. Place the licensee on probation for a specified time and subject the licensee to such conditions as the department determines necessary, including requiring treatment, continuing education courses, or working under the monitoring or supervision of another licensee.~~
- ~~5. Restrict a licensee's practice.~~
- ~~6. Issue a reprimand to the licensee.~~

(i) The department may not issue or reinstate a license to a person it has deemed unqualified until it is satisfied that such person has complied with the terms and conditions of the final order and that the licensee can safely practice medical physics.

(j) Upon receipt of a complete application and the fee set forth by rule, the department may issue a physicist-in-training certificate to a person qualified to practice medical physics under direct supervision. The department may establish by rule requirements for initial certification and renewal of a physicist-in-training certificate.

Section 47. Subsections (1) and (2) of section 484.014, Florida Statutes, are amended to read:

484.014 Disciplinary actions.—

(1) The following acts ~~constitute~~ relating to the practice of opticianry ~~shall be grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) both disciplinary action against an optician as set forth in this section and cease and desist or other related action by the department as set forth in s. 456.065 against any person operating an optical establishment who engages in, aids, or abets any such violation:~~

- (a) Procuring or attempting to procure a license by misrepresentation, bribery, or fraud or through an error of the department or the board.
- (b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which the person is required to make or file as an optician.

(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Fraud or deceit, or negligence, incompetency, or misconduct, in the authorized practice of opticianry.

~~(g) Violation or repeated violation of this part or of chapter 456 or any rules promulgated pursuant thereto.~~

~~(g)(h)~~ Practicing with a revoked, suspended, inactive, or delinquent license.

~~(h)(i)~~ Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

~~(i)(j)~~ Violation of any provision of s. 484.012.

~~(j)(k)~~ Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

~~(k)(l)~~ Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

~~(l)(m)~~ Failing to keep written prescription files.

~~(m)(n)~~ Willfully failing to report any person who the licensee knows is in violation of this part or of rules of the department or the board.

~~(n)(o)~~ Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

~~(o)(p)~~ Gross or repeated malpractice.

~~(p)(q)~~ Permitting any person not licensed as an optician in this state to fit or dispense any lenses, spectacles, eyeglasses, or other optical devices which are part of the practice of opticianry.

~~(q)(r)~~ Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, in a court of this state or other jurisdiction, a crime which relates to the ability to practice opticianry or to the practice of opticianry.

~~(r)(s)~~ Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida law or rules regulating opticianry.

~~(s)(t)~~ Being unable to practice opticianry with reasonable skill and safety by reason of illness or use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. An optician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of opticianry with reasonable skill and safety to her or his customers.

~~(t)~~ Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). ~~When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(d) Issuance of a reprimand.~~

~~(e) Placement of the optician on probation for a period of time and subject to such conditions as the board may specify, including requiring the optician to submit to treatment or to work under the supervision of another optician.~~

Section 48. Subsections (1) and (2) of section 484.056, Florida Statutes, are amended to read:

484.056 Disciplinary proceedings.—

(1) The following acts *constitute* relating to the practice of dispensing hearing aids shall be grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. 456.065 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:~~

(a) Violation of any provision of s. 456.072(1), s. 484.0512, or s. 484.053.

(b) Attempting to procure a license to dispense hearing aids by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(c) Having a license to dispense hearing aids revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of dispensing hearing aids or the ability to practice dispensing hearing aids, including violations of any federal laws or regulations regarding hearing aids.

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those reports or records which are signed in one's capacity as a licensed hearing aid specialist.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Proof that the licensee is guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of dispensing hearing aids.

~~(h) Violation or repeated violation of this part or of chapter 456, or any rules promulgated pursuant thereto.~~

~~(h)(i)~~ Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failure to comply with a lawfully issued subpoena of the board or department.

~~(i)(j)~~ Practicing with a revoked, suspended, inactive, or delinquent license.

~~(j)(k)~~ Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

~~(k)(l)~~ Showing or demonstrating, or, in the event of sale, delivery of, a product unusable or impractical for the purpose represented or implied by such action.

~~(l)(m)~~ Misrepresentation of professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or use of the

terms “doctor,” “clinic,” “clinical,” “medical audiologist,” “clinical audiologist,” “research audiologist,” or “audiologic” or any other term or title which might connote the availability of professional services when such use is not accurate.

(m)(a) Representation, advertisement, or implication that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(n)(a) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(o)(a) Making any predictions or prognostications as to the future course of a hearing impairment, either in general terms or with reference to an individual person.

(p)(a) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(q)(a) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(r)(a) Representing or implying that a hearing aid is or will be “custom-made,” “made to order,” or “prescription-made” or in any other sense specially fabricated for an individual person when such is not the case.

(s)(a) Canvassing from house to house or by telephone either in person or by an agent for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(t)(a) Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board.

(u)(a) Failing to provide all information as described in s. 484.051(1).

(v)(a) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(w) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2)(a) ~~The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). Except as provided in paragraph (b), when the board finds any hearing aid specialist to be guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

- ~~1. Denial of an application for licensure.~~
- ~~2. Revocation or suspension of a license.~~
- ~~3. Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~
- ~~4. Issuance of a reprimand.~~
- ~~5. Placing the hearing aid specialist on probation for a period of time and subject to such conditions as the board may specify, including requiring the hearing aid specialist to attend continuing education courses or to work under the supervision of another hearing aid specialist.~~

~~6.—Restricting the authorized scope of practice.~~

(b) The board shall revoke the license of any hearing aid specialist found guilty of canvassing as described in this section.

Section 49. Subsections (1) and (2) of section 486.125, Florida Statutes, are amended to read:

486.125 Refusal, revocation, or suspension of license; administrative fines and other disciplinary measures.—

(1) The following acts ~~shall~~ constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) ~~which the disciplinary actions specified in subsection (2) may be taken:~~

(a) Being unable to practice physical therapy with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

1. In enforcing this paragraph, upon a finding of the secretary or the secretary’s designee that probable cause exists to believe that the licensee is unable to practice physical therapy due to the reasons stated in this paragraph, the department shall have the authority to compel a physical therapist or physical therapist assistant to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with such order, the department’s order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or serves as a physical therapy practitioner. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011.

2. A physical therapist or physical therapist assistant whose license is suspended or revoked pursuant to this subsection shall, at reasonable intervals, be given an opportunity to demonstrate that she or he can resume the competent practice of physical therapy with reasonable skill and safety to patients.

3. Neither the record of proceeding nor the orders entered by the board in any proceeding under this subsection may be used against a physical therapist or physical therapist assistant in any other proceeding.

(b) Having committed fraud in the practice of physical therapy or deceit in obtaining a license as a physical therapist or as a physical therapist assistant.

(c) Being convicted or found guilty regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of physical therapy or to the ability to practice physical therapy. The entry of any plea of nolo contendere shall be considered a conviction for purpose of this chapter.

(d) Having treated or undertaken to treat human ailments by means other than by physical therapy, as defined in this chapter.

(e) Failing to maintain acceptable standards of physical therapy practice as set forth by the board in rules adopted pursuant to this chapter.

(f) Engaging directly or indirectly in the dividing, transferring, assigning, rebating, or refunding of fees received for professional services, or having been found to profit by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity, with any person referring a patient or with any relative or business associate of the referring person. Nothing in this chapter shall be construed to prohibit the members of any regularly and properly organized business entity which is comprised of physical therapists and which is recognized under the laws of this state from making any division of their total fees among themselves as they determine necessary.

(g) Having a license revoked or suspended; having had other disciplinary action taken against her or him; or having had her or his

application for a license refused, revoked, or suspended by the licensing authority of another state, territory, or country.

(h) ~~Violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing.~~

(i) Making or filing a report or record which the licensee knows to be false. Such reports or records shall include only those which are signed in the capacity of a physical therapist.

(j) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform, including, but not limited to, specific spinal manipulation.

(k) ~~Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

(2) ~~The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

~~(a) Refusal to certify to the department an application for licensure.~~

~~(b) Revocation or suspension of a license.~~

~~(c) Restriction of practice.~~

~~(d) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(e) Issuance of a reprimand.~~

~~(f) Placement of the physical therapist or physical therapist assistant on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physical therapist or physical therapist assistant to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another physical therapist.~~

~~(g) Recovery of actual costs of investigation and prosecution.~~

Section 50. Section 490.009, Florida Statutes, is amended to read:

490.009 Discipline.—

~~(1) When the department or, in the case of psychologists, the board finds that an applicant, provisional licensee, or licensee whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:~~

~~(a) Denial of an application for licensure, either temporarily or permanently.~~

~~(b) Revocation of an application for licensure, either temporarily or permanently.~~

~~(c) Suspension for a period of up to 5 years or revocation of a license, after hearing.~~

~~(d) Immediate suspension of a license pursuant to s. 120.60(6).~~

~~(e) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.~~

~~(f) Issuance of a public reprimand.~~

~~(g) Placement of an applicant or licensee on probation for a period of time and subject to conditions specified by the department or, in the case of psychologists, by the board, including, but not limited to, requiring the applicant or licensee to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee.~~

~~(h) Restriction of practice.~~

~~(1)(2) The following acts constitute of a licensee, provisional licensee, or applicant are grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions listed in subsection (1) may be taken:~~

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery or fraudulent misrepresentation or through an error of the board or department.

(b) Having a license to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of his or her profession or the ability to practice his or her profession. A plea of nolo contendere creates a rebuttable presumption of guilt of the underlying criminal charges. However, the board shall allow the person who is the subject of the disciplinary proceeding to present any evidence relevant to the underlying charges and circumstances surrounding the plea.

(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.

(e) Advertising, practicing, or attempting to practice under a name other than one's own.

(f) Maintaining a professional association with any person who the applicant or licensee knows, or has reason to believe, is in violation of this chapter or of a rule of the department or, in the case of psychologists, of the department or the board.

(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed person to hold himself or herself out as licensed under this chapter.

(h) Failing to perform any statutory or legal obligation placed upon a person licensed under this chapter.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed under this chapter.

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined in s. 490.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of test results, reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department concerning any investigation by the department or

to make available any relevant records with respect to any investigation about the licensee's conduct or background.

(p) Being unable to practice the profession for which he or she is licensed under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, the secretary's designee, or the board that probable cause exists to believe that the licensee is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by psychologists or physicians designated by the department or board. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The licensee shall not be named or identified by initials in the petition or in any other public court records or documents, and the enforcement proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall be afforded an opportunity at reasonable intervals to demonstrate that he or she can resume the competent practice for which he or she is licensed with reasonable skill and safety to patients.

~~(q) Violating provisions of this chapter, or of chapter 456, or any rules adopted pursuant thereto.~~

~~(q)(\*)~~ Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

~~(r)(\*)~~ Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

~~(s)(\*)~~ Delegating professional responsibilities to a person whom the licensee knows or has reason to know is not qualified by training or experience to perform such responsibilities.

~~(t)(\*)~~ Violating a rule relating to the regulation of the profession or a lawful order of the department previously entered in a disciplinary hearing.

~~(u)(\*)~~ Failing to maintain in confidence a communication made by a patient or client in the context of such services, except as provided in s. 490.0147.

~~(v)(\*)~~ Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

~~(w) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The department, or in the case of psychologists, the board, may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).~~

Section 51. Section 491.009, Florida Statutes, is amended to read:

491.009 Discipline.—

~~(1) When the department or the board finds that an applicant, licensee, provisional licensee, registered intern, or certificateholder whom it regulates under this chapter has committed any of the acts set forth in subsection (2), it may issue an order imposing one or more of the following penalties:~~

~~(a) Denial of an application for licensure, registration, or certification, either temporarily or permanently.~~

~~(b) Revocation of an application for licensure, registration, or certification, either temporarily or permanently.~~

~~(c) Suspension for a period of up to 5 years or revocation of a license, registration, or certificate, after hearing.~~

~~(d) Immediate suspension of a license, registration, or certificate pursuant to s. 120.60(6).~~

~~(e) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~

~~(f) Issuance of a public reprimand.~~

~~(g) Placement of an applicant, licensee, registered intern, or certificateholder on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the applicant, licensee, registered intern, or certificateholder to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of a designated licensee or certificateholder.~~

~~(h) Restriction of practice.~~

~~(1)(2) The following acts constitute of a licensee, provisional licensee, registered intern, certificateholder, or applicant are grounds for denial of a license or disciplinary action, as specified in s. 456.072(2) which the disciplinary actions listed in subsection (1) may be taken:~~

~~(a) Attempting to obtain, obtaining, or renewing a license, registration, or certificate under this chapter by bribery or fraudulent misrepresentation or through an error of the board or the department.~~

~~(b) Having a license, registration, or certificate to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.~~

~~(c) Being convicted or found guilty of, regardless of adjudication, or having entered a plea of nolo contendere to, a crime in any jurisdiction which directly relates to the practice of his or her profession or the ability to practice his or her profession. However, in the case of a plea of nolo contendere, the board shall allow the person who is the subject of the disciplinary proceeding to present evidence in mitigation relevant to the underlying charges and circumstances surrounding the plea.~~

~~(d) False, deceptive, or misleading advertising or obtaining a fee or other thing of value on the representation that beneficial results from any treatment will be guaranteed.~~

~~(e) Advertising, practicing, or attempting to practice under a name other than one's own.~~

~~(f) Maintaining a professional association with any person who the applicant, licensee, registered intern, or certificateholder knows, or has reason to believe, is in violation of this chapter or of a rule of the department or the board.~~

~~(g) Knowingly aiding, assisting, procuring, or advising any nonlicensed, nonregistered, or noncertified person to hold himself or herself out as licensed, registered, or certified under this chapter.~~

~~(h) Failing to perform any statutory or legal obligation placed upon a person licensed, registered, or certified under this chapter.~~

~~(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record. Such report or record includes only a report or record which requires the signature of a person licensed, registered, or certified under this chapter.~~

~~(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or~~

goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 491.0111.

(l) Making misleading, deceptive, untrue, or fraudulent representations in the practice of any profession licensed, registered, or certified under this chapter.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(n) Failing to make available to a patient or client, upon written request, copies of tests, reports, or documents in the possession or under the control of the licensee, registered intern, or certificateholder which have been prepared for and paid for by the patient or client.

(o) Failing to respond within 30 days to a written communication from the department or the board concerning any investigation by the department or the board, or failing to make available any relevant records with respect to any investigation about the licensee's, registered intern's, or certificateholder's conduct or background.

(p) Being unable to practice the profession for which he or she is licensed, registered, or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, the secretary's designee, or the board that probable cause exists to believe that the licensee, registered intern, or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee, registered intern, or certificateholder to submit to a mental or physical examination by psychologists, physicians, or other licensees under this chapter, designated by the department or board. If the licensee, registered intern, or certificateholder refuses to comply with such order, the department's order directing the examination may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee, registered intern, or certificateholder resides or does business. The licensee, registered intern, or certificateholder against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee, registered intern, or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed, registered, or certified with reasonable skill and safety to patients.

~~(q) Violating provisions of this chapter, or of chapter 456, or any rules adopted pursuant thereto.~~

(q)(+) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(r)(s) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee, registered intern, or certificateholder is not qualified by training or experience.

(s)(+) Delegating professional responsibilities to a person whom the licensee, registered intern, or certificateholder knows or has reason to know is not qualified by training or experience to perform such responsibilities.

(t)(+) Violating a rule relating to the regulation of the profession or a lawful order of the department or the board previously entered in a disciplinary hearing.

~~(u)(+)~~ Failure of the licensee, registered intern, or certificateholder to maintain in confidence a communication made by a patient or client in the context of such services, except as provided in s. 491.0147.

~~(v)(+)~~ Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.

~~(w) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.~~

~~(2) The department, or in the case of psychologists, the board, may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).~~

Section 52. Subsection (3) of section 456.065, Florida Statutes, is amended to read:

456.065 Unlicensed practice of a health care profession; intent; cease and desist notice; penalties; enforcement; citations; fees; allocation and disposition of moneys collected.—

(3) Because all enforcement costs should be covered by professions regulated by the department, the department shall impose, upon initial licensure and each licensure renewal, a special fee of \$5 per licensee to fund efforts to combat unlicensed activity. Such fee shall be in addition to all other fees collected from each licensee. ~~The board, with concurrence of the department, or the department when there is no board, may earmark \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance.~~ The department shall make direct charges to the Medical Quality Assurance Trust Fund by profession. The department shall seek board advice regarding enforcement methods and strategies. The department shall directly credit the Medical Quality Assurance Trust Fund, by profession, with the revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement as a separate category in the quarterly management report provided for in s. 456.025. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession. The department shall also use these funds to inform and educate consumers generally on the importance of using licensed health care practitioners.

Section 53. Subsection (1) of section 456.074, Florida Statutes, is amended to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(1) The department shall issue an emergency order suspending the license of any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, or chapter 484 who pleads guilty to, is convicted or found guilty of, or who enters a plea of nolo contendere to, regardless of adjudication, a felony under chapter 409, *chapter 817*, or chapter 893 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396.

Section 54. Effective July 1, 2003, section 464.005, Florida Statutes, is amended to read:

464.005 Board headquarters.—The board shall maintain its official headquarters in *Tallahassee* ~~the city in which it has been domiciled for the past 5 years.~~

Section 55. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 2 through page 4, line 25, remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to health care practitioner regulation; providing legislative intent and findings with respect to the Medical Quality Assurance Trust Fund and function administered by the Department of Health; requiring the Auditor General to do a followup Medical Quality Assurance audit and issue a report to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to study the feasibility of maintaining the Medical Quality Assurance function within a single department and issue a report to the Legislature; amending s. 456.004, F.S.; providing requirements for rules relating to biennial renewal of licenses; amending s. 456.025, F.S.; revising requirements relating to the setting and use of fees for the regulation of health care professions and practitioners, including continuing education fees; providing for an electronic continuing education tracking system; repealing s. 458.31151, F.S.; relating to development of the examination for foreign-trained physicians and the fees therefor; amending s. 457.107, F.S.; for clarification of acupuncture fees; amending s. 483.807, F.S.; relating to clinical laboratory personnel fees; amending s. 456.011, F.S.; requiring board meetings to be conducted through teleconferencing or other technological means except under certain circumstances; amending s. 456.013, F.S.; requiring the department to charge initial license fees; amending s. 456.017, F.S.; providing for administration of national examinations and termination of state-administered written examinations; providing for administration of state-administered practical or clinical examinations if paid for in advance by the examination candidates; providing legislative intent with respect to the use of national examinations and the removal of state-administered examinations as a barrier to licensure; providing for electronic access to and posting of examination scores under certain conditions; providing for the sharing of examinations or examination item banks with certain entities; clarifying circumstances under which candidates may bring a challenge; providing for electronic administration of certain laws and rules examinations; amending s. 456.035, F.S.; providing for electronic notification of a licensee's current mailing address and place of practice; amending s. 456.073, F.S.; authorizing a letter of guidance in lieu of a finding of probable cause under certain conditions; amending s. 456.081, F.S.; providing for the posting of newsletters on the department's website; amending s. 456.072, F.S.; revising and providing grounds for discipline of licensees; revising and providing disciplinary actions; amending s. 456.079, F.S.; requiring mitigating or aggravating circumstances to be in the final order to be considered in the imposition of penalties; amending ss. 457.109, 458.320, 458.331, 458.345, 458.347, 459.0085, 459.015, 459.022, 460.413, 461.013, 462.14, 463.016, 464.018, 465.008, 465.016, 466.028, 466.037, 467.203, 468.1295, 468.1755, 468.217, 468.365, 468.518, 468.719, 468.811, 478.52, 480.046, 483.825, 483.901, 484.014, 484.056, 486.125, 490.009, and 491.009, F.S.; revising and conforming provisions relating to disciplinary grounds and penalties; amending s. 456.065, F.S.; requiring the unlicensed activity fee to be in addition to all other fees collected from each licensee; amending s. 456.074, F.S.; providing for immediate suspension of license for convictions relating to fraudulent practices; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; providing effective dates.

Rep. Farkas moved the adoption of the amendment.

Representative(s) Farkas offered the following:

(Amendment Bar Code: 145369)

**Amendment 1 to Amendment 1 (with title amendment)**—On page 2, between lines 8 & 9, of the amendment

insert:

Section 1. *The contract between the Department of Health and the Agency for Health Care Administration pursuant to section 20.43(3), Florida Statutes, is not subject to the provisions of section 216.346, Florida Statutes. The Department of Health shall reimburse the Agency for Health Care Administration for the agency's actual direct costs and the agency's indirect costs incurred as a result of the contract, subject to appropriated funds. The agency shall provide to the department documentation, explanation, and justification of all direct and indirect costs incurred, by budget entity.*

And the title is amended as follows:

On page 163, line 19, after "Legislature," of the amendment

insert: requiring the Department of Health to reimburse the Agency for Health Care Administration for certain costs;

Rep. Farkas moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Farkas offered the following:

(Amendment Bar Code: 555655)

**Amendment 2 to Amendment 1**—On page 17, line 10, after "profession"

insert: *or unless the electronic administration would be substantially more expensive.*

Rep. Farkas moved the adoption of the amendment to the amendment, which was adopted.

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**SB 782**—A bill to be entitled An act relating to nursing education; amending ss. 240.4075, 240.4076, F.S.; including nursing homes, family practice teaching hospitals and specialty children's hospitals as facilities eligible under the program; exempting such hospitals from the fund-matching requirements of the program; transferring the program from the Board of Regents to the Department of Health; providing an effective date.

—was taken up, having been read the second time, and amended, earlier today; now pending on motion by Rep. Argenziano to adopt Amendment 2.

**Reconsideration**

On motion by Rep. Farkas, the House reconsidered the vote by which **Amendment 1**, as amended, was adopted. The question recurred on the adoption of the amendment.

On motion by Rep. Argenziano, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Argenziano offered the following:

(Amendment Bar Code: 513411)

**Amendment 11 to Amendment 1 (with title amendment)**—On page 1, between lines 16 & 17,

insert:

Section 4. Section 409.9205, Florida Statutes, is amended to read:

409.9205 Medicaid Fraud Control Unit; ~~law enforcement officers.~~—

(1) *Except as provided in s. 110.205, all positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs are hereby transferred to the Career Service System.*

(2) *All investigators employed by the Medicaid Fraud Control Unit who have been certified under s. 943.1395 are law enforcement officers of the state. Such investigators have the authority to conduct criminal investigations, bear arms, make arrests, and apply for, serve, and execute search warrants, arrest warrants, capias, and other process throughout the state pertaining to Medicaid fraud as described in this chapter. The Attorney General shall provide reasonable notice of criminal investigations conducted by the Medicaid Fraud Control Unit to, and coordinate those investigations with, the sheriffs of the respective counties. ~~Investigators employed by the Medicaid Fraud~~*

~~Control Unit are not eligible for membership in the Special Risk Class of the Florida Retirement System under s. 121.0515.~~

And the title is amended as follows:

On page 129, line 16, after the semicolon

insert: amending 409.9205, F.S.; transferring positions in the Medicaid Fraud Control Unit of the Department of Legal Affairs to Career Service;

Rep. Argenziano moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

**Amendment 2** was abandoned.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, pursuant to Rule 10.2(c), the House moved to the consideration of the list of bills on the Members' desks.

**HB 1695**—A bill to be entitled An act relating to public records; amending s. 229.57, F.S.; providing an exemption from public records requirements for information in the possession of the Department of Education in connection with annual student assessments which identifies teachers or other instructional personnel or discloses the effects of instruction by such persons; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

The Committee on State Administration offered the following:

(Amendment Bar Code: 725109)

**Amendment 1 (with title amendment)**—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (16) of section 229.57, Florida Statutes, is created to read:

229.57 Student assessment program; *public records exemption*.—

(16) *All personal identifying information of instructional personnel, as defined in s. 228.041(9), contained in records held by the Department of Education pursuant to s. 229.57(8) and (11), is confidential and exempt from s. 119.07(1) and s. 24, Art. I of the State Constitution. However, such information may be disclosed to the State Board of Education in the course of its duties and responsibilities, and the State Board of Education shall maintain the confidential and exempt status of such information as provided herein. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 2. *The Legislature finds that the exemption provided by this act is a public necessity because personal identifying information of instructional personnel is of a sensitive, personal nature. The collection of such information by the Department of Education is crucial to the effective administration of the statewide assessment program, however, if the personal identifying information of instructional personnel were released, such personnel might not be as willing to fully participate in certain programs. Those programs are intended to improve the quality of instructional personnel however, the release of their personal identifying information may lower instead of increase their motivation towards excellence. The release of such information could also result in discriminatory practices against certain instructional personnel. In addition, qualified persons may be discouraged from entering the field of teaching by the threat of such release of their personal information obtained through the assessment program. Therefore, the release of such information would result in harm that far outweighs any possible public benefit of such release.*

And the title is amended as follows:

On page 1, lines 4 through 9,  
remove from the title of the bill: all of said lines

and insert in lieu thereof: public records requirements for personal identifying information of instructional personnel held by the Department of Education; providing for disclosure of such information to the State Board of Education;

Rep. Alexander moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 463**—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program, or a vocational certificate program or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; providing an effective date.

—was read the second time by title.

The Committee on Education Appropriations offered the following:

(Amendment Bar Code: 722625)

**Amendment 1 (with directory language and title amendments)**—On page 3, line 22 through page 4, line 9,  
remove from the bill: all of said lines

and insert in lieu thereof:

(a) Except as provided in paragraphs (b), ~~and (c), and (f)~~, no refund shall exceed the amount paid into the fund by the purchaser.

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be ~~refunded returned~~ to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount which, in total, does not exceed the redemption value of the advance payment contract at a state postsecondary institution ~~amounts of either the original purchase price plus 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be ~~refunded returned~~ to the purchaser in an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution ~~together with 5 percent compounded interest, or the current rates at state postsecondary institutions, whichever is less.~~

(f) *Benefits purchased under the Florida Prepaid College Program shall be permitted to roll over to a college savings program, as defined under s. 529 of the United States Internal Revenue Code, relating to qualified state tuition programs. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution in Florida at the time of the rollover, after assessment of a reasonable transfer fee.*

And the directory language is amended as follows:

On page 1, lines 18-20,  
remove: all of said lines

and insert in lieu thereof:

Section 1. Subsection (10) and paragraphs (a), (b), and (c) of subsection (13) of section 240.551, Florida Statutes, are amended, and paragraph (f) is added to subsection (13) of said section, to read:



And the title is amended as follows:

On page 1, line 13, after the semicolon

insert: providing for a rollover of benefits to a college savings program at the redemption value of the advance payment contract at a state postsecondary institution;

Rep. Baxley moved the adoption of the amendment, which was adopted.

The Committee on Education Appropriations offered the following:

(Amendment Bar Code: 593667)

**Amendment 2 (with directory language and title amendments)**—On page 4, between lines 9 & 10,

insert:

(22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.—

(e) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name, *at a minimum*, three other individuals to serve as directors of the organization.

And the directory language is amended as follows:

On page 1, lines 18 & 19,  
remove: all of said lines

and insert in lieu thereof:

Section 1. Subsection (10), paragraphs (b) and (c) of subsection (13), and paragraph (e) of subsection (22) of section 240.551, Florida Statutes, are

And the title is amended as follows:

On page 1, line 13, after the semicolon

insert: revising provisions relating to appointment of directors of the direct-support organization;

Rep. Baxley moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 699**—A bill to be entitled An act relating to rural electric cooperatives; amending s. 425.09, F.S.; authorizing cooperative bylaws to permit voting by limited proxy for certain purposes and under certain circumstances; providing criteria and limitations; prohibiting voting by general proxy; providing procedures and requirements for appointing limited proxies; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 701**—A bill to be entitled An act relating to road designations; designating a portion of State Road 16 as the Correctional Officers Memorial Highway; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**CS/HB 93**—A bill to be entitled An act relating to road and bridge designations; redesignating the old Nassau Sound Bridge in Nassau and Duval Counties as the “George Crady Bridge”; designating a portion of U.S. Highway 17 as the “Doyle Parker Memorial Highway”; designating a portion of State Road 77 as the “Lynn Haven Parkway”; designating a portion of State Road 87 as the “Bennett C. Russell Florida/Alabama Parkway”; designating the new U.S. Highway 27 bridge in Moore Haven as the “Mamie Langdale Memorial Bridge”; designating a portion of Highway 41 in White Springs as the “Martin Luther King, Jr., Memorial Highway”; designating a portion of Interstate 75 as the “Purple Heart Highway”; designating a portion of State Road 944 as “Jean-Jacques

Dessalines Boulevard” in Miami-Dade County; designating a portion of U.S. Highway 17 as the “Jerome A. Williams Memorial Highway”; designating a portion of State Road 25 as “Borinquen Boulevard” in Miami-Dade County; designating Highway 417 in Seminole County as the “Korean War Veterans Memorial Highway”; designating a portion of State Road 100 as the “Veterans Memorial Highway”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

Representative(s) Kallinger offered the following:

(Amendment Bar Code: 102691)

**Amendment 1 (with title amendment)**—On page 5, between lines 3 and 4,

insert:

Section 13. *Toni Jennings Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Semoran Boulevard in the City of Orlando in Orange County beginning at the Bee Line Expressway (State Road 528) on the South to Curry Ford Road on the North is hereby designated as “Toni Jennings Boulevard.”*

(2) *The Department of Transportation is directed to erect suitable markers designating Toni Jennings Boulevard as described in subsection (1).*

And the title is amended as follows:

On page 1, line 27,

after the semicolon insert: designating a portion of Semoran Boulevard in the City of Orlando, Orange County, as “Toni Jennings Boulevard”;

Rep. Kallinger moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 1541**—A bill to be entitled An act relating to public records; amending s. 288.075, F.S.; expanding the definition of the term “economic development agency” to include, for purposes of confidentiality of records, the Florida Commercial Space Financing Corporation and any public economic development agency of a county or a municipality; extending the scheduled repeal of a public records exemption for information concerning business location, relocation, or expansion plans; providing for future expiration and legislative review; clarifying an exception to the confidentiality provided by such exemption; authorizing public officers or employees under specified conditions to enter into agreements with a business that has requested confidentiality; authorizing an extension in the period of confidentiality; increasing the period of confidentiality for trade secrets; providing a statement of public necessity; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1585**—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for information relating to abandoned property which is contained in reports to the Department of Banking and Finance under s. 717.117, F.S.; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the second time by title.

The Committee on Banking offered the following:

(Amendment Bar Code: 031213)

**Amendment 1 (with title amendment)**—On page 1, line 12, remove from the bill: everything after the enacting clause,

and insert in lieu thereof:

Section 1. *Report of abandoned or unclaimed property; public records exemption.—Social security numbers and financial account numbers contained in reports required under s. 717.117, Florida Statutes, are confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution. Notwithstanding this exemption, social security numbers shall be released for the limited purpose of locating abandoned or unclaimed property owners to an attorney, Florida-certified public accountant, or private investigator who is duly licensed in this state. This act is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, Florida Statutes, and shall stand repealed October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 2. *The Legislature finds that it is a public necessity to make confidential and exempt the social security numbers and financial account numbers of abandoned or unclaimed property owners that are in the custody of the Department of Banking and Finance to prevent identity theft and related crimes. The Legislature further finds that this exemption is necessary to prevent the information from use in forged documents demonstrating entitlement to abandoned or unclaimed property and thereby defrauding the rightful property owner or the State School Fund. Notwithstanding the public necessity to make confidential such information, it is necessary to provide access to social security numbers to an attorney, Florida-certified public accountant, or private investigator duly licensed in this state to facilitate the location and return of unclaimed property to rightful owners. The Legislature further finds that an attorney, Florida-certified public accountant, or private investigator is subject to more stringent regulation and oversight than the public as a whole. In addition, attorneys, Florida-certified public accountants, and private investigators are the only persons authorized to file claims on behalf of abandoned or unclaimed property owners pursuant to chapter 717, Florida Statutes.*

Section 3. This act shall take effect October 1, 2001.

And the title is amended as follows:

On page 1, lines 4 and 5,  
remove from the title of the bill: all of said lines

and insert in lieu thereof: social security numbers and financial account numbers which are contained in reports to the Department

Rep. Detert moved the adoption of the amendment.

The Committee on State Administration offered the following:

(Amendment Bar Code: 375741)

**Amendment 1 to Amendment 1**—On page 1, line 20,  
remove from the amendment: all of said line

and insert in lieu thereof: *financial account numbers contained in reports required to be submitted to the Department of Banking and Finance pursuant to*

Rep. Detert moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1787**—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining “additive product”; revising the definitions of “motor vehicle service agreement” and “salesperson”; amending s. 634.044, F.S.; including part inventories among the allowable assets of a service agreement company; amending s. 634.137, F.S.; providing for submission of financial reports to the Department of Insurance in a computer-readable form; amending s. 634.171, F.S.; providing that a motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the company; repealing s. 634.281, F.S., which provides that service

agreement companies and their salespersons shall be subject to pt. X of ch. 626, F.S., relating to viatical settlements; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle service agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s. 634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.301, F.S.; revising the definition of “home warranty”; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.313, F.S.; providing for submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.336, F.S.; including advertising, offering, or providing a free home warranty as an inducement to specified purchases or sales among acts or practices which constitute unfair methods of competition and unfair or deceptive acts or practices; amending s. 634.415, F.S.; providing for submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices which constitute unfair methods of competition and unfair or deceptive acts or practices; amending ss. 624.124 and 628.4615, F.S.; correcting cross references; providing an effective date.

—was read the second time by title.

The Committee on Insurance offered the following:

(Amendment Bar Code: 441253)

**Amendment 1 (with title amendment)**—On page 9, line 16 through page 32, line 19  
remove from the bill: all of said lines

and insert in lieu thereof:

(e) *Uses any advertisement that would mislead or otherwise cause a reasonable person to believe mistakenly that the state or federal government is responsible for the motor vehicle service agreement sales activity of any person or stands behind any person's credit or that any person, the state, or the federal government guarantees any returns on motor vehicle service agreements or is a source of payment of any motor vehicle service agreement obligation of or sold by any person.*

(2) **FALSE INFORMATION AND ADVERTISING GENERALLY.**—*Knowingly making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public:*

(a) *In a newspaper, magazine, or other publication;*

- (b) *In the form of a notice, circular, pamphlet, letter, or poster;*
- (c) *Over any radio or television station; or*
- (d) *Over the Internet, electronically, or in any other way,*

*an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of motor vehicle service agreements, which assertion, representation, or statement is untrue, deceptive, or misleading.*

(3) **DEFAMATION.**—*Knowingly making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of, any oral or written statement, or any pamphlet, circular, article, or literature, which is false or maliciously critical of, or derogatory to, any person and which is calculated to injure such person.*

(4) **BOYCOTT, COERCION, AND INTIMIDATION.**—*Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion, or intimidation resulting in, or tending to result in, unreasonable restraint of, or monopoly in, the business of motor vehicle service agreements.*

(5) **FALSE STATEMENTS AND ENTRIES.**—

(a) *Knowingly:*

1. *Filing with any supervisory or other public official;*
2. *Making, publishing, disseminating, or circulating;*
3. *Delivering to any person;*
4. *Placing before the public; or*
5. *Causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public,*  
*any false statement.*

(b) *Knowingly making any false entry of a material fact in any book, report, or statement of any person, or knowingly failing to make a true entry of any material fact pertaining to the business of such person in any book, report, or statement of such person.*

(6) **UNFAIR DISCRIMINATION.**—*Knowingly making or permitting any unfair discrimination between individuals of the same actuarially supportable class and essentially the same hazard, in the amount of premium, policy fees, or rates charged for any motor vehicle service agreement, in any of the terms or conditions of such agreement, or in any other manner whatsoever.*

(7) **UNLAWFUL REBATES.**—*Except as otherwise expressly provided by law, or in an applicable filing with the department, knowingly:*

- (a) *Permitting, or offering to make, or making, any contract or agreement as to such contract other than as plainly expressed in the motor vehicle service agreement issued thereon;*
- (b) *Paying, allowing, or giving, or offering to pay, allow, or give, directly or indirectly, as inducement to such motor vehicle service agreement, any unlawful rebate of premiums payable on the agreement, any special favor or advantage in the benefits thereon, or any valuable consideration or inducement not specified in the agreement;*

(c) *Giving, selling, or purchasing, or offering to give, sell, or purchase, as an inducement to such motor vehicle service agreement or in connection therewith, any stocks, bonds, or other securities of any insurance company, service agreement company, or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value not specified in the motor vehicle service agreement.*

(8) **UNFAIR CLAIM SETTLEMENT PRACTICES.**—

(a) *Attempting to settle claims on the basis of an application or any other material document which was altered without notice to, or knowledge or consent of, the service agreement holder;*

(b) *Making a material misrepresentation to the service agreement holder for the purpose and with the intent of effecting settlement of such claims, loss, or damage under such contract on less favorable terms than those provided in, and contemplated by, such contract; or*

(c) *Committing or performing with such frequency as to indicate a general business practice any of the following practices:*

1. *Failure to adopt and implement internal standards for the investigation of claims;*
2. *Misrepresentation of pertinent facts or contract provisions relating to coverages at issue;*
3. *Failure to acknowledge and act promptly upon communications with respect to claims;*
4. *Denial of claims without conducting reasonable investigations based upon available information;*
5. *Failure to affirm or deny full or partial coverage of claims and, as to partial coverage, the dollar amount or extent of coverage, or failure to provide a written statement that the claim is being investigated, upon written request of the service agreement holder within 30 days after proof-of-loss statements have been completed;*
6. *Failure to promptly provide a reasonable explanation to the service agreement holder of the basis in the contract in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement;*
7. *Failure to promptly notify the service agreement holder of any additional information necessary for the processing of a claim; or*
8. *Failure to clearly explain the nature of the requested information and the reasons such information is necessary.*

(9) **FAILURE TO MAINTAIN PROCEDURES FOR HANDLING COMPLAINTS.**—*Failing to maintain a complete record of all complaints received since the date of the last examination. For purposes of this paragraph, “complaint” means any written communication primarily expressing a grievance.*

(10) **DISCRIMINATORY REFUSAL TO ISSUE A CONTRACT.**—*Refusing to issue a contract solely because of an individual’s race, color, creed, marital status, sex, or national origin.*

(11) **MISREPRESENTATION IN SERVICE AGREEMENT APPLICATIONS.**—*Knowingly making a false or fraudulent written or oral statement or representation on, or relative to, an application or negotiation for a motor vehicle service agreement for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, service agreement company, agent, broker, salesperson, or individual.*

(12) **FREE SERVICE AGREEMENTS.**—

(a) *Advertising, offering, or providing a free motor vehicle service agreement as an inducement to the purchase or sale of real or personal property or of services directly or indirectly connected with such real or personal property.*

(b) *For the purposes of this subsection, a “free” motor vehicle service agreement is:*

1. *A motor vehicle service agreement for which no identifiable and additional charge is made to the purchaser of such real property, personal property, or services.*
2. *A motor vehicle service agreement for which an identifiable or additional charge is made in an amount less than the cost of such motor vehicle service agreement as to the seller or other person, other than the service agreement company, providing the same.*

3. *Using the word “free” or words which imply the provision of a motor vehicle service agreement without a cost in connection with the advertising or offering for sale of any kind of goods, merchandise, or services.*

**(13) ILLEGAL DEALINGS IN PREMIUMS; EXCESS OR REDUCED CHARGES FOR MOTOR VEHICLE SERVICE AGREEMENTS.—**

(a) Knowingly collecting any sum as a premium or charge for a motor vehicle service agreement, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by a service agreement company or an insurer, by a motor vehicle service agreement issued by a service agreement company or an insurer as permitted by this part.

(b) Knowingly collecting as a premium or charge for a motor vehicle service agreement any sum in excess of or less than the premium or charge applicable to such motor vehicle service agreement, in accordance with the applicable classifications and rates as filed with the department, and as specified in the motor vehicle service agreement.

**(14) INTERLOCKING OWNERSHIP AND MANAGEMENT.—**

(a) Any motor vehicle service agreement company may retain, invest in, or acquire the whole or any part of the capital of any other motor vehicle service agreement company, or have a common management with any other motor vehicle service agreement company, unless such retention, investment, acquisition, or common management is inconsistent with any other provision of this part, or unless by reason thereof the business of such insurers with the public is conducted in a manner which substantially lessens competition generally in the insurance business.

(b) Any person otherwise qualified may be a director of two or more motor vehicle service agreement companies which are competitors, unless the effect thereof is substantially to lessen competition between motor vehicle service agreement companies generally or materially tend to create a monopoly.

**(15) FALSE CLAIMS; OBTAINING OR RETAINING MONEY DISHONESTLY.—**

(a) Any salesperson who causes to be presented to any motor vehicle service agreement company a false claim for payment, knowing the same to be false; or

(b) Any salesperson who represents any motor vehicle service agreement company or collects or does business without the authority of the motor vehicle service agreement company, secures cash advances by false statements, or fails to turn over when required, or satisfactorily account for, all collections of such motor vehicle service agreement company,

shall, in addition to the other penalties provided in this act, commit a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

**(16) SLIDING.—Sliding is the act or practice of:**

(a) Representing to the applicant that a specific ancillary coverage or product is required by law in conjunction with the purchase of a motor vehicle service agreement when such coverage or product is not required;

(b) Representing to the applicant that a specific ancillary coverage or product is included in the motor vehicle service agreement contract applied for without an additional charge when such charge is required; or

(c) Charging an applicant for a specific ancillary coverage or product, in addition to the cost of the motor vehicle service agreement coverage applied for, without the informed consent of the applicant.

No provision of this section shall be deemed to prohibit a service agreement company or a licensed insurer from giving to service agreement holders, prospective service agreement holders, and others for the purpose of advertising, any article of merchandise having a value of not more than \$25.

**Section 8. Section 634.2825, Florida Statutes, is created to read:**

634.2825 Motor vehicle service agreement cost specified in "price package".—

(1) When the premium or charge for a motor vehicle service agreement or involving such property or merchandise is included in the overall purchase price or financing of the purchase of merchandise or property, the vendor or lender shall separately state and identify the amount charged and to be paid for the motor vehicle service agreement, and the classifications, if any, upon which based; and the inclusion or exclusion of the cost of a motor vehicle service agreement in such purchase price or financing shall not increase, reduce, or otherwise affect any other factor involved in the cost of merchandise, property, or financing as to the purchaser or borrower.

(2) This section does not apply to transactions which are subject to the provisions of part I of chapter 520, entitled "The Motor Vehicle Retail Sales Finance Act."

**Section 9. Section 634.283, Florida Statutes, is created to read:**

634.283 Power of department to examine and investigate.—The department has the power to examine and investigate the affairs of every person involved in the business of motor vehicle service agreements in this state in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by s. 634.2815.

**Section 10. Section 634.284, Florida Statutes, is created to read:**

634.284 Prohibited practices; hearings, witnesses, appearances, production of books, and service of process.—

(1) Whenever the department has reason to believe that any person has engaged, or is engaging, in this state in any unfair method of competition or any unfair or deceptive act or practice as defined in s. 634.282, or is engaging in the business of motor vehicle service agreements without being properly licensed as required by this part, and that a proceeding by the department in respect thereto would be in the interest of the public, the department shall conduct or cause to have conducted a hearing in accordance with chapter 120.

(2) The department, a duly empowered hearing officer, or an administrative law judge shall, during the conduct of such hearing, have those powers enumerated in s. 120.569; however, the penalty for failure to comply with a subpoena or with an order directing discovery is limited to a fine not to exceed \$1,000 per violation.

(3) A statement of charges, notice, or order under this part may be served by anyone duly authorized by the department, either in the manner provided by law for service of process in civil actions or by certifying and mailing a copy thereof to the person affected by such statement, notice, order, or other process at her or his residence or principal office or place of business. The verified return by the person so serving such statement, notice, order, or other process, setting forth the manner of the service is proof of the same; and the return postcard receipt for such statement, notice, order, or other process, certified and mailed as provided in this subsection, is proof of service of the same.

**Section 11. Section 634.285, Florida Statutes, is created to read:**

634.285 Cease and desist and penalty orders.—After the hearing provided for in s. 634.284, the department shall enter a final order in accordance with s. 120.569. If it is determined that the person charged has engaged in an unfair or deceptive act or practice or the unlawful transaction of a service agreement business, the department also shall issue an order requiring the violator to cease and desist from engaging in such method of competition, act, or practice or the unlawful transaction of service agreement business. Further, the department may, at its discretion, order any one or more of the following penalties:

(1) The suspension or revocation of such person's license, or eligibility for any license, if the person knew, or reasonably should have known, that she or he was in violation of this part.

(2) If it is determined that the person charged has provided or offered to provide motor vehicle service agreements without proper licensure, the imposition of an administrative penalty not to exceed \$1,000 for each service agreement contract offered or effectuated.

Section 12. Section 634.286, Florida Statutes, is created to read:

*634.286 Appeals from orders of the department.—Any person subject to an order of the department under s. 634.285 may obtain a review of such order by filing an appeal therefrom in accordance with the provisions and procedures for appeal from the orders of the department in general under s. 120.68.*

Section 13. Section 634.287, Florida Statutes, is created to read:

*634.287 Penalty for violation of cease and desist order.—Any person who violates a cease and desist order of the department under s. 634.285 while such order is in effect, after notice and hearing as provided in s. 634.284, is subject, at the discretion of the department, to any one or more of the following penalties:*

- (1) *A monetary penalty of not more than \$50,000 as to all matters determined in such hearing.*
- (2) *The suspension or revocation of such person's license or eligibility to hold a license.*

Section 14. Section 634.288, Florida Statutes, is created to read:

*634.288 Civil liability.—The provisions of this part are cumulative to rights under the general civil and common law, and no action of the department will abrogate such rights to damages or other relief in any court.*

Section 15. Effective January 1, 2002, section 634.3077, Florida Statutes, is amended to read:

**634.3077 Financial requirements.—**

- (1) An association licensed under this part shall maintain a funded, unearned premium reserve account, consisting of unencumbered assets, equal to a minimum of 25 percent of the gross written premiums received by it from all warranty contracts in force. Such assets shall be held in the form of cash or invested in securities for investments as provided in part II of chapter 625.
- (2) An association shall maintain, at a minimum, net assets equal to one-sixth of the written premiums it receives for the issuance and delivery of any binder or warranty in force. Net assets may be less than one-sixth of the premiums written provided the association has net assets of not less than \$500,000 and maintains a funded, unearned premium reserve account consisting of unencumbered assets equal to a minimum of 40 percent of the gross written premiums received by it from all warranty contracts in force which shall be held in the form of cash or invested in securities for investments as provided in part II of chapter 625.
- ~~(3) In computing the net asset requirement, goodwill, franchises, customer lists, patents or trademarks, receivables from or advances to officers, directors, employees, salespersons, or affiliated companies, and assets deposited outside the United States shall be deducted from the net assets of the association.~~

(3)(4) An association shall not be required to set up an unearned premium reserve if it has purchased contractual liability insurance which demonstrates to the satisfaction of the department that 100 percent of its claim exposure is covered by such insurance. Such contractual liability insurance shall be obtained from an insurer that holds a certificate of authority to do business within the state or from an insurer approved by the department as financially capable of meeting the obligations incurred pursuant to the policy. For purposes of this subsection, the contractual liability policy shall contain the following provisions:

- (a) In the event that the home warranty association is unable to fulfill its obligation under its contracts issued in this state for any reason, including insolvency, bankruptcy, or dissolution, the contractual liability insurer will pay losses and unearned premiums under such plans directly to persons making claims under such contracts.
- (b) The insurer issuing the policy shall assume full responsibility for the administration of claims in the event of the inability of the association to do so.

(c) The policy may not be canceled or not renewed by either the insurer or the association unless 60 days' written notice thereof has been given to the department by the insurer before the date of such cancellation or nonrenewal.

(4)(5) An association that purchases contractual liability insurance on the warranties that it issues shall provide the department with claim statistics required to be filed by associations not purchasing such insurance.

Section 16. Effective January 1, 2002, section 634.3078, Florida Statutes, is created to read:

**634.3078 Assets and liabilities.—**

(1) **ASSETS.**—*In any determination of the financial condition of a home warranty association, there shall be allowed as assets only those assets that are owned by the home warranty association company and which assets consist of:*

(a) *Cash in the possession of the home warranty association, or in transit under its control, including the true balance of any deposit in a solvent bank, savings and loan association, or trust company which is domiciled in the United States.*

(b) *Investments, securities, properties, and loans acquired or held in accordance with this part, and in connection therewith the following items:*

- 1. *Interest due or accrued on any bond or evidence of indebtedness which is not in default and which is not valued on a basis including accrued interest.*
- 2. *Declared and unpaid dividends on stock and shares, unless the amount of the dividends has otherwise been allowed as an asset.*
- 3. *Interest due or accrued upon a collateral loan which is not in default in an amount not to exceed 1 year's interest thereon.*
- 4. *Interest due or accrued on deposits or certificates of deposit in solvent banks, savings and loan associations, and trust companies domiciled in the United States, and interest due or accrued on other assets, if such interest is in the judgment of the department a collectible asset.*
- 5. *Interest due or accrued on current mortgage loans, in an amount not exceeding in any event the amount, if any, of the excess of the value of the property less delinquent taxes thereon over the unpaid principal; but in no event shall interest accrued for a period in excess of 90 days be allowed as an asset.*

6. *Rent due or accrued on real property if such rent is not in arrears for more than 3 months. However, in no event shall rent accrued for a period in excess of 90 days be allowed as an asset.*

7. *The unaccrued portion of taxes paid prior to the due date on real property.*

(c) *Furniture, fixtures, furnishings, vehicles, and equipment, if the original cost of each item is at least \$200, which cost shall be amortized in full over a period not to exceed 5 calendar years, unless otherwise approved by the department.*

(d) *Part inventories maintained for the purpose of servicing products warranted. Part inventories must be listed at cost. Home warranty associations companies are required to maintain records to support valuation of part inventories.*

(e) *The liquidation value of prepaid expenses.*

(f) *Other assets or receivables, not inconsistent with the provisions of this section, deemed by the department to be available for the payment of losses and claims, at values to be determined by the department.*

*The department, upon determining that a home warranty association's asset has not been evaluated according to applicable law or that it does not qualify as an asset, shall require the home warranty association to properly reevaluate the asset or replace the asset with an asset suitable*

to the department within 30 days of written notification by the department of this determination, if the removal of the asset from the organization's assets would impair the company's solvency.

(2) **ASSETS NOT ALLOWED.**—In addition to assets impliedly excluded by the provisions of subsection (1), the following assets expressly shall not be allowed as assets in any determination of the financial condition of a home warranty association:

(a) Goodwill, agreement holder lists, patents, trade names, agreements not to compete, and other like intangible assets.

(b) Any note or account receivable from or advances to officers, directors, or controlling stockholders, whether secured or not, and advances to employees, agents, or other persons on personal security only.

(c) Stock of the home warranty association owned by it directly or owned by it through any entity in which the organization owns or controls, directly or indirectly, more than 25 percent of the ownership interest.

(d) Leasehold improvements, stationery, and literature, except that leasehold improvements made prior to October 1, 2001, shall be allowed as an asset and shall be amortized over the shortest of the following periods:

1. The life of the lease.
2. The useful life of the improvements.
3. The 3-year period following October 1, 2001.

(e) Furniture, fixtures, furnishings, vehicles, and equipment, other than those items authorized under paragraph (1)(c).

(f) Notes or other evidences of indebtedness which are secured by mortgages or deeds of trust which are in default and beyond the express period specified in the instrument for curing the default.

(g) Bonds in default for more than 60 days.

(h) Deferred costs other than the liquidation value of prepaid expenses except for those companies that reserve 100 percent of gross written premium.

(i) Any note, account receivable, advance, or other evidence of indebtedness, or investment in:

1. The parent of the home warranty association;
2. Any entity directly or indirectly controlled by the home warranty association's parent;
3. An affiliate of the parent or the home warranty association; or
4. Officers, directors, shareholders, employees, or salespersons of the home warranty association; however, premium receivables under 45 days old may be considered an admitted asset.

The department may, however, allow all or a portion of such asset, at values to be determined by the department, if deemed by the department to be available for the payment of losses and claims.

(3) **LIABILITIES.**—In any determination of the financial condition of a home warranty association, liabilities to be charged against its assets shall include, but not be limited to:

(a) The amount, in conformity with generally accepted accounting principles, necessary to pay all of its unpaid losses and claims incurred for or on behalf of an agreement holder, on or prior to the end of the reporting period, whether reported or unreported.

(b) Taxes, expenses, and other obligations due or accrued at the date of the statement.

(c) Reserve for unearned premiums.

The department, upon determining that the home warranty association has failed to report liabilities that should have been reported, shall

require a correct report which reflects the proper liabilities to be submitted by the home warranty association to the department within 10 working days of receipt of written notification.

Section 17. Effective January 1, 2002, subsection (7) is added to section 634.312, Florida Statutes, to read:

634.312 Filing, approval of forms.

(7) All home warranty contracts must disclose any exclusions, restrictions, or limitations on the benefits offered or the coverage provided by the home warranty contract in boldfaced type, and must contain, in boldfaced type, a statement on the front page of the contract substantially similar to the following: "Certain items and events are not covered by this contract. Please refer to the exclusions listed on page \_ of this document."

Section 18. Subsection (5) is added to section 634.313, Florida Statutes, to read:

634.313 Tax on premiums; annual statement; reports.—

(5) The department may by rule require each home warranty association to submit to the department, as the department may designate, all or part of the information contained in the financial reports required by this section in a computer-readable form compatible with the electronic data processing system specified by the department.

Section 19. Section 634.318, Florida Statutes, is amended to read:

634.318 License and appointment of sales representatives.—Sales representatives for home warranty associations and insurers shall be licensed, appointed, renewed, continued, reinstated, or terminated in the same manner as prescribed in chapter 626 for insurance representatives in general, except they shall be exempt from the fingerprinting, photo identification card, education, and examination provisions. License, appointment, and other fees shall be those as prescribed in s. 624.501. No employee or sales representative of a home warranty association or insurer may directly or indirectly solicit or negotiate insurance contracts, or hold herself or himself out in any manner to be an insurance agent or solicitor, unless so qualified, licensed, and appointed therefor under the insurance code. A home warranty association is not required to be licensed as a sales representative to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the home warranty association.

Section 20. Section 634.331, Florida Statutes, is amended to read:

634.331 Coverage of property for sale.—A home warranty may provide coverage of residential property during the listing period of such property for a period not to exceed 12 months, provided that the home warranty company charges the warranty purchaser a separately identifiable charge for the listing list period coverage in an amount equal to at least 15 percent of the annual premium charged for the home warranty and the charge for such coverage is due at the earlier of the end of the listing period or the date the sale of the residential property is closed.

Section 21. Subsection (6) is added to section 634.415, Florida Statutes, to read:

634.415 Tax on premiums; annual statement; reports; quarterly statements.—

(6) The department may by rule require each service warranty association to submit to the department, as the department may designate, all or part of the information contained in the financial statements and reports required by this section in a computer-readable form compatible with the electronic data processing system specified by the department.

Section 22. Section 634.419, Florida Statutes, is amended to read:

634.419 License and appointment required.—No person or entity shall solicit, negotiate, advertise, or effectuate service warranty contracts in this state unless such person or entity is licensed and appointed as a sales representative. Sales representatives shall be

responsible for the actions of persons under their supervision. However, a service warranty association licensed *as such* under this part shall not be required to be licensed and appointed as a sales representative to *solicit, negotiate, advertise or effectuate* its products.

Section 23. Subsection (8) is added to section 634.436, Florida Statutes, to read:

634.436 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following methods, acts, or practices are defined as unfair methods of competition and unfair or deceptive acts or practices:

(8) *FREE SERVICE WARRANTIES.*—

(a) *Advertising, offering, or providing a free service warranty as an inducement to the purchase or sale of real or personal property or of services directly or indirectly connected with such real or personal property.*

(b) *For the purposes of this subsection, a “free” service warranty is:*

1. *A service warranty for which no identifiable and additional charge is made to the purchaser of such real property, personal property, or services.*

2. *A service warranty for which an identifiable or additional charge is made in an amount less than the cost of such service warranty as to the seller or other person, other than the service warranty association, providing the same.*

3. *Using the word “free” or words which imply the provision of a service warranty without a cost in connection with the advertising or offering for sale of any kind of goods, merchandise, or services.*

Section 24. Section 624.124, Florida Statutes, is amended to read:

624.124 Motor vehicle services; exemption from code.—Any person may, in exchange for fees, dues, charges, or other consideration, provide any of the following services related to the ownership, operation, use, or maintenance of a motor vehicle without being deemed an insurer and without being subject to the provisions of this code:

- (1) Towing service.
- (2) Procuring from an insurer group coverage for bail and arrest bonds or for accidental death and dismemberment.
- (3) Emergency service.
- (4) Procuring prepaid legal services, or providing reimbursement for legal services, except that this shall not be deemed to be an exemption from chapter 642.
- (5) Offering assistance in locating or recovering stolen or missing motor vehicles.
- (6) Paying emergency living and transportation expenses of the owner of a motor vehicle when the motor vehicle is damaged.

For purposes of this section, “motor vehicle” has the same meaning specified by s. 634.011(7)(~~6~~).

Section 25. Paragraph (a) of subsection (1) of section 628.4615, Florida Statutes, is amended to read:

628.4615 Specialty insurers; acquisition of controlling stock, ownership interest, assets, or control; merger or consolidation.—

(1) For the purposes of this section, the term “specialty insurer” means any person holding a license or certificate of authority as:

(a) A motor vehicle service agreement company authorized to issue motor vehicle service agreements as those terms are defined in s. 634.011(8)(~~7~~) and (9) (~~8~~);

Section 26. Section 634.289, Florida Statutes, is created to read:

634.289 *Rules.*—*The department may adopt rules, in accordance with chapter 120, to identify specific methods of competition or acts or*

*practices which are prohibited by s. 634.282, but these rules shall not enlarge upon or extend the provisions of that section.*

Section 27. Section 634.302, Florida Statutes, is created to read:

634.302 Powers of department; rules.—The department shall administer this part, and, to that end, it has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part. *Such rules may include rules to identify specific methods of competition or acts or practices which are prohibited by s. 634.336, but the rules shall not enlarge upon or extend the provisions of that section.*

Section 28. Section 634.402, Florida Statutes, is amended to read:

634.402 Powers of department; rules.—The department shall administer this part, and to that end it has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part. *Such rules may identify specific methods of competition or acts or practices which are prohibited by s. 634.436, but shall not enlarge upon or extend the provisions of that section.*

Section 29. This act shall take effect upon becoming a law, except as otherwise provided herein.

And the title is amended as follows:

On page 1, line 19 through page 3, line 28  
remove from the title of the bill: all of said lines

and insert in lieu thereof: repealing s. 634.281, F.S., which provides that service agreement companies and their salespersons shall be subject to pt. IX of ch. 626, F.S., relating to service agreement companies and their salespersons; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle service agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s. 634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.313, F.S.; providing for submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.312, F.S.; filing and approval of forms; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.415, F.S.; providing for submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices which constitute unfair methods of competition and unfair or deceptive acts or practices; amending ss. 624.124 and 628.4615, F.S.; correcting cross references; creating s. 634.289, F.S.; relating to rulemaking authority; amending s. 634.302, F.S.; relating to

rulemaking authority; amending s. 634.402, F.S.; relating to rulemaking authority; providing for effective dates.

Rep. Berfield moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1681**—A bill to be entitled An act relating to pest control operators; amending s. 482.021, F.S.; defining the term “new construction”; amending s. 482.051, F.S.; providing for the issuance of stop-work orders where fumigations are being performed in certain situations; creating s. 482.0815, F.S.; requiring licensees to hold a permit before performing preventive termite treatments for new construction; providing procedures for the issuance of permits and providing penalties for specified violations; providing for the adoption of rules; amending s. 482.091, F.S.; requiring certain cardholders to obtain specified classroom training; amending s. 482.132, F.S.; providing alternative educational requirements for pest control operator’s certificate applicants; amending s. 482.161, F.S.; limiting the application of sanctions for violations by licensees with multiple business locations; repealing s. 482.211(11), F.S., which provides an exemption from regulation for certain yard workers; providing an effective date.

—was read the second time by title.

The Committee on Agriculture & Consumer Affairs offered the following:

(Amendment Bar Code: 651333)

**Amendment 1**—On page 3, line 10, remove from the bill: *written authorization* and insert in lieu thereof: *permit*

Rep. Miller moved the adoption of the amendment, which was adopted.

The Committee on Agriculture & Consumer Affairs offered the following:

(Amendment Bar Code: 133219)

**Amendment 2**—On page 4, lines 12-16, remove from the bill: all of said lines and insert in lieu thereof:

(6) *The permit of a licensee whose permit has been suspended within the previous 3 years shall be revoked if the licensee subsequently meets any of the conditions of subsection (4).*

(7) *The department may not issue a permit or renew the permit to perform preventive termite treatments*

Rep. Miller moved the adoption of the amendment, which was adopted.

The Committee on Agriculture & Consumer Affairs offered the following:

(Amendment Bar Code: 371821)

**Amendment 3 (with title amendment)**—On page 7, lines 6-7, remove from the bill: all of said lines

And the title is amended as follows:

On page 1, lines 21-23, remove from the title of the bill: all of said lines

and insert in lieu thereof: multiple business locations;

Rep. Miller moved the adoption of the amendment, which was adopted.

The Council for Competitive Commerce offered the following:

(Amendment Bar Code: 573241)

**Amendment 4**—On page 5, line 4 after the word “department” remove from the bill: *immediately*

Rep. Miller moved the adoption of the amendment, which was adopted.

The Council for Competitive Commerce offered the following:

(Amendment Bar Code: 095925)

**Amendment 5 (with title amendment)**—On page 7, between lines 5 and 6 of the bill

insert:

Section 7. Subsection (1) of section 482.242, Florida Statutes, is amended to read:

482.242 Preemption.—

(1) This chapter is intended as comprehensive and exclusive regulation of pest control in this state. The provisions of this chapter preempt to the state all regulation of the activities and operations of pest control services, including the pesticides used pursuant to labeling and registration approved under chapter 487. No local government or political subdivision of the state may enact or enforce an ordinance that regulates pest control, except that the preemption in this section does not prohibit a local government or political subdivision from enacting an ordinance regarding any of the following:

(a) Local occupational licenses adopted pursuant to chapter 205.

(b) Land development regulations adopted pursuant to chapter 163 which include regulation of any aspect of development, including a subdivision, building construction, sign regulation or any other regulation concerning the development of land, or landscaping or tree protection ordinances which do not include pesticide application restrictions.

(c) *Regulations that:*

1. *Require, for multi-complex dwellings in excess of 10 units, annual termite inspections for termite activity or damage, including Formosan termites, which must be performed by a person licensed under this chapter.*

2. *Require pest control treatments of structures that have termite activity or damage which must be performed by a person licensed under this chapter.*

3. *Require property owners or other persons to obtain inspections or pest control treatments performed by a person licensed under this chapter.*

*An ordinance by a local government or political subdivision which requires an annual inspection or pest control treatment must conform to current law.*

(d)(e) Protection of wellhead protection areas and high recharge areas.

(e)(d) Hazardous materials reporting as set forth in part II of chapter 252, storage, and containment including as relating to stormwater management.

(f)(e) Hazardous material unlawful discharge and disposal.

(g)(f) Hazardous materials remediation.

And the title is amended as follows:

On page 1, line 21

after the semicolon, insert: amending s. 482.242, F.S.; providing additional exceptions to the state’s preemption of pest control regulation;



Rep. Miller moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 1803**—A bill to be entitled An act relating to workers' compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney's fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct

requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

—was read the second time by title.

On motion by Rep. Melvin, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Melvin, Ross, and Waters offered the following:

(Amendment Bar Code: 192125)

**Amendment 1 (with directory language amendment)**—On page 24, lines 23-30

remove from the bill: all of said lines

and insert in lieu thereof:

(2)(a)(b) ~~Effective January 1, 1997~~, The employer *may shall*, subject to the *terms and* limitations specified elsewhere in this *section and* chapter, furnish to the employee solely through managed care arrangements such medically necessary remedial treatment, care, and attendance for such period as the nature of the injury or the process of recovery requires.

(b)(a) The agency shall authorize an insurer to offer or utilize a workers' compensation managed care arrangement after the insurer files a completed application along with the payment of a \$1,000 application fee, and upon the agency's being satisfied that the applicant has the ability to provide quality of care consistent with the prevailing professional standards of care and the insurer and its workers' compensation managed care arrangement otherwise meets the requirements of this section. No insurer may offer or utilize a managed care arrangement without such authorization. The authorization, unless sooner suspended or revoked, shall automatically expire 2 years after the date of issuance unless renewed by the insurer. The authorization shall be renewed upon application for renewal and

payment of a renewal fee of \$1,000, provided that the insurer is in compliance with the requirements of this section and any rules adopted hereunder. An application for renewal of the authorization shall be made 90 days prior to expiration of the authorization, on forms provided by the agency. The renewal application shall not require the resubmission of any documents previously filed with the agency if such documents have remained valid and unchanged since their original filing.

And the directory language is amended as follows:

On page 24, lines 19 & 20  
remove: all of said lines

and insert in lieu thereof:

Section 12. Paragraphs (a) and (b) of subsection (2) of section 440.134, Florida Statutes, are amended to read:

Rep. Melvin moved the adoption of the amendment, which was adopted.

On motion by Rep. Melvin, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Melvin, Ross, and Waters offered the following:

(Amendment Bar Code: 870473)

**Amendment 2**—On page 31, line 17 through page 38, line 9  
remove from the bill: all of said lines

and insert in lieu thereof:

(11)(a) *When a claimant is not represented by counsel*, upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation expenses and any other benefits provided under this chapter, shall be allowed at any time in any case in which the employer or carrier has filed a written notice of denial within 120 days after the *employer receives notice date* of the injury, and the judge of compensation claims at a hearing to consider the settlement proposal finds a justiciable controversy as to legal or medical compensability of the claimed injury or the alleged accident. The employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement under this section unless expressly authorized elsewhere in this chapter. Upon the joint petition of all interested parties and after giving due consideration to the interests of all interested parties, the judge of compensation claims may enter a compensation order approving and authorizing the discharge of the liability of the employer for compensation and remedial treatment, care, and attendance, as well as rehabilitation expenses, by the payment of a lump sum. Such a compensation order so entered upon joint petition of all interested parties is not subject to modification or review under s. 440.28. If the settlement proposal together with supporting evidence is not approved by the judge of compensation claims, it shall be considered void. Upon approval of a lump-sum settlement under this subsection, the judge of compensation claims shall send a report to the Chief Judge of the amount of the settlement and a statement of the nature of the controversy. The Chief Judge shall keep a record of all such reports filed by each judge of compensation claims and shall submit to the Legislature a summary of all such reports filed under this subsection annually by September 15.

(b) *When a claimant is not represented by counsel*, upon joint petition of all interested parties, a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation and rehabilitation expenses, and any other benefits provided under this chapter, may be allowed at any time in any case after the injured employee has attained maximum medical improvement. An employer or carrier may not pay any attorney's fees on behalf of the claimant for any settlement, unless expressly authorized elsewhere in this chapter. A compensation order so entered upon joint petition of all interested parties shall not be subject to modification or review under s. 440.28. However, a judge of compensation claims is not required to approve any award for lump-sum

payment when it is determined by the judge of compensation claims that the payment being made is in excess of the value of benefits the claimant would be entitled to under this chapter. The judge of compensation claims shall make or cause to be made such investigations as she or he considers necessary, in each case in which the parties have stipulated that a proposed final settlement of liability of the employer for compensation shall not be subject to modification or review under s. 440.28, to determine whether such final disposition will definitely aid the rehabilitation of the injured worker or otherwise is clearly for the best interests of the person entitled to compensation and, in her or his discretion, may have an investigation made by the Rehabilitation Section of the Division of Workers' Compensation. The joint petition and the report of any investigation so made will be deemed a part of the proceeding. An employer shall have the right to appear at any hearing pursuant to this subsection which relates to the discharge of such employer's liability and to present testimony at such hearing. The carrier shall provide reasonable notice to the employer of the time and date of any such hearing and inform the employer of her or his rights to appear and testify. ~~When the claimant is represented by counsel or when the claimant and carrier or employer are represented by counsel, final approval of the lump-sum settlement agreement, as provided for in a joint petition and stipulation, shall be approved by entry of an order within 7 days after the filing of such joint petition and stipulation without a hearing, unless the judge of compensation claims determines, in her or his discretion, that additional testimony is needed before such settlement can be approved or disapproved and so notifies the parties.~~ The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which such person is entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the most recent United States Life Tables published by the National Office of Vital Statistics of the United States Department of Health and Human Services. The probability of the happening of any other contingency affecting the amount or duration of the compensation, except the possibility of the remarriage of a surviving spouse, shall be disregarded. As a condition of approving a lump-sum payment to a surviving spouse, the judge of compensation claims, in the judge of compensation claims' discretion, may require security which will ensure that, in the event of the remarriage of such surviving spouse, any unaccrued future payments so paid may be recovered or recouped by the employer or carrier. Such applications shall be considered and determined in accordance with s. 440.25.

(c) *Notwithstanding s. 440.21(2), when a claimant is represented by counsel, the claimant may waive all rights to any and all benefits under this chapter by entering into a settlement agreement releasing the employer and the carrier from liability for workers' compensation benefits in exchange for a lump-sum payment to the claimant. The settlement agreement requires approval by the judge of compensation claims only as to the attorney's fees paid to the claimant's attorney by the claimant. The parties need not submit any information or documentation in support of the settlement, except as needed to justify the amount of the attorney's fees. Neither the employer nor the carrier is responsible for any attorney's fees relating to the settlement and release of claims under this section. Payment of the lump-sum settlement amount must be made within 14 days after the date the judge of compensation claims mails the order approving the attorney's fees. Any order entered by a judge of compensation claims approving the attorney's fees as set out in the settlement under this subsection is not considered to be an award and is not subject to modification or review. The judge of compensation claims shall report these settlements to the Deputy Chief Judge in accordance with the requirements set forth in paragraphs (a) and (b). Settlements entered into under this subsection are valid and apply to all dates of accident.*

(d) *With respect to any lump-sum settlement under this subsection, a judge of compensation claims must consider whether the settlement provides for appropriate recovery of any child support arrearage.*

(e)(e) This section applies to all claims that the parties have not previously settled, regardless of the date of accident.

Section 17. Section 440.22, Florida Statutes, is amended to read:

440.22 Assignment and exemption from claims of creditors.—No assignment, release, or commutation of compensation or benefits due or payable under this chapter except as provided by this chapter shall be valid, and such compensation and benefits shall be exempt from all claims of creditors, and from levy, execution and attachments or other remedy for recovery or collection of a debt, which exemption may not be waived. *However, the exemption of workers' compensation claims from creditors does not extend to claims based on an award of child support or alimony.*

Section 18. Subsections (1), (2), (3), and (4) and paragraph (b) of subsection (5) of section 440.25, Florida Statutes, are amended to read:

440.25 Procedures for mediation and hearings.—

(1) Within 21 days after a petition for benefits is filed under s. 440.192, a mediation conference concerning such petition shall be held. Within 7 days after such petition is filed, the judge of compensation claims shall notify the interested parties that a mediation conference concerning such petition will be held. Such notice shall give the date, time, and location of the mediation conference. Such notice may be served personally upon the interested parties or may be sent to the interested parties by mail. *The claimant or the adjuster of the employer or carrier may, at the mediator's discretion, attend the mediation conference by telephone or, if agreed to by the parties, other electronic means.*

(2) Any party who participates in a mediation conference shall not be precluded from requesting a hearing following the mediation conference should both parties not agree to be bound by the results of the mediation conference. A mediation conference is required to be held unless this requirement is waived by the *Deputy* Chief Judge. No later than 3 days prior to the mediation conference, all parties must submit any applicable motions, including, but not limited to, a motion to waive the mediation conference, to the judge of compensation claims.

(3) Such mediation conference shall be conducted informally and does not require the use of formal rules of evidence or procedure. Any information from the files, reports, case summaries, mediator's notes, or other communications or materials, oral or written, relating to a mediation conference under this section obtained by any person performing mediation duties is privileged and confidential and may not be disclosed without the written consent of all parties to the conference. Any research or evaluation effort directed at assessing the mediation program activities or performance must protect the confidentiality of such information. Each party to a mediation conference has a privilege during and after the conference to refuse to disclose and to prevent another from disclosing communications made during the conference whether or not the contested issues are successfully resolved. This subsection and paragraphs (4)(a) and (b) shall not be construed to prevent or inhibit the discovery or admissibility of any information that is otherwise subject to discovery or that is admissible under applicable law or rule of procedure, except that any conduct or statements made during a mediation conference or in negotiations concerning the conference are inadmissible in any proceeding under this chapter. The *Deputy* Chief Judge shall select a mediator. The mediator shall be employed on a full-time basis by the Office of the Judges of Compensation Claims. A mediator must be a member of The Florida Bar for at least 5 years and must complete a mediation training program approved by the *Deputy* Chief Judge. Adjunct mediators may be employed by the Office of the Judges of Compensation Claims on an as-needed basis and shall be selected from a list prepared by the *Deputy* Chief Judge. An adjunct mediator must be independent of all parties participating in the mediation conference. An adjunct mediator must be a member of The Florida Bar for at least 5 years and must complete a mediation training program approved by the *Deputy* Chief Judge. An adjunct

Rep. Melvin moved the adoption of the amendment, which was adopted.

On motion by Rep. Melvin, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Melvin, Ross, and Waters offered the following:

(Amendment Bar Code: 671079)

**Amendment 3**—On page 45, line 31 remove from the bill: all of said line

and insert in lieu thereof: *a response to petition notice of denial with the Office of the Judges of Compensation Claims division*

Rep. Melvin moved the adoption of the amendment, which was adopted.

On motion by Rep. Melvin, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Melvin, Ross, and Waters offered the following:

(Amendment Bar Code: 503129)

**Amendment 4 (with directory language amendment)**—On page 22, between lines 17 & 18 of the bill

insert:

(2) MEDICAL TREATMENT; DUTY OF EMPLOYER TO FURNISH.—

(f) *Upon the written request of the employee, the carrier shall give the employee the opportunity for one change of physician during the course of treatment for any one accident. The employee shall be entitled to select another physician from among not fewer than three carrier-authorized physicians who are not professionally affiliated.*

And the directory language is amended as follows:

On page 22, lines 13-15 remove: all of said lines

and insert in lieu thereof:

Section 11. Paragraph (a) of subsection (3) and paragraphs (b) and (c) of subsection (4) of section 440.13, Florida Statutes, are amended, and paragraph (f) is added to subsection (2) of said section, to read:

Rep. Melvin moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 1479** was taken up. On motion by Rep. Bowen, CS for SB 806 was substituted for HB 1479. Under Rule 5.15, the House bill was laid on the table and—

**CS for SB 806**—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting an applicant for a license as a customer representative from examination requirements under certain conditions; exempting an applicant for a license as an adjuster from examination requirements under certain conditions; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**CS/HB 717**—A bill to be entitled An act relating to assessment of agricultural property; amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain irrigation systems, litter containment structures, and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**CS/CS/HB 721**—A bill to be entitled An act relating to public records; amending s. 403.067, F.S.; providing an exemption from public records requirements for certain individual agricultural records reported to the Department of Agriculture and Consumer Services in connection with

its duties relating to pollution reduction under the total maximum daily load program for water bodies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1669**—A bill to be entitled An act relating to water management; creating the Harris Chain of Lakes Restoration Council; providing for membership, powers, and duties; providing for a report to the Legislature; providing for an advisory group to the council; requiring the St. Johns River Water Management District to provide staff for the council; providing for award of contracts subject to an appropriation of funds; providing for a Harris Chain of Lakes restoration program; providing for a demonstration restoration project; providing appropriations; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources & Environmental Protection offered the following:

(Amendment Bar Code: 922753)

**Amendment 1**—On page 2, line 8, of the bill after the word *Johns*, insert: *River*

Rep. Gibson moved the adoption of the amendment, which was adopted.

The Committee on General Government Appropriations offered the following:

(Amendment Bar Code: 451615)

**Amendment 2 (with title amendment)**—On page 5, lines 15 through 26 remove from the bill: all of said lines

and insert in lieu thereof:

Section 3. *The Fish and Wildlife Conservation Commission is authorized to conduct a demonstration restoration project on the Harris Chain of Lakes for the purpose of creating better habitat for fish and wildlife.*

And the title is amended as follows:

On page 1, line 13 remove from the title of the bill: “providing appropriations;”

Rep. Gibson moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 1253**—A bill to be entitled An act relating to health insurance; providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.6699, F.S.; revising certain definitions; requiring the Insurance Commissioner to appoint new health benefit plan committees under certain circumstances for certain purposes; revising certain coverage disclosure requirements for small employer carriers; including certain form filing, approval, and disapproval requirements and procedures relating to health maintenance organizations within certain small employer carrier proscriptions; providing certain notice requirements; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing an effective date.

—was read the second time by title.

The Council for Healthy Communities offered the following:

(Amendment Bar Code: 383047)

**Amendment 1 (with title amendment)**—On page 2, line 17, remove from the bill: everything after the enacting clause, and insert in lieu thereof:

Section 1. *Health flex plans.*—

(1) *INTENT.*—*The Legislature finds that a significant portion of the residents of this state are not able to obtain affordable health insurance coverage. Therefore it is the intent of the Legislature to expand the availability of health care options for lower income uninsured state residents by encouraging health insurers, health maintenance organizations, health care provider-sponsored organizations, local governments, health care districts, or other public or private community-based organizations to develop alternative approaches to traditional health insurance which emphasize coverage for basic and preventive health care services. To the maximum extent possible, such options should be coordinated with existing governmental or community-based health services programs in a manner which is consistent with the objectives and requirements of such programs.*

(2) *DEFINITIONS.*—*As used in this section:*

(a) “Agency” means the Agency for Health Care Administration.

(b) “Approved plan” means a health flex plan approved under subsection (3) which guarantees payment by the health plan entity for specified health care services provided to the enrollee.

(c) “Enrollee” means an individual who has been determined eligible for and is receiving health benefits under a health flex plan approved under this section.

(d) “Health care coverage” means payment for health care services covered as benefits under an approved plan or that otherwise provides, either directly or through arrangements with other persons, covered health care services on a prepaid per capita basis or on a prepaid aggregate fixed-sum basis.

(e) “Health plan entity” means a health insurer, health maintenance organization, health care provider-sponsored organization, local government, health care districts, or other public or private community-based organization which develops and implements an approved plan, and is responsible for financing and paying all claims by enrollees of the plan.

(3) *PILOT PROGRAM.*—*The agency and the Department of Insurance shall jointly approve or disapprove health flex plans which provide health care coverage for eligible participants residing in the three areas of the state having the highest number of uninsured residents as determined by the agency. A plan may limit or exclude benefits otherwise required by law for insurers offering coverage in this state, cap the total amount of claims paid in 1 year per enrollee, or limit the number of enrollees covered. The agency and the Department of Insurance shall not approve or shall withdraw approval of a plan which:*

(a) *Contains any ambiguous, inconsistent, or misleading provisions, or exceptions or conditions that deceptively affect or limit the benefits purported to be assumed in the general coverage provided by the plan;*

(b) *Provides benefits that are unreasonable in relation to the premium charged, contains provisions that are unfair or inequitable or contrary to the public policy of this state or that encourage misrepresentation, or result in unfair discrimination in sales practices; or*

(c) *Cannot demonstrate that the plan is financially sound and the applicant has the ability to underwrite or finance the benefits provided.*

(4) *LICENSE NOT REQUIRED.*—*A health flex plan approved under this section shall not be subject to the licensing requirements of the*

*Florida Insurance Code or chapter 641, Florida Statutes, relating to health maintenance organizations, unless expressly made applicable. However, for the purposes of prohibiting unfair trade practices, health flex plans shall be considered insurance subject to the applicable provisions of part IX of chapter 626, Florida Statutes, except as otherwise provided in this section.*

(5) *ELIGIBILITY.—Eligibility to enroll in an approved health flex plan is limited to residents of this state who:*

- (a) *Are 64 years of age or younger.*
- (b) *Have a family income equal to or less than 200 percent of the federal poverty level.*
- (c) *Are not covered by a private insurance policy and are not eligible for coverage through a public health insurance program such as Medicare or Medicaid, or other public health care program, including, but not limited to, Kidcare, and have not been covered at any time during the past 6 months.*

(d) *Have applied for health care benefits through an approved health flex plan and agree to make any payments required for participation, including, but not limited to, periodic payments and payments due at the time health care services are provided.*

(6) *RECORDS.—Every health flex plan provider shall maintain reasonable records of its loss, expense, and claims experience and shall make such records reasonably available to enable the agency and the Department of Insurance to monitor and determine the financial viability of the plan, as necessary.*

(7) *NOTICE.—The denial of coverage by the health plan entity shall be accompanied by the specific reasons for denial, nonrenewal, or cancellation. Notice of nonrenewal or cancellation shall be provided at least 45 days in advance of such nonrenewal or cancellation except that 10 days' written notice shall be given for cancellation due to nonpayment of premiums. If the health plan entity fails to give the required notice, the plan shall remain in effect until notice is appropriately given.*

(8) *NONENTITLEMENT.—Coverage under an approved health flex plan is not an entitlement and no cause of action shall arise against the state, local governmental entity, or other political subdivision of this state or the agency for failure to make coverage available to eligible persons under this section.*

(9) *CIVIL ACTIONS.—In addition to an administrative action initiated under subsection (4), the agency may seek any remedy provided by law, including, but not limited to, the remedies provided in s. 812.035, Florida Statutes, if the agency finds that a health plan entity has engaged in any act resulting in injury to an enrollee covered by a plan approved under this section.*

Section 2. Paragraph (m) of subsection (3), paragraphs (a), (d), and (e) of subsection (12), and paragraph (a) of subsection (15) of section 627.6699, Florida Statutes, are amended to read:

627.6699 Employee Health Care Access Act.—

(3) **DEFINITIONS.**—As used in this section, the term:

(m) “Limited benefit policy or contract” means a policy or contract that provides coverage for each person insured under the policy for a specifically named disease or diseases, a specifically named accident, or a specifically named limited market that fulfills a an experimental or reasonable need by providing more affordable health insurance, such as the small group market.

(12) **STANDARD, BASIC, AND LIMITED HEALTH BENEFIT PLANS.**—

(a)1. By May 15, 1993, the commissioner shall appoint a health benefit plan committee composed of four representatives of carriers which shall include at least two representatives of HMOs, at least one of which is a staff model HMO, two representatives of agents, four representatives of small employers, and one employee of a small employer. The carrier members shall be selected from a list of

individuals recommended by the board. The commissioner may require the board to submit additional recommendations of individuals for appointment.

2. The plans shall comply with all of the requirements of this subsection.

3. The plans must be filed with and approved by the department prior to issuance or delivery by any small employer carrier.

4. ~~Before October 1, 2001, and in every fourth year thereafter, the commissioner shall appoint a new health benefit plan committee in the manner provided in subparagraph 1. to determine if modifications to a plan might be appropriate and to submit recommended modifications to the department for approval. Such determination shall be based upon prevailing industry standards regarding managed care and cost containment provisions and shall be for the purpose of ensuring that the benefit plans offered to small employers on a guaranteed issue basis are consistent with the low-priced to mid-priced benefit plans offered in the large group market. This determination shall be included in a report submitted to the President of the Senate and the Speaker of the House of Representatives annually by October 1. After approval of the revised health benefit plans, if the department determines that modifications to a plan might be appropriate, the commissioner shall appoint a new health benefit plan committee in the manner provided in subparagraph 1. to submit recommended modifications to the department for approval.~~

(d)1. Upon offering coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract for any small employer, the small employer carrier shall disclose in writing to the employer provide such employer group with a written statement that contains, at a minimum:

a. ~~An explanation of those mandated benefits and providers that are not covered by the policy or contract;~~

a.b. ~~An outline of coverage An explanation of the managed care and cost control features of the policy or contract, along with all appropriate mailing addresses and telephone numbers to be used by insureds in seeking information. or authorization; and~~

b.e. ~~An explanation of The primary and preventive care features of the policy or contract.~~

~~Such disclosure statement must be presented in a clear and understandable form and format and must be separate from the policy or certificate or evidence of coverage provided to the employer group.~~

2. ~~Before a small employer carrier issues a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, it must obtain from the prospective policyholder a signed written statement in which the prospective policyholder:~~

a. ~~Certifies as to eligibility for coverage under the standard health benefit plan, basic health benefit plan, or limited benefit policy or contract;~~

c.b. ~~Acknowledges The limited nature of the coverage and an understanding of the managed care and the cost control features of the policy or contract.;~~

e. ~~Acknowledges that if misrepresentations are made regarding eligibility for coverage under a standard health benefit plan, a basic health benefit plan, or a limited benefit policy or contract, the person making such misrepresentations forfeits coverage provided by the policy or contract; and~~

2.d. ~~If a limited plan is requested, the prospective policyholder must acknowledge in writing acknowledges that he or she the prospective policyholder had been offered, at the time of application for the insurance policy or contract, the opportunity to purchase any health benefit plan offered by the carrier and that the prospective policyholder had rejected that coverage.~~

~~A copy of such written statement shall be provided to the prospective policyholder no later than at the time of delivery of the policy or~~

~~contract, and the original of such written statement shall be retained in the files of the small employer carrier for the period of time that the policy or contract remains in effect or for 5 years, whichever period is longer.~~

~~3. Any material statement made by an applicant for coverage under a health benefit plan which falsely certifies as to the applicant's eligibility for coverage serves as the basis for terminating coverage under the policy or contract.~~

3.4. Each marketing communication that is intended to be used in the marketing of a health benefit plan in this state must be submitted for review by the department prior to use and must contain the disclosures stated in this subsection.

4. *The contract, policy, and certificates evidencing coverage under a limited benefit policy or contract and the application for coverage under such plans must state in not less than 10 point type on the first page in contrasting color the following: "The benefits provided by this health plan are limited and may not cover all of your medical needs. You should carefully review the benefits offered under this health plan."*

(d)(e) A small employer carrier may not use any policy, contract, form, or rate under this section, including applications, enrollment forms, policies, contracts, certificates, evidences of coverage, riders, amendments, endorsements, and disclosure forms, until the insurer has filed it with the department and the department has approved it under ss. 627.410, ~~627.4106~~, and 627.411, and 641.31.

(15) APPLICABILITY OF OTHER STATE LAWS.—

(a) Except as expressly provided in this section, a law requiring coverage for a specific health care service or benefit, or a law requiring reimbursement, utilization, or consideration of a specific category of licensed health care practitioner, does not apply to a standard or basic health benefit plan policy or contract or a limited benefit policy or contract offered or delivered to a small employer unless that law is made expressly applicable to such policies or contracts. *A law restricting or limiting deductibles, copayments, or annual or lifetime maximum payments does not apply to a limited benefit policy or contract offered or delivered to a small employer unless such law is made expressly applicable to such policy or contract. A limited benefit policy or contract which is offered or delivered to a small employer may also be offered or delivered to an employer with 51 or more eligible employees. Any covered disease or condition may be treated by any physician, without discrimination, licensed or certified to treat the disease or condition.*

Section 3. This act shall take effect October 1, 2001.

And the title is amended as follows:

On page 1, line 2, through page 2, line 14,  
remove from the title of the bill: all of said lines,

and insert in lieu thereof: An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.6699, F.S.; revising a definition; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in

limited benefit policies or contracts for small employers; providing an effective date.

WHEREAS, the Legislature recognizes that the increasing number of uninsured Floridians is due in part to small employers' and their employees' inability to afford comprehensive health insurance coverage, and

WHEREAS, the Legislature recognizes the need for small employers and their employees to have the opportunity to choose more affordable and flexible health insurance plans, and

WHEREAS, it is the intent of the Legislature that insurers and health maintenance organizations have maximum flexibility in health plan design or in developing a health plan design to complement a medical savings account program established by a small employer for the benefit of its employees, NOW, THEREFORE,

Rep. Farkas moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 687** was taken up. On motion by Rep. Romeo, the rules were waived and CS for SB 224 was substituted for CS/HB 687. Under Rule 5.15, the House bill was laid on the table and—

**CS for SB 224**—A bill to be entitled An act relating to medically essential electric public utility service; creating s. 366.15, F.S.; defining the term "medically essential"; requiring electric public utilities to provide medically essential service under specified circumstances; providing procedures for certification of medically essential utility service; authorizing utilities to disconnect service under certain circumstances; providing for notice to customers; providing for payment for service; providing for monitoring of customers; providing responsibilities for customers; providing for the identification of sources for funding purposes; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 1125**—A bill to be entitled An act relating to Monroe County; amending ch. 99-395, Laws of Florida; establishing effluent water quality standards for reuse systems; providing an effective date.

—was read the second time by title.

The Committee on Local Government & Veterans Affairs offered the following:

(Amendment Bar Code: 885915)

**Amendment 1 (with title amendment)**—  
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (8) of section 6 of chapter 99-395, Laws of Florida, is amended to read:

Section 6. Sewage requirements in Monroe County.—

(8) The requirements of subsections (2)-(7) do not apply to the following:

(a) Class 1 injection wells as defined by Department of Environmental Protection rule, including any authorized mechanical integrity tests.

(b) Authorized mechanical integrity tests associated with Class V wells as defined by Department of Environmental Protection rule.

(c) The following types of reuse systems authorized by Department of Environmental Protection domestic wastewater rules:

1. Slow-rate land application systems;
2. Industrial uses of reclaimed water; and

3. Use of reclaimed water for toilet flushing, fire protection, vehicle washing, construction dust control, and decorative water features.

However, disposal systems serving as backups to reuse systems shall be required to meet the following effluent water quality limitations ~~comply with the other provisions of this act~~. Systems discharging less than 100,000 gallons per day based on the annual average daily flows to the backup system, including any other discharge of effluent to the backup system or other injection wells, shall provide a level of treatment that will produce an effluent that contains, on an annual average basis, not more than 10 milligrams per liter of biochemical oxygen demand, 10 milligrams per liter of suspended solids, 10 milligrams per liter of total nitrogen, and 1 milligram per liter of total phosphorous. Systems discharging 100,000 gallons per day or more based on the annual average daily flows to the backup system, including any other discharge of effluent to the backup system or other injection wells, shall provide a level of treatment that will produce an effluent that contains, on an annual average basis, not more than 5 milligrams per liter of biochemical oxygen demand, 5 milligrams per liter of suspended solids, 3 milligrams per liter of total nitrogen, and 1 milligram per liter of total phosphorous. Such systems shall comply with the Department of Environmental Protection's reuse rules.

(d) In areas that are scheduled to be served by a central sewage facility before July 1, 2010, interim construction standards for new, expanded or existing onsite sewage treatment and disposal systems shall be allowed.

1. Interim construction standards for undocumented systems, cesspit replacements, system modifications and new onsite sewage treatment and disposal systems in such areas shall be in compliance with interim standards in effect on March 3, 1998.

2. In such areas approved, existing onsite sewage treatment and disposal systems in failure may be repaired with in-kind replacements of the approved existing system. At a minimum, existing drainfields must be replaced with a drainfield in compliance with rules in effect on March 3, 1998.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page,  
remove from the bill: entire title

and insert in lieu thereof: A bill to be entitled An act relating to Monroe County; amending ch. 99-395, Laws of Florida; establishing effluent water quality limitations for reuse systems; provides interim construction standards for new, expanded, or existing onsite sewage and disposal systems scheduled to be served by a central sewage facility before July 1, 2010; providing an effective date.

Rep. Sorensen moved the adoption of the amendment.

The Committee on Natural Resources & Environmental Protection offered the following:

(Amendment Bar Code: 832651)

**Substitute Amendment 1 (with title amendment)**—  
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (8) of section 6 of chapter 99-395, Laws of Florida, is amended to read:

Section 6. Sewage requirements in Monroe County.—

(8) The requirements of subsections (2)-(7) do not apply to the following:

(a) Class 1 injection wells as defined by Department of Environmental Protection rule, including any authorized mechanical integrity tests.

(b) Authorized mechanical integrity tests associated with Class V wells as defined by Department of Environmental Protection rule.

(c) The following types of reuse systems authorized by Department of Environmental Protection domestic wastewater rules:

1. Slow-rate land application systems;
2. Industrial uses of reclaimed water; and

3. Use of reclaimed water for toilet flushing, fire protection, vehicle washing, construction dust control, and decorative water features.

However, disposal systems serving as backups to reuse systems shall be required to meet the following effluent water quality limitations ~~comply with the other provisions of this act~~. Systems discharging for no more than 25 days per year and less than 100,000 gallons per day based on the average of the total flows to the backup system over 25 days, including any other discharge of effluent to the backup system or other injection wells, shall provide a level of treatment that will produce an effluent that contains, on an average basis, not more than 10 milligrams per liter of biochemical oxygen demand, 10 milligrams per liter of suspended solids, 10 milligrams per liter of total nitrogen, and 1 milligram per liter of total phosphorous. Systems discharging more than 25 days per year or more than 100,000 gallons per day based on the average daily flows to the backup system, including any other discharge of effluent to the backup system or other injection wells, shall provide a level of treatment that will produce an effluent that contains, on an average basis, not more than 5 milligrams per liter of biochemical oxygen demand, 5 milligrams per liter of suspended solids, 3 milligrams per liter of total nitrogen, and 1 milligram per liter of total phosphorous. Such systems shall comply with the Department of Environmental Protection's reuse rules.

(d) In areas that are scheduled to be served by a central sewage facility before July 1, 2010, interim construction standards for new, expanded or existing onsite sewage treatment and disposal systems shall be allowed.

1. Interim system requirements shall be allowed through July 1, 2004, for onsite sewage treatment and disposal systems under the jurisdiction of the Department of Health, as defined in 381.0065, Florida Statutes, in areas that are scheduled to be served, according to an adopted local comprehensive plan determined to be in compliance by the Department of Community Affairs, by a central sewage facility before July 1, 2010. The interim system requirements shall be those requirements for the Florida Keys contained in Department of Health rules effective on March 3, 1998.

2. After July 1, 2004, interim system requirements shall be allowed in an area scheduled to be served by a central sewage facility only when all of the following conditions are met:

a. An enforceable contract to provide the central sewage facility and collection system has been signed;

b. The contract contains a binding schedule for connecting the onsite sewage treatment and disposal systems under the jurisdiction of the Department of Health to the central sewage facility; and

c. There is an enforceable requirement for abandonment of the onsite sewage treatment and disposal systems under the jurisdiction of the Department of Health.

3. Onsite sewage treatment and disposal systems under the jurisdiction of the Department of Health that are not scheduled to be served in accordance with this paragraph shall provide the level of treatment required under paragraph (c).

4. All onsite treatment and disposal systems under the jurisdiction of the Department of Health in operation on July 1, 2010, shall provide the level of treatment required under paragraph (c).

And the title is amended as follows:

On page ,  
remove from the bill: entire title

and insert in lieu thereof: A bill to be entitled An act relating to Monroe County; amending ch. 99-395, Laws of Florida; establishing effluent water quality limitations for reuse systems; provides interim construction standards for new, expanded, or existing onsite sewage and disposal systems scheduled to be served by a central sewage facility before July 1, 2010; providing an effective date.

Rep. Sorensen moved the adoption of the substitute amendment.

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 080429)

**Amendment 1 to Substitute Amendment 1**—On page 2, line 8 through page 3, line 13, remove from the substitute amendment: all of said lines

and insert in lieu thereof:

However, disposal systems serving as backups to reuse systems shall comply with the other provisions of this act.

*(d) In areas that are scheduled to be served by a central sewage facility before July 1, 2010, interim construction standards for new, expanded or existing onsite sewage treatment and disposal systems shall be allowed.*

*1. Interim system requirements shall be allowed through July 1, 2004, for onsite sewage treatment and disposal systems under the jurisdiction of the Department of Health, as defined in 381.0065, Florida Statutes, in areas that are scheduled to be served, according to an adopted local comprehensive plan determined to be in compliance by the Department of Community Affairs, by a central sewage facility before July 1, 2010. The interim system requirements shall be those interim standards for the Florida Keys contained in Department of Health rules effective on March 3, 1998.*

Rep. Sorensen moved the adoption of the amendment to the substitute amendment, which was adopted.

The question recurred on the adoption of **Substitute Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 175**—A bill to be entitled An act relating to reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving resulting in damage to property or person or serious bodily injury; providing a definition; amending s. 782.071, F.S., relating to vehicular homicide; providing penalties; amending ss. 921.0022 and 960.03, F.S.; conforming cross references; providing an effective date.

—was read the second time by title.

Representative(s) Machek offered the following:

(Amendment Bar Code: 304219)

**Amendment 1**—On page 2, line 9, remove from the bill: all of said line

and insert in lieu thereof:

*an injury to another person, which consists*

Rep. Machek moved the adoption of the amendment, which was adopted.

Representative(s) Machek offered the following:

(Amendment Bar Code: 454531)

**Amendment 2 (with title amendment)**—Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 316.1923, Florida Statutes, is created to read:

*316.1923 Aggressive careless driving.—“Aggressive careless driving” means committing two or more of the following acts simultaneously or in succession:*

- (1) Exceeding the posted speed as defined in s. 322.27(3)(d)5.b.*
- (2) Unsafely or improperly changing lanes as defined in s. 316.085.*
- (3) Following another vehicle too closely as defined in s. 316.0895(1).*
- (4) Failing to yield the right-of-way as defined in s. 316.079, s. 316.0815, or s. 316.123.*
- (5) Improperly passing as defined in s. 316.083, s. 316.084, or s. 316.085.*

*(6) Violating traffic control and signal devices as defined in ss. 316.074 and 316.075.*

Section 2. Paragraph (a) of subsection (1) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

*(1)(a) The department shall prepare, and supply to every traffic enforcement agency in this state, an appropriate form traffic citation containing a notice to appear (which shall be issued in prenumbered books with citations in quintuplicate) and meeting the requirements of this chapter or any laws of this state regulating traffic, which form shall be consistent with the state traffic court rules and the procedures established by the department. Upon all future printings of the traffic citation, the form shall include a special box which is to be checked by the law enforcement officer when the officer believes that the traffic violation or crash was due to aggressive careless driving as defined in s. 316.1923.*

*Section 3. The Department of Highway Safety and Motor Vehicles shall prepare and deliver a report to the Speaker of the House of Representatives and the President of the Senate no later than December 1, 2002, setting forth the number of incidents of aggressive careless driving in this state.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to aggressive careless driving; creating s. 316.1923, F.S.; defining the term “aggressive careless driving”; amending s. 316.650, F.S.; requiring that the Department of Highway Safety and Motor Vehicles revise the uniform traffic citation upon future printings, to include a special check-off box for law enforcement officers to use to indicate aggressive careless driving; requiring the department to make a report to the Legislature on the number of aggressive careless driving incidents; providing an effective date.

Rep. Machek moved the adoption of the amendment, which was adopted.

Representative(s) Machek offered the following:

(Amendment Bar Code: 765275)

**Amendment 3 (with title amendment)**—

On page 9, between lines 4 and 5 insert:

Section 5. Section 316.1923, Florida Statutes, is created to read:

*316.1923 Aggressive careless driving.—“Aggressive careless driving” means committing two or more of the following acts simultaneously or in succession:*

- (1) Exceeding the posted speed as defined in s. 322.27(3)(d)5.b.*
- (2) Unsafely or improperly changing lanes as defined in s. 316.085.*
- (3) Following another vehicle too closely as defined in s. 316.0895(1).*
- (4) Failing to yield the right-of-way as defined in s. 316.079, s. 316.0815, or s. 316.123.*
- (5) Improperly passing as defined in s. 316.083, s. 316.084, or s. 316.085.*



(6) *Violating traffic control and signal devices as defined in ss. 316.074 and 316.075.*

Section 6. Paragraph (a) of subsection (1) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(1)(a) The department shall prepare, and supply to every traffic enforcement agency in this state, an appropriate form traffic citation containing a notice to appear (which shall be issued in prenumbered books with citations in quintuplicate) and meeting the requirements of this chapter or any laws of this state regulating traffic, which form shall be consistent with the state traffic court rules and the procedures established by the department. *Upon all future printings of the traffic citation, the form shall include a special box which is to be checked by the law enforcement officer when the officer believes that the traffic violation or crash was due to aggressive careless driving as defined in s. 316.1923.*

Section 7. *The Department of Highway Safety and Motor Vehicles shall prepare and deliver a report to the Speaker of the House of Representatives and the President of the Senate no later than December 1, 2002, setting forth the number of incidents of aggressive careless driving in this state.*

And the title is amended as follows:

On page 1, line 9, after “references;” insert: creating s. 316.1923, F.S.; defining the term “aggressive careless driving”; amending s. 316.650, F.S.; requiring that the Department of Highway Safety and Motor Vehicles revise the uniform traffic citation upon future printings, to include a special check-off box for law enforcement officers to use to indicate aggressive careless driving; requiring the department to make a report to the Legislature on the number of aggressive careless driving incidents;

Rep. Machek moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 959**—A bill to be entitled An act relating to mortgage foreclosure proceedings; providing for expedited procedure under certain conditions; providing that a hearing and an adjudication that requested attorney’s fees are reasonable are not necessary under certain conditions; providing that attorney’s fees when provided in a note or mortgage constitute liquidated damages; amending s. 702.10, F.S.; specifying information to be included in an order to show cause why a final judgment of foreclosure should not be entered; providing that a hearing on attorney’s fees is unnecessary under certain circumstances; requiring the court to enter a final judgment of foreclosure under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Judicial Oversight offered the following:

(Amendment Bar Code: 555015)

**Amendment 1 (with title amendment)**—On page 1, between lines 20 and 21

insert

Section 1. Section 697.07, Florida Statutes, is amended to read:

697.07 Assignment of rents.—

(1) A mortgage or separate instrument may provide for an assignment of rents of real property or any interest therein as security for repayment of an indebtedness.

(2) If such an assignment is made, the mortgagee shall hold a lien on the rents, and the lien created by the assignment shall be perfected and effective against third parties upon recordation of the mortgage or separate instrument in the public records of the county in which the real property is located, according to law.

(3) Unless otherwise agreed to in writing by the mortgagee and mortgagor, the assignment of rents shall be enforceable upon the mortgagor’s default and written demand for the rents made by the mortgagee to the mortgagor, whereupon the mortgagor shall turn over all rents in the possession *or control* of the mortgagor at the time of the written demand or collected thereafter (the “collected rents”) to the mortgagee less payment of any expenses authorized by the mortgagee in writing.

(4) Upon application by the mortgagee or mortgagor, in a foreclosure action, and notwithstanding any asserted defenses or counterclaims of the mortgagor, a court of competent jurisdiction, pending final adjudication of any action, may require the mortgagor to deposit the collected rents into the registry of the court, or in such other depository as the court may designate. However, the court may authorize the use of the collected rents, before deposit into the registry of the court or other depository, to:

(a) Pay the reasonable expenses solely to protect, preserve, and operate the real property, including, without limitation, real estate taxes and insurance;

(b) Escrow sums required by the ~~mortgagee mortgagor~~ or separate ~~assignment of rents assignment of rents~~ instrument; and

(c) Make payments to the mortgagee.

The court shall require the mortgagor to account to the court and the mortgagee for the receipt and use of the collected rents and may also impose other conditions on the mortgagor’s use of the collected rents.

(5) Nothing herein shall preclude the court from granting any other appropriate relief regarding the collected rents pending final adjudication of the action. The undisbursed collected rents remaining in the possession of the mortgagor or in the registry of the court, or in such other depository as ordered by the court, shall be disbursed at the conclusion of the action in accordance with the court’s final judgment or decree.

(6) The court shall expedite the hearing on the application by the mortgagee or mortgagor to enforce ~~the its~~ assignment of rents. The procedures authorized by this statute are in addition to any other rights or remedies of the mortgagee or mortgagor under the mortgage, separate ~~assignment of rents assignment of rents~~ instrument, promissory note, at law, or in equity.

(7) Nothing herein shall alter the lien priorities, rights, or interests among mortgagees or other lienholders or alter the rights of the mortgagee under the mortgage, separate ~~assignment of rents assignment of rents~~ instrument, at law or in equity, concerning rents collected before the written demand by the mortgagee. A mortgagee’s enforcement of its ~~assignment assignments~~ of rents under this statute shall not operate to transfer title to any rents not received by the mortgagee.

(8) Any moneys received by the mortgagee pursuant to this statute shall be applied by the mortgagee in accordance with the mortgage, separate ~~assignment of rents assignment of rents~~ instrument, or promissory note, and the mortgagee shall account to the mortgagor for such application.

And the title is amended as follows:

On page 1, lines 2 through 3  
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to mortgages; amending s. 697.07, F.S.; providing that rents in the control of a mortgagor are subject to assignment of rents; correcting language regarding assignment of rents; providing for expedited procedure

Rep. Gottlieb moved the adoption of the amendment, which was adopted.

The Committee on Judicial Oversight offered the following:

(Amendment Bar Code: 362405)

**Amendment 2**—On page 5, line 13, after the word “court” remove from the bill: may

and insert in lieu thereof: *shall*

Rep. Gottlieb moved the adoption of the amendment, which was adopted.

The Council for Ready Infrastructure offered the following:

(Amendment Bar Code: 630813)

**Amendment 3**—On page 2, lines 3-4, remove from the bill: all of said lines

and insert in lieu thereof: *fees do not exceed 3 percent of the principal amount owed at the time of filing the complaint, even if the note or mortgage*

Rep. Gottlieb moved the adoption of the amendment, which was adopted.

The Council for Ready Infrastructure offered the following:

(Amendment Bar Code: 893161)

**Amendment 4 (with title amendment)**—On page 4, line 13 of the bill

after the period, insert: *Whenever a legal advertisement, publication, or notice relating to a foreclosure proceeding is required to be placed in a newspaper, such advertisement, publication, or notice shall be placed directly by the attorney for the party, by the party if it is acting pro se, or by the clerk of the court.*

And the title is amended as follows:

On page 1, line 13

after the semicolon, insert: providing certain notices be published in a newspaper;

Rep. Gottlieb moved the adoption of the amendment, which was adopted.

Representative(s) Gottlieb offered the following:

(Amendment Bar Code: 793743)

**Amendment 5**—On page 2, line 30, of the bill

after the period insert: *Failure to hold the hearing within such time shall affect neither the validity of the order to show cause nor the jurisdiction of the court to issue subsequent orders.*

Rep. Gottlieb moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**HB 559**—A bill to be entitled An act relating to the Pinellas County School District; providing for a seven-member district school board, with four members elected from single-member districts and three members elected from the county at large, notwithstanding the provisions of s. 230.061, s. 230.10, or s. 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general election; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member districts; providing for a referendum; providing effective dates.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**CS/HB 257**—A bill to be entitled An act relating to road designations; designating “Steven Cranman Boulevard” and “Ethel Beckford Boulevard” in Miami-Dade County; designating “Phicol Williams

Boulevard” in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**CS/HB 203**—A bill to be entitled An act relating to child pornography and images harmful to minors; amending s. 827.071, F.S.; revising the definition of “sexual conduct”; amending s. 847.001, F.S.; revising and adding definitions; amending s. 847.0135, F.S.; revising the “Computer Pornography and Child Exploitation Act of 1986” to clarify certain penalties; creating s. 847.0137, F.S.; prohibiting transmissions of child pornography and any image, information, or data harmful to minors; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography, transmission of child pornography, or unlawful transmission of any image, information, or data harmful to minors; providing severability; providing an effective date.

—was read the second time by title.

Representative(s) Ryan offered the following:

(Amendment Bar Code: 703181)

**Amendment 1**—On page 5, lines 5-6, remove from the bill: all of said lines

and insert in lieu thereof:

(1) *“Child pornography” means any image depicting a minor engaged in sexual conduct.*

Rep. Ryan moved the adoption of the amendment, which was adopted.

Representative(s) Ryan offered the following:

(Amendment Bar Code: 101861)

**Amendment 2 (with title amendment)**—On page 8, line 3, through page 10, line 10,

remove from the bill: all of said lines

and insert in lieu thereof:

Section 3. Subsection (2) of section 847.0135, Florida Statutes, is amended to read:

847.0135 Computer pornography; penalties.—

(2) COMPUTER PORNOGRAPHY.—A person who:

(a) Knowingly compiles, enters into, or transmits by ~~use means~~ of computer;

(b) Makes, prints, publishes, or reproduces by other computerized means;

(c) Knowingly causes or allows to be entered into or transmitted by ~~use means~~ of computer; or

(d) Buys, sells, receives, exchanges, or disseminates,

any notice, statement, or advertisement of ~~of~~ any minor’s name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information; for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with any minor, or the visual depiction of such conduct, *commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.984.* The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense under this section shall not constitute a defense to a prosecution under this section. ~~Any person who violates the provisions of this subsection commits a felony of the third degree, punishable as provided for in s. 775.082, s. 775.083, or s. 775.984.~~

Section 4. Section 847.0137, Florida Statutes, is created to read:

*847.0137 Transmission of pornography by electronic device or equipment prohibited; penalties.—*

(1) For purposes of this section:

(a) "Minor" means any person less than 18 years of age.

(b) "Transmit" means the act of sending and causing to be delivered any image, information, or data from one or more persons or places to one or more other persons or places over or through any medium, including the Internet, by use of any electronic equipment or device.

(2) Notwithstanding ss. 847.012 and 847.0133, any person in this state who knew or reasonably should have known that he or she was transmitting child pornography, as defined in s. 847.001, to another person in this state or in another jurisdiction commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or reasonably should have known that he or she was transmitting child pornography, as defined in s. 847.001, to any person in this state commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) This section shall not be construed to prohibit prosecution of a person in this state or another jurisdiction for a violation of any law of this state, including a law providing for greater penalties than prescribed in this section, for the transmission of child pornography, as defined in s. 847.001, to any person in this state.

(5) A person is subject to prosecution in this state pursuant to chapter 910 for any act or conduct proscribed by this section, including a person in a jurisdiction other than this state, if the act or conduct violates subsection (3).

The provisions of this section do not apply to subscription-based transmissions such as list servers.

Section 5. Section 847.0138, Florida Statutes, is created to read:

*847.0138 Transmission of material harmful to minors to a minor by electronic device or equipment prohibited; penalties.—*

(1) For purposes of this section:

(a) "Known by the defendant to be a minor" means that the defendant had actual knowledge or had reason to believe that the recipient of the communication was a minor.

(b) "Transmit" means to send to a specific individual known by the defendant to be a minor via electronic mail.

(2) Notwithstanding ss. 847.012 and 847.0133, any person in this state who knew or reasonably should have known that he or she was transmitting an image, information, or data that is harmful to minors, as defined in s. 847.001, to a specific individual known by the defendant to be a minor in this state commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or reasonably should have known that he or she was transmitting an image, information, or data that is harmful to minors, as defined in s. 847.001, to a specific individual known by the defendant to be a minor in this state commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

The provisions of this section do not apply to subscription-based transmissions such as list servers.

And the title is amended as follows:

On page 1, line 12,

after "penalties;" insert: creating s. 847.0138, F.S.; prohibiting transmission of material harmful to minors by electronic device or equipment; providing definitions; providing penalties;

Rep. Ryan moved the adoption of the amendment, which was adopted.

Representative(s) Ryan offered the following:

(Amendment Bar Code: 585397)

**Amendment 3 (with title amendment)**—On page 10, between lines 26-27, of the bill

insert:

Section 6. Subsection (7) is added to section 905.34, Florida Statutes, to read:

905.34 Powers and duties; law applicable.—The jurisdiction of a statewide grand jury impaneled under this chapter shall extend throughout the state. The subject matter jurisdiction of the statewide grand jury shall be limited to the offenses of:

(7) Any violation of s. 847.0135, s. 847.0137, or s. 847.0138 relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135, s. 847.0137, or s. 847.0138;

or any attempt, solicitation, or conspiracy to commit any violation of the crimes specifically enumerated above, when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits. The statewide grand jury may return indictments and presentments irrespective of the county or judicial circuit where the offense is committed or triable. If an indictment is returned, it shall be certified and transferred for trial to the county where the offense was committed. The powers and duties of, and law applicable to, county grand juries shall apply to a statewide grand jury except when such powers, duties, and law are inconsistent with the provisions of ss. 905.31-905.40.

And the title is amended as follows:

On page 1, line 17,

after "minors;" insert: amending s. 905.34, F.S.; providing jurisdiction of the statewide grand jury over offenses relating to computer pornography, child exploitation, or violations of s. 847.0135, F.S.;

Rep. Ryan moved the adoption of the amendment, which was adopted.

Representative(s) Trovillion offered the following:

(Amendment Bar Code: 863313)

**Amendment 4 (with title amendment)**—On page 11, line 1 of the bill

remove from the bill: all of said line

and insert in lieu thereof:

Section 7. This section shall take effect October 1, 2001.

*Each county or municipal public library that makes available for public use computer on-line service, Internet service, or local bulletin-board service shall install and maintain computer software or equivalent technology on any computer that is made available to persons under 18 years of age which prohibits access to materials that contain obscene descriptions, photographs, or depictions. If the library has only one computer available for public use, the installation of such software or technology shall be within the discretion of the library.*

Section 8. In accordance with section 18, Article VII of the State Constitution, the Legislature finds that the installation and maintenance by public libraries of computer software or equivalent technology that prohibits access by persons under 18 years of age to obscene materials fulfills an important state interest.

Section 9. Except as otherwise provided, this act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 18

remove from the title of the bill: all of said line

and insert in lieu thereof: requiring public libraries to install and maintain computer software or equivalent technology that prohibits access to obscene materials by minors; providing that the installation of software or technology in a library having only one public-access computer is within the library's discretion; providing a finding of important state interest; providing effective dates.

Rep. Trovillion moved the adoption of the amendment, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HBs 715 & 1355**—A bill to be entitled An act relating to breast and cervical cancer; creating s. 381.93, F.S.; providing a short title; providing legislative intent; authorizing specified breast and cervical cancer services to be rendered by the Department of Health; providing for funding sources for such services; providing for limits on service enrollment based on income; providing for income verification; authorizing the department to provide related services funded by other means; amending s. 409.904, F.S.; providing for Medicaid eligibility for certain women in need of treatment for breast and cervical cancer; specifying "qualified entity" for such purpose; providing for eligibility, presumptive eligibility, and duration of eligibility; providing an effective date.

—was read the second time by title.

The Committee on Health & Human Services Appropriations offered the following:

(Amendment Bar Code: 681345)

**Amendment 1 (with title amendment)**—On page 3, between lines 24 and 25, of the bill

insert:

Section 3. *Implementation of the provisions of this act is contingent upon specific appropriation therefore.*

And the title is amended as follows:

On page 1, line 18, after the semicolon

insert: providing that funding is contingent upon specific appropriation;

Rep. Lerner moved the adoption of the amendment, which was adopted.

Representative(s) Lerner offered the following:

(Amendment Bar Code: 142753)

**Amendment 2 (with title amendment)**—On page 3, between lines 24 and 25, of the bill

insert:

Section 3. *The Department of Health and the Agency for Health Care Administration shall monitor the total Medicaid expenditures for services provided under this act. In the event that Medicaid expenditures are projected to exceed the amount appropriated, the Department of Health shall limit the number of screenings to ensure that Medicaid expenditures remain within appropriation. The Department of Health, in cooperation with the Agency for Health Care Administration, shall prepare an annual report which shall include the number of women screened, the percentage of positive and negative outcomes, the number of referrals to Medicaid and other providers for treatment services, the estimated number of women not screened or not served by Medicaid due to appropriation limitations, if any, the cost of Medicaid treatment services, and the estimated cost of treatment services for women not screened or referred due to appropriation limitations. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by March 1 of each year.*

And the title is amended as follows:

On page 1, line 18,

after the semicolon, insert: providing for monitoring of Medicaid expenditures; requiring an annual report;

Rep. Lerner moved the adoption of the amendment. Further consideration of **Amendment 2** was temporarily postponed under Rule 11.10.

Further consideration of **CS/HBs 715 & 1355**, with pending amendment, was temporarily postponed under Rule 11.10.

On motion by Rep. Goodlette, the rules were waived and the House moved to the order of—

## Motions Relating to Committee or Council References

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1169 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 459 was withdrawn from the Committee on Education Innovation and remains referred to the Council for Smarter Government.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1093 was withdrawn from the Committee on Education Appropriations and remains referred to the Council for Lifelong Learning.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 135 was withdrawn from the Committee on Fiscal Policy & Resources and remains referred to the Council for Lifelong Learning.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1265 was withdrawn from the Committee on Natural Resources & Environmental Protection and remains referred to the Committee on General Government Appropriations and the Council for Ready Infrastructure.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 567 was withdrawn from the Committee on Fiscal Policy & Resources and remains referred to the Council for Smarter Government.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 567 was withdrawn from the Council for Smarter Government and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1365 was withdrawn from the Council for Competitive Commerce and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1385 was withdrawn from the Council for Smarter Government and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1471 was withdrawn from the Council for Smarter Government and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1789 was withdrawn from the Council for Competitive Commerce and placed on the Calendar of the House.

## Messages from the Senate

### First Reading by Publication

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 130; passed CS for SB 208 and SBs 226 and 338, as amended; passed CS for SB 354; passed CS for CS for SB 400, as amended; passed CS for SB 424; passed SB 428, as amended; passed SB 536; passed SBs 540 and 648, as amended; passed SB 672; passed SB 676 and CS for SB 780, as amended; passed CS for SB 828; passed CS

for SB 972; CS for SB 1190; CS for SB 1210; and SB 1412, as amended; passed SB 1516; passed SBs 1644 and 2104, as amended; adopted SCR 2106; passed CS for SB 2110, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senator Silver—

**SB 130**—A bill to be entitled An act relating to eminent domain; amending s. 166.411, F.S.; authorizing municipalities to exercise the power of eminent domain for public school purposes; providing for future repeal; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Commerce and Economic Opportunities and Senator Geller—

**CS for SB 208**—A bill to be entitled An act relating to consumer protection; amending s. 501.203, F.S.; including business or commercial entity within the definition of the term “consumer” for purposes of ch. 501, F.S.; incorporating revisions to applicable regulations; amending s. 501.204, F.S.; incorporating interpretations relating to the Federal Trade Commission Act; amending s. 501.207, F.S.; authorizing an action on behalf of a governmental entity for damages caused by a violation of part II of ch. 501, F.S.; amending s. 501.2075, F.S.; providing for waiver of civil penalties if restitution is made for actual damages to a governmental entity; repealing s. 501.2091, F.S., relating to an authorization for a stay of proceedings pending trial by a party to an action under part II of ch. 501, F.S.; amending s. 501.211, F.S.; providing for the recovery of actual damages on the part of a person who suffers a loss as a result of a violation of part II of ch. 501, F.S.; amending s. 501.212, F.S.; providing that an exemption from regulation under part II of ch. 501, F.S., applies to activities regulated under laws administered by the Public Service Commission; providing an effective date.

Referred to the Calendar of the House.

By Senator Dawson—

**SB 226**—A bill to be entitled An act relating to prisons; creating the “Protection Against Sexual Violence in Florida Jails and Prisons Act”; amending s. 944.35, F.S.; requiring the Criminal Justice Standards and Training Commission to develop a course relating to sexual assault identification and prevention as part of the correctional-officer training program; creating s. 951.221, F.S.; prohibiting sexual misconduct by employees of county or municipal detention facilities; providing for termination of employment under certain circumstances; providing penalties; providing an effective date.

Referred to the Calendar of the House.

By Senator Campbell—

**SB 338**—A bill to be entitled An act relating to criminal justice; providing a short title; amending s. 782.04, F.S.; making it a capital felony to commit the unlawful killing of a human being while perpetrating or attempting to perpetrate the act of resisting an officer with violence to the officer’s person; providing penalties for specified murders involving the perpetration of or the attempt to perpetrate the act of resisting an officer with violence to the officer’s person; amending s. 775.0823, F.S.; correcting sentencing references; reenacting ss. 782.051, 903.133, 921.0022(3)(h) and (i), and 947.146(3)(i), F.S., relating to attempted felony murder, relating to bail on appeal prohibited for certain felony convictions, relating to the Criminal Punishment Code offense severity ranking chart, and relating to the Control Release Authority; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Commerce and Economic Opportunities and Senators Miller and Crist—

**CS for SB 354**—A bill to be entitled An act relating to civil rights; amending s. 760.11, F.S., pertaining to administrative and civil

remedies for violations of ss. 760.01-760.10, F.S., the “Florida Civil Rights Act of 1992”; revising procedures for filing complaints; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Appropriations, Children and Families and Senator Horne and others—

**CS for CS for SB 400**—A bill to be entitled An act relating to support of dependents; amending s. 827.06, F.S.; providing alternative punishment for nonsupport of dependents; providing a felony penalty for fourth or subsequent violations; providing for the amount of restitution due; providing requirements with respect to certain evidence; providing for satisfaction of the element of notice under certain circumstances; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Judiciary and Senator Jones—

**CS for SB 424**—A bill to be entitled An act relating to retired judges; amending s. 25.073, F.S.; redefining the term “retired justice” or “retired judge” with respect to certain justices or judges assigned to temporary duty; providing an effective date.

Referred to the Calendar of the House.

By Senators Dyer and Crist—

**SB 428**—A bill to be entitled An act relating to building construction; amending s. 95.11, F.S.; providing alternative applications to a statute of limitations for certain legal or equitable actions for actions to enforce claims against payment bonds; revising a statute of limitations for actions to enforce claims against certain payment bonds; amending s. 255.05, F.S.; clarifying criteria for performance of bonds; revising a provision relating to notice of nonpayment for certain labor, materials, or supplies; amending s. 713.01, F.S.; revising certain definitions; amending s. 713.02, F.S.; clarifying a criterion for a proscriptio against certain liens; amending s. 713.13, F.S.; deleting authorization for certain fax numbers in notices of commencement; amending s. 713.18, F.S.; revising provisions relating to manner of serving notices and certain instruments; amending s. 713.23, F.S.; including certain unpaid finance charges under a written notice of nonpayment of a payment bond; amending s. 713.245, F.S.; providing additional bond criteria for coextension of a surety’s duty to pay lienors with a contractor’s duty to pay; amending ss. 725.06, 725.08, F.S.; revising indemnification and hold harmless requirements for construction contracts and design professional contracts; repealing s. 713.18(3), F.S., relating to service of certain notices by facsimile transmission; providing effective dates. amending s. 489.13, F.S.; providing for issuance of a notice of noncompliance, imposition of an administrative fine, and assessment of reasonable investigative and legal costs of prosecution for unlicensed contracting; specifying that such remedies are not exclusive; providing for uses of fine proceeds; requiring the Department of Business and Professional Regulation to create a web page on its Internet website dedicated to listing known information concerning unlicensed contractors; providing an effective date.

Referred to the Calendar of the House.

By Senator Bronson—

**SB 536**—A bill to be entitled An act relating to demineralization concentrate; amending s. 403.0882, F.S.; reorganizing and clarifying the section; directing the Department of Environmental Protection to enter into rulemaking; creating a technical advisory committee to assist in rule development; providing permitting requirements relating to failure of toxicity tests due to naturally occurring constituents; amending s. 403.061, F.S.; providing an exemption allowing demineralization concentrate mixing zones in Outstanding Florida Waters with specific requirements; providing an effective date.

Referred to the Calendar of the House.

By Senators Burt and Crist—

**SB 540**—A bill to be entitled An act relating to criminal activities; creating the White Collar Crime Victim Protection Act; providing legislative intent; providing definitions; specifying crimes and acts that constitute a white collar crime; providing that a person commits an aggravated white collar crime if the white collar crime is committed against certain persons or against a state agency or political subdivision; providing enhanced penalties for aggravated white collar crimes; requiring that a defendant convicted of an aggravated white collar crime pay court costs and restitution; requiring that payment of restitution be a condition of probation; amending s. 910.15, F.S.; providing that a communication made by or through the use of the Internet was made in every county of the state for purposes of prosecuting certain fraudulent practices; amending s. 921.0022, F.S.; adding certain aggravated white collar crimes to the Criminal Punishment Code offense severity ranking chart; providing for severability; providing an effective date.

Referred to the Calendar of the House.

By Senator Garcia—

**SB 648**—A bill to be entitled An act relating to the Beverage Law; amending ss. 562.11, 562.111, F.S.; providing an exemption for giving or serving to certain underage students alcoholic beverages that are delivered as part of a required curriculum at an accredited institution; providing an exemption for the possession of alcoholic beverages by underage students in specified circumstances; providing an effective date.

Referred to the Calendar of the House.

By Senator Mitchell and others—

**SB 672**—A bill to be entitled An act relating to financial responsibility for indigent hospital patients; amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county's financial responsibility for such hospital care; requiring the county of residence to accept the hospital's documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria; providing an effective date.

Referred to the Calendar of the House.

By Senator Smith—

**SB 676**—A bill to be entitled An act relating to sentencing; amending s. 775.082, F.S.; redefining the term "prison releasee reoffender" to include a defendant who commits certain felonies within a specified period after being released from a correctional institution outside the state or while escaped from a correctional institution outside the state; providing requirements for sentencing a defendant if the state attorney proves by a preponderance of the evidence that the defendant is a prison releasee reoffender; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Education and Senator Dawson—

**CS for SB 780**—A bill to be entitled An act relating to parental consent; amending s. 232.465, F.S.; providing that a student is exempt from certain services under the school health services plan if his or her parent or guardian requests such an exemption in writing; amending s. 234.02, F.S.; limiting transportation of a student to a medical treatment facility without parental consent; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Health, Aging and Long-Term Care and Senator Dyer—

**CS for SB 828**—A bill to be entitled An act relating to prevention and control of communicable diseases; amending s. 381.003, F.S.; requiring

the Department of Health to adopt certain standards applicable to all public-sector employers; requiring the compilation and maintenance of certain information by the department for use by employers; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Governmental Oversight and Productivity and Senator Bronson—

**CS for SB 972**—A bill to be entitled An act relating to water management district fiscal matters; amending s. 373.536, F.S.; revising notice and hearing provisions relating to the adoption of a final budget for the water management districts; specifying to whom a copy of the water management districts' tentative budgets must be sent for review; specifying the contents of the tentative budgets; requiring the Executive Office of the Governor to file with the Legislature a report summarizing its review of the water management districts' tentative budgets and displaying the adopted budget allocations by program area; requiring the water management districts to submit certain budget documents to specified officials; amending s. 373.079, F.S.; deleting a requirement that the water management districts submit a 5-year capital improvement plan and fiscal report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Environmental Protection; repealing s. 373.507, F.S., relating to postaudits and budgets of water management districts and basins; repealing s. 373.589, F.S., relating to audits of water management districts; amending s. 373.501, F.S.; providing procedures for the transfer of funds for proposed water management district projects; amending s. 373.59, F.S.; authorizing the use of the Water Management Lands Trust Fund for specified purposes other than acquisition; deleting a prospective repeal; amending s. 475.628, F.S.; recognizing certain appraisal methods; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Appropriations and Senator Sullivan—

**CS for SB 1190**—A bill to be entitled An act relating to higher education; amending s. 240.3836, F.S.; providing legislative intent; providing a process for authorizing community colleges to offer baccalaureate degree programs; amending s. 240.2011, F.S.; creating a fiscally autonomous campus of the University of South Florida; amending s. 240.527, F.S.; requiring a Campus Board of the University of South Florida St. Petersburg; requiring separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central support services contracts and a letter of agreement; excluding certain entities from certain provisions; adding to the State University System the New College in Sarasota; creating fiscally autonomous campuses of the University of South Florida; requiring a Campus Board of the University of South Florida Sarasota/Manatee; authorizing separate accreditation; providing powers and duties of the Campus Board and the Campus Executive Officer; providing a procedure for preparing a budget request; providing for central-support-services contracts and a letter of agreement; establishing a mission, goals, and board of trustees for New College of Florida; providing Legislative intent; redesignating St. Petersburg Junior College as "St. Petersburg College"; requiring accreditation; providing a mission; providing for students and fees; providing conditional authority to offer baccalaureate-degree-level programs; authorizing certain baccalaureate-degree programs and a process for increasing their number; establishing a governing board and a coordinating board; providing for dispute resolution; providing for certain employment classifications; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing for state funding; requiring a cost-accounting process; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Latvala—

**CS for SB 1210**—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; requiring certain group

certificates for health insurance coverage to be subject to the requirements for individual health insurance policies; revising requirements for filing and approval of individual health insurance rates; exempting group health insurance policies insuring groups of a certain size from rate filing requirements; providing alternative rate filing requirements for insurers with less than a specified number of nationwide policyholders or members; amending s. 627.411, F.S.; revising the grounds for the disapproval of insurance policy forms; providing that a health insurance policy form may be disapproved if it results in certain rate increases; specifying allowable new business rates and renewal rates if rate increases exceed certain levels; authorizing the Department of Insurance to determine medical trend for purposes of approving rate filings; amending s. 627.6487, F.S.; revising the types of policies that individual health insurers must offer to persons eligible for guaranteed individual health insurance coverage; prohibiting individual health insurers from applying discriminatory underwriting or rating practices to eligible individuals; amending s. 627.6515, F.S.; requiring that coverage issued to a state resident under certain group health insurance policies issued outside the state be subject to the requirements for individual health insurance policies; amending s. 627.6699, F.S.; revising definitions used in the Employee Health Care Access Act; allowing carriers to separate the experience of small employer groups with fewer than two employees; revising the rating factors that may be used by small employer carriers; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; providing alternative rate filing requirements for organizations with less than a specified number of subscribers; amending s. 627.6482, F.S.; amending definitions used in the Florida Comprehensive Health Association Act; amending s. 627.6486, F.S.; revising the criteria for eligibility for coverage from the association; providing for cessation of coverage; requiring all eligible persons to agree to be placed in a case-management system; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed availability of individual health insurance coverage; providing that a person is not eligible if the person is eligible for coverage under the Florida Comprehensive Health Association; amending s. 627.6488, F.S.; revising the membership of the board of directors of the association; revising the reimbursement of board members and employees; requiring that the plan of the association be submitted to the department for approval on an annual basis; revising the duties of the association related to administrative and accounting procedures; requiring an annual financial audit; specifying grievance procedures; establishing a premium schedule based upon an individual's family income; deleting requirements for categorizing insureds as low-risk, medium-risk, and high-risk; authorizing the association to place an individual with a case manager who determines the health care system or provider; requiring an annual review of the actuarial soundness of the association and the feasibility of enrolling new members; requiring a separate account for policyholders insured prior to a specified date; requiring appointment of an executive director with specified duties; authorizing the board to restrict the number of participants based on inadequate funding; limiting enrollment; specifying other powers of the board; amending s. 627.649, F.S.; revising the requirements for the association to use in selecting an administrator; amending s. 627.6492, F.S.; requiring insurers to be members of the association and to be subject to assessments for operating expenses; limiting assessments to specified maximum amounts; specifying when assessments are calculated and paid; allowing certain assessments to be charged by the health insurer directly to each insured, member, or subscriber and to not be subject to department review or approval; amending s. 627.6498, F.S.; revising the coverage, benefits, covered expenses, premiums, and deductibles of the association; requiring preexisting condition limitations; providing that the act does not provide an entitlement to health care services or health insurance and does not create a cause of action; limiting enrollment in the association; repealing s. 627.6484, F.S., relating to a prohibition on the Florida Comprehensive Health

Association from accepting applications for coverage after a certain date; making a legislative finding that the provisions of this act fulfill an important state interest; providing that the amendments to s. 627.6487(3), F.S., do not take effect unless approved by the U.S. Health Care Financing Administration; providing effective dates.

Referred to the Calendar of the House.

By Senator Posey—

**SB 1412**—A bill to be entitled An act relating to child restraint requirements; creating the Child Safety Booster Seat Act of 2001; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing for a phase-in period; providing effective dates.

Referred to the Calendar of the House.

By Senator Constantine—

**SB 1516**—A bill to be entitled An act relating to surety bonds; amending ss. 235.32, 255.05, F.S.; prohibiting public entities from directing that contractors building public facilities obtain surety bonds from a specific agent or bonding company; providing an effective date.

Referred to the Calendar of the House.

By Senator Smith—

**SB 1644**—A bill to be entitled An act relating to education; amending s. 231.262, F.S.; requiring school districts to institute policies regarding complaints against teachers and administrators; providing penalties for noncompliance; authorizing the district school superintendent to temporarily suspend a certificateholder from regularly assigned duties until completion of certain proceedings; providing an effective date.

Referred to the Calendar of the House.

By Senator Crist—

**SB 2104**—A bill to be entitled An act relating to hiring or leasing with intent to defraud; amending s. 812.155, F.S.; providing that the exclusion of property obtained under a rental-purchase agreement from criminal statutes relating to hiring or leasing with intent to defraud and similar offenses does not apply when the rental store retains title to the property through the period of the agreement; providing penalties; providing an effective date.

Referred to the Calendar of the House.

By Senator Peaden—

**SCR 2106**—A concurrent resolution naming the legislative clinic in honor of Dr. Edward G. Haskell, Jr.

Referred to the Calendar of the House.

By the Committee on Health, Aging and Long-Term Care and Senators Silver and Sanderson—

**CS for SB 2110**—A bill to be entitled An act relating to Medicaid services; amending s. 409.905, F.S.; providing that the Agency for Health Care Administration may restrict the provision of mandatory services by mobile providers; amending s. 409.906, F.S.; providing that the agency may restrict or prohibit the provision of services by mobile providers; providing that Medicaid will not provide reimbursement for dental services provided in mobile dental units, except for certain units; providing an effective date.

Referred to the Calendar of the House.

#### Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 10:30 a.m., Friday, April 27. The motion was agreed to.

**Recorded Votes**

Rep. Ball:

Yeas—CS/HB 1925

Rep. Crow:

Yeas—HB 115; CS/HB 479; HB 585; HB 629; HB 763; HB 775; HB 777; HB 799; HB 845; HB 847; HB 849; HB 851; HB 855; HB 857; HB 859; HB 879; HB 885; HB 887; HB 897; HB 901; HB 903; HB 905; HB 911; HB 919; HB 927; HB 929; HB 931; HB 937; HB 939; HB 943; HB 945; HB 975; HB 1037; HB 1041; HB 1115; HB 1183; HB 1815; HB 1851; HB 1855; HB 1857; HB 1859; HB 1887; HB 1897; HB 1899; HB 1903

Rep. Farkas:

Yeas—CS/HB 1199

Rep. Greenstein:

Yeas—motion to read CS/CS/HB 1533 the second time in full after reconsideration

Rep. Waters:

Nays—motion to read CS/CS/HB 1533 the second time in full after reconsideration

Rep. Wishner:

Nays—Amendment 1 to CS/HBs 1617 &amp; 1487

**Cosponsors**

CS/HB 255—Lacasa  
 HB 531—Gelber, Heyman, Lerner  
 HB 651—Simmons  
 HB 1077—Farkas  
 HB 1111—Lacasa  
 CS/CS/HB 1193—Lynn  
 HB 1467—Romeo

**Introduction and Reference**

By Representative Kyle—

**HB 413**—A bill to be entitled An act relating to Lee County and the City of Fort Myers; amending section 4, chapter 98-488, Laws of Florida, as amended; providing for the addition of a special election that may be conducted by the city for the interlocal agreement approval referendum; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government &amp; Veterans Affairs.

By the Council for Smarter Government; Representative Brummer—

**HB 1985**—A bill to be entitled An act relating to public records; creating s. 560.4045, F.S.; providing an exemption from public records requirements for personal identifying information contained in the database for deferred presentment providers maintained by the Department of Banking and Finance under s. 560.404, F.S.; providing exceptions; providing for future review and repeal; providing findings of public necessity; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

**Reference****HB 1865**—Referred to the Calendar of the House.**First Reading of Council and Committee Substitutes by Publication**

By the Council for Competitive Commerce; Representative Russell—

**CS/HB 103**—A bill to be entitled An act relating to off-highway vehicles; creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway-Vehicle Safety and Recreation Act; providing legislative intent; providing definitions; creating the Off-Highway-Vehicle Recreation Advisory Committee; providing duties and responsibilities; providing for duties and responsibilities of the Department of Agriculture and Consumer Services; providing for rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing for the use of designated off-highway-vehicle funds within the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services; amending s. 316.2074, F.S.; revising the definition of the term “all-terrain vehicle”; prohibiting the use of all-terrain vehicles on public roadways in the state; creating the Florida Off-Highway-Vehicle Titling and Registration Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer’s statement of origin; requiring registration; providing for application for and issuance of certificate of registration, registration number, and decal; providing for registration period and for reregistration by mail; providing for change of interest and address; providing for duplicate registration certificate and decal; providing for fees; providing for disposition of fees; providing for refusal to issue and authority to cancel a certificate of title or registration; providing for crimes relating to certificates of title and registration decals; providing penalties; providing for nonmoving traffic violations; providing penalties; amending s. 375.315, F.S., relating to the registration of off-road vehicles; providing an appropriation; providing an effective date.

By the Committee on Fiscal Policy &amp; Resources; Representative Fasano—

**CS/HB 1363**—A bill to be entitled An act relating to pari-mutuel wagering; requiring dogracing permitholders to provide a greyhound adoption booth at each dogracing facility in the state; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and to identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as “Greyhound Adopt-A-Pet Day”; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term “bona fide organization that promotes or encourages the adoption of greyhounds”; amending s. 550.5251, F.S.; revising requirements for the operation of cardrooms by thoroughbred racing permitholders; amending s. 849.086, F.S.; revising requirements for the operation of cardrooms; revising a definition; authorizing a permitholder to amend an application for license renewal; providing requirements for licensure of certain permitholders; providing for licensing fees; revising conditions for operating a cardroom; authorizing cardrooms to award prizes; limiting the amount of a bet; revising the rate of the gross receipts tax on admissions; revising the percentage of the tax which must be used for specified purposes; providing an effective date.

By the Council for Lifelong Learning; Representatives Waters, Gannon, Frankel, Macheck, McGriff, Melvin, Attkisson, Betancourt, Richardson, Heyman, Henriquez, Maygarden, and Wallace—

**CS/HB 1511**—A bill to be entitled An act relating to postsecondary education; amending s. 240.235, F.S.; requiring the approval of certain



student fee modifications, rather than just increases, by certain committees; changing language to conform with other provisions of the bill; creating ss. 240.236 and 240.336, F.S.; providing for the establishment of student governments at each state university and community college with the authority to establish certain procedures and to provide for the election or removal of student government officers; providing powers and duties; providing for suspension or removal from office under certain circumstances; amending ss. 240.295, 240.382, 240.531, 447.203, and 447.301, F.S.; conforming language to other provisions of the act and Florida law; repealing s. 240.136, F.S., relating to the removal and suspension of student government officers; providing an effective date.

By the Committee on State Administration; Representative Smith—

**CS/HB 1701**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; expanding the exemption from public records requirements for identifying information relating to code enforcement officers to include additional information and to include such officers' spouses and children; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Fiscal Responsibility Council; Committee on Elder & Long-Term Care; Representatives Green and Murman—

**CS/HB 1879**—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S., relating to state and local ombudsman council investigations; requiring ombudsman verification and reporting of nursing home staff on duty and the posting thereof; providing penalty for refusal of a nursing home or assisted living facility to allow entry to an ombudsman; amending s. 400.021, F.S.; revising definitions; defining "controlling interest" and "voluntary board member"; creating s. 400.0223, F.S.; requiring nursing homes to allow electronic monitoring of residents in their rooms; requiring posting of notice; providing facility requirements; providing penalties; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; requiring a copy of complaint to be served to the Agency for Health Care Administration; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for the calculation of attorney's fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; amending s. 400.071, F.S.; revising requirements and providing additional requirements for application for a nursing home

license; amending s. 400.102, F.S.; providing additional grounds for administrative or other actions against a nursing home; amending s. 400.118, F.S.; requiring agency staff to verify and report staff on duty at a nursing home; providing requirements for resident comprehensive assessment, plan of care, and treatment and services; providing for a resident's incapacity or refusal with regard to the plan of care; creating s. 400.1183, F.S.; requiring nursing homes to have a grievance procedure for residents; providing requirements; requiring recordkeeping and reports to the agency; providing for agency investigations; providing a penalty for noncompliance; amending s. 400.121, F.S.; revising a penalty for violations of pt. II of ch. 400, F.S.; providing additional grounds for denial of a nursing home licensure application; providing for review of administrative proceedings challenging agency licensure enforcement actions; amending s. 400.141, F.S.; providing qualifications for nursing home medical directors and nursing personnel; requiring sufficient nursing staff; requiring a comprehensive resident assessment; requiring daily charting of certain care delivered; requiring report of management agreements; requiring report of staff ratios, turnover, and stability, and bed vacancies; creating s. 400.1413, F.S.; requiring nursing homes to establish internal risk management and quality assurance programs; providing requirements for implementation; defining "adverse incident"; requiring reports to the agency; providing agency access to facility records, review of incidents and programs, and report to regulatory boards; limiting liability of risk managers; amending s. 400.1415, F.S.; providing for administrative penalties or a moratorium on admissions for a nursing home where alteration of records has occurred; requiring reporting; requiring referral of personnel for disciplinary action; amending s. 400.19, F.S.; providing for quarterly onsite review of facilities with a conditional licensure status; amending s. 400.191, F.S.; requiring facility posting of the Florida Nursing Home Guide Watch List; amending s. 400.211, F.S.; revising qualifications for temporary employment of nursing assistants; providing performance review and inservice training requirements for certified nursing assistants; amending s. 400.23, F.S.; deleting obsolete language and references; deleting requirement for review of local emergency management plans; providing for agency rules relating to consumer satisfaction surveys, posting of reports and records, and quality assurance and risk management; specifying minimum nursing home staffing requirements; providing a moratorium on admissions for certain failure to comply with minimum staffing requirements; providing a penalty; revising provisions relating to deficient practices and classifications thereof; revising penalties; providing an exemption from certain minimum staffing requirements; requiring a report; amending s. 400.241, F.S.; providing a cross reference; providing a penalty; amending s. 400.407, F.S.; correcting a cross reference; amending s. 400.426, F.S.; requiring a daily record of care of residents; providing for access to and maintenance of such records; amending s. 400.428, F.S.; revising requirement for notice of a resident's relocation or termination from a facility; providing a penalty; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; requiring a copy of complaint to be served to the agency; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations

when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for the calculation of attorney's fees; creating s. 400.449, F.S.; providing penalties for altering, defacing, or falsifying records of an assisted living facility; amending s. 430.708, F.S.; deleting a provision relating to certificate-of-need calculations for nursing home beds pursuant to Medicaid community diversion pilot projects; amending s. 430.709, F.S.; providing requirements for contracts for independent evaluation of long-term care community diversion projects; transferring responsibility from the Department of Elderly Affairs to the agency; requiring reports to the agency and Legislature; amending s. 435.04, F.S.; deleting obsolete language; amending s. 464.201, F.S.; revising definition of "approved training program" for nursing assistants; amending s. 464.2085, F.S.; directing the Council on Certified Nursing Assistants to develop advanced competency designations for certified nursing assistants; amending ss. 101.655, 397.405, and 400.0069, F.S.; correcting cross references; requiring the Auditor General develop a standard chart of accounts for Medicaid long-term care provider cost reporting; requiring implementation by the agency by a specified date; requiring the agency to amend the Medicaid Title XIX Long-Term Care Reimbursement Plan to include specified provisions; directing the Board of Nursing to provide for commendation of certain professional nurses; requiring wage and benefit increases for nursing home direct care staff; requiring a report; reenacting s. 400.021(11), F.S., relating to the definition of "nursing home bed"; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys; reenacting s. 400.0255(3) and (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.141(4) and (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.191(2) and (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under 21 years of age residing in nursing home facilities; reenacting s. 400.235(3)(a), (4), (5)(e), and (9), F.S., and reenacting the repeal of s. 400.235(5)(h), F.S., 1999, relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to requirement for licensure under pt. XI of ch. 400, F.S.; reenacting s. 397.405(2), F.S., relating to a cross reference; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication dispensing machines in nursing facilities and for demonstration projects and a report; providing legislative intent; repealing subsection (1) of section 71 of chapter 98-171, Laws of Florida; abrogating repeal of certain background screening requirements; providing for implementation contingent on specific appropriations in the General Appropriations Act for such purposes; providing effective dates.

## Reports of Councils and Standing Committees

### Council Reports

#### Received April 26:

The Council for Smarter Government recommends the following pass:  
HB 875

**The above bill was placed on the Calendar.**

The Council for Competitive Commerce recommends a council substitute for the following:

HB 103

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 103 was laid on the table.**

The Fiscal Responsibility Council recommends a council substitute for the following:

HB 1879

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1879 was laid on the table.**

The Council for Lifelong Learning recommends a council substitute for the following:

HB 1511

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1511 was laid on the table.**

### Committee Reports

#### Received April 26:

The Committee on Fiscal Policy & Resources recommends a committee substitute for the following:

HB 1363 (fiscal note attached)

**The above committee substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1363 was laid on the table.**

The Committee on State Administration recommends a committee substitute for the following:

HB 1701

**The above committee substitute was referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HB 1701 was laid on the table.**

### Excused

Rep. Davis

### Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time:

SBs 2000 and 2002 (appropriations): Rep. Lacasa, Chair; At Large—Reps. Fasano, Greenstein, Murman, Wallace, Wilson, and Sobel (alternate); Transportation & Economic Development Appropriations—Rep. Johnson, Chair, Reps. Bense, Hart, Jennings, Ritter, Rubio, Berfield (alternate), and Hogan (alternate); Health & Human Services Appropriations—Rep. Maygarden, Chair, Reps. Brummer, Farkas, Green, Rich, Slosberg, Benson (alternate), Brutus (alternate), and Garcia (alternate); Education Appropriations—Rep. Lynn, Chair, Reps. Alexander, Flanagan, Justice, Melvin, Stansel, Arza (alternate), Bucher (alternate), and Mealor (alternate); Criminal Justice Appropriations—Rep. Ball, Chair, Reps. Barreiro, Bilirakis, Mahon, Meadows, Seiler, and Bowen (alternate); General Government Appropriations—Rep. Dockery, Chair, Reps. Holloway, Kilmer, Miller, Siplin, Spratt, and Brown (alternate).

### Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 7:58 p.m., to reconvene at 10:30 a.m., Friday, April 27.